

Appeal No. 1259/2017
Abdullah Khan vs Govt

30.03.2021

Nemo for appellant.

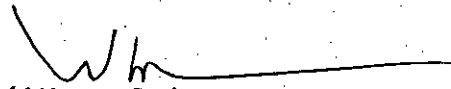
Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Case was called for several times but neither appellant nor his counsel turned up.


In view of above, instant appeal is hereby dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced.

30.03.2021



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

14.10.2020

Junior counsel for petitioner present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

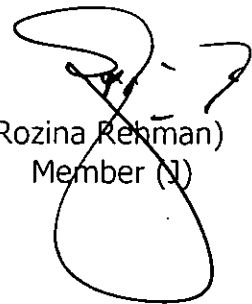
Arguments on application heard. Record perused.

Application in hand was filed for restoration of appeal which was dismissed in default on 18.02.2020.

As per record, appeal was dismissed in default on 18.02.2020 whereas application seeking restoration was filed on 25.02.2020 which is well within time hence stands accepted. File stands restored. It be properly registered. This application stands consigned to the record room, copy whereof be placed on original file. To come up for arguments in the main appeal on 25.12.2020 before D.B.



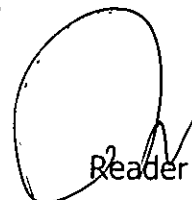
(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

28.12.2020

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


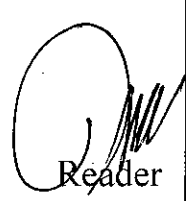
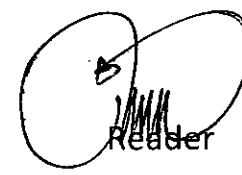


Reader

Form-A
FORM OF ORDER SHEET

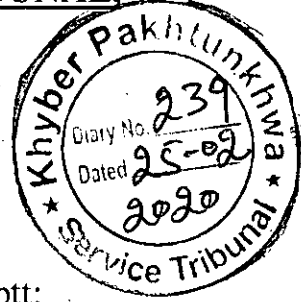
Court of _____

Appeal's Restoration Application No. 66 /2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	25.02.2020	<p>The application for restoration of appeal No. 1259/2017 submitted by Mr. Muhammad Asif Yousafzai Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR <u>25/2/2020</u></p>
2		<p>This restoration application is entrusted to D. Bench to be put up there on <u>21-04-2020</u></p> <p style="text-align: right;">MEMBER</p>
21.04.2020		<p>Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 28.07.2020 before D.B.</p> <p style="text-align: right;"> Reader</p>
28.07.2020		<p>Due to COVID19, the case is adjourned to 14.10.2020 for the same as before.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.

A. APP NO 66/2020
APPEAL NO.1259/2017



Mr. Abdullah

V/S

Agriculture Deptt:

APPLICATION FOR RESTORATION OF APPEAL NO.
1259/2017 WHICH WAS DISMISSED ON DEFAULT VIDE
ORDER DATED 18.02.2018 RECEIVED BY THE APPELLANT
ON 21.02.2020.


RESPECTFULLY SHEWETH:


1. That the instant appeal No. 1259/2017 was filed before this Honorable Tribunal.
2. That the instant appeal was in Argument stage at principle Bench Peshawar, on date 18.02.2020 the counsel for the appellant waiting for the bench. The counsel wait till 10 O' Clock but the bench-II was not started and put attendance with the reader and then move to Civil Court for recording evidence in case title "Naveed iqbal vs Edwards college" in court room no.40 and the case was called and dismissed on default on today 18.02.2020 before 12'oclock this fact came to the knowledge of the counsel when he back from the Civil Court At 12' o' Clock. **Copy of order is attached as annexure-A.**
3. That it is in the interest of justice that the appeal should be dealt on merit rather to dismiss on default.

It is therefore, most humbly prayed, that the instant appeal No. 1259/2017 may be restore on the acceptance of this application.

APPELLANT

Through:

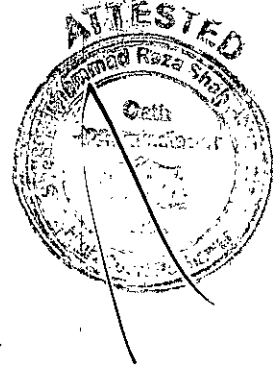

(M. ASIF YOUSAFZAI)

&

(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT
PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

[Signature]
DEPONENT



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

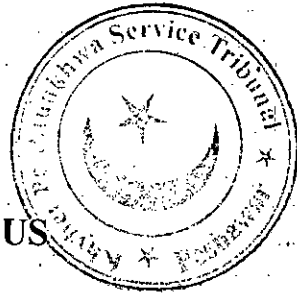
APPEAL NO. 1259 /2017

Mr. Abdullah, Water Management Officer,
District Director, On-Farm Water Management,
District Mardan.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1295

Dated 13-11-17



(Appellant)

VERSUS

1. The Government of KPK through Chief Secretary, Civil Secretariat Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar
3. The Secretary Agriculture Livestock and Cooperative Department Civil Secretariat, Peshawar.
4. The Director General Form of Water Management Government of KPK, Peshawar.
5. The secretary Finance, KPK, Peshawar.
6. The Secretary Establishment, KPK, Peshawar.

(Respondents)

Filed to-day APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS, 1974 ACT FOR DIRECTING THE RESPONDENTS TO CONSIDER THE RESPONDENTS TO CONDONE THE INTERACTION BETWEEN THE TWO PERIODS OF QUALIFYING SERVICES OF PENSION PURPOSE UNDER RULES 2.12 (1) AND RULES 2.3 CIVIL SERVICES PENSION RULES. AND AGAINST NOT TAKING ANY ACTION ON DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF (90) DAYS.


Registrar

13/11/17

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO CONDONE THE INTERRUPTION BETWEEN THE TWO PERIODS OF

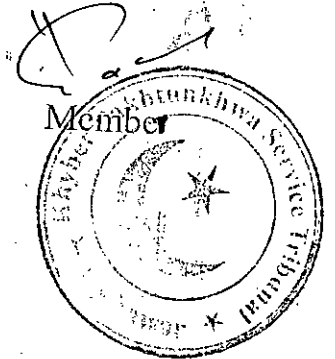
Certified to be true copy


Registrar
Khyber Pakhtunkhwa
Service Tribunal
-Peshawar

12.12.2019

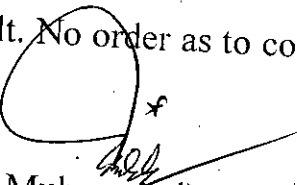
Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 18.02.2020 before D.B.


Member



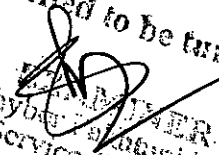
18.02.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah learned Deputy District Attorney alongwith Tayyab Gul Assistant present. Case called for several times but no one appeared on behalf of appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.


(Mian Muhammad)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.
18.02.2020

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 18-02-2020
Number of Words 800
Copying Fee 10-00
Urgent _____
Total 10-00
Name of Copyist [Signature]
Date of Completion of Copy 21-2-2020
Date of Withdrawal of Copy 21-2-2020

12.12.2019

Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 18.02.2020 before D.B.



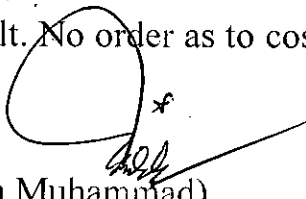
Member




Member

18.02.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah learned Deputy District Attorney alongwith Tayyab Gul Assistant present. Case called for several times but no one appeared on behalf of appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.



(Mian Muhammad)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
18.02.2020

05.07.2019

Junior to counsel for the appellant and Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up arguments on 13.09.2019 before D.B.



Member


Member

13.09.2019

Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Sana Ullah Admin Officer present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 03.10.2019 before D.B.



Member


Member

03.10.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 12.12.2019 before D.B.


Member


Member

20.02.2019

Appellant with counsel and Mr. Riaz Paindakheil learned Asst: AG for the respondents present. Learned counsel for the appellant requests for adjournment. Adjourned to come up for arguments on 05.04.2019 before D.B


Member


Chairman

05.04.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Sana Ullah Admin Officer for the respondents present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief.

Adjourned to 28.05.2019 before D.B.


Member


Chairman

28.05.2019

Mr. Taimur Ali Khan, Advocate for the appellant and Mr. Muhammad Yousaf, Assistant alongwith Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 05.07.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

12.09.2018

Since 12 September 2018 has been declared as public holiday on account of Muharam Ul Haram. Therefore, the case is adjourned. To come up for the same on

~~8-11-18~~


Reader

08.11.2018


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 21.12.2018.


READER

21.12.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come for arguments on 20.02.2019 before D.B


(Hussain Shah)
Member


(Muhammad Amin Kundi)
Member

Service Appeal No. 1259/2017


14.02.2018

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Tayyab Gul, Assistant for the respondents also present. Written reply not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 28.02.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member (J)

28.02.2018

Appellant in person and Addl:AG alongwith Mr. TAYYAB Gul, Assistant for respondents present. Written reply on behalf of respondents no. 2 to 6 submitted and stated that respondent no.7 rely on the same. To come up for rejoinder and arguments on 04.05.2018 before D.B.


(Ahmad Hassan)
Member (E)

04/05.2018

The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 20.07.2018


READER

20.07.2018

Due to engagement of the undersigned in judicial proceeding before S.B further proceeding in the case in hand could not be conducted. To come on 12.09/2018 D.B


Member (J)

14.12.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as Water Management Officer (BPS-17) in Agriculture Department on contract basis vide notification dated 20.12.1993. From time to time his contract appointment was extended by the Provincial Government. Vide notification dated 07.06.2011, services of the appellant were regularized after promulgation of Khyber Pakhtunkhwa Employees Regularization Act 2005 w.e.f 24.11.2004. There is a break of break of 7 years 6 months in the stint of service from 20.12.1993 to 24.11.2004. He preferred departmental appeal on 17.07.2017 which was not responded within stipulated period, hence, the instant service appeal. Apparently the appellant is barred by time. When learned counsel for the appellant was confronted on the point that why he failed to agitate this issue in time, he was unable to give any plausible explanation? Reliance was placed on judgment of Peshawar High Court, Peshawar rendered in writ petition no. 3394-P/2016 dated 22.06.2016 wherein the issue of length of service has been decided.


Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit subject to all legal objections. Appellant is directed to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 31/01/18 before S.B.


(AHMAD HASSAN)
MEMBER



31.01.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Tayyab Gul, Assistant for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply on 14.02.2018 before S.B.


(Ahmad Hassan)
Member(E)

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 1259 /2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13/11/2017	<p>The appeal of Mr. Abdullah Khan presented today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 13/11/17</p>
2-	17/11/2017.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>14/12/2017.</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">File No</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1259 /2017

Mr. Abdullah Khan

VS

Agriculture Department

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-3
2.	Copy of appointment order	--A--	4
3.	Copy of Extension Orders	--B--	6-12
4.	Copy of Notification dt: 24.11.2004	--C--	13-16
5.	Copy of Notification dt: 07.06.2011	--D--	17-18
7.	Copy of departmental appeal	--E--	19
9.	Vakalat nama	-----	20

APPELLANT

THROUGH:

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


(TAIMUR ALI KHAN)
(ADVOCATE HIGH COURT),

&
(SYED NOMAN ALI BUKHRI)
ADVOCATE PESHAWAR.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1259 /2017

Mr. Abdullah, Water Management Officer,
District Director, On-Farm Water Management,
District Mardan.

(Appellant)

VERSUS

1. The Government of KPK through Chief Secretary, Civil Secretariat Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar
3. The Secretary Agriculture Livestock and Cooperative Department Civil Secretariat, Peshawar.
4. The Director General Form of Water Management Government of KPK, Peshawar.
5. The secretary Finance, KPK, Peshawar.
6. The Secretary Establishment, KPK, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS, 1974 ACT FOR DIRECTING THE RESPONDENTS TO CONSIDER THE RESPONDENTS TO CONDONE THE INTERACTION BETWEEN THE TWO PERIODS OF QUALIFYING SERVICES OF PENSION PURPOSE UNDER RULES 2.12 (1) AND RULES 2.3 CIVIL SERVICES PENSION RULES. AND AGAINST NOT TAKING ANY ACTION ON DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF (90) DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO CONDONE THE INTERRUPTION BETWEEN THE TWO PERIODS OF

QUALIFYING SERVICES FOR PENSION PURPOSE UNDER RULES 2.12 (1) AND RULES 2.3 CIVIL SERVICES PENSION RULES. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as Water Management Officer in (BPS-17) on contract basis in the Agriculture Department vide notification dated 20.12.1993. The appellant's contract was extended from time to time vide notification dated 1.11.1995, 12.07.1995, 18.03.1997, 16.07.1997, 17.10.1998, 02.06.1999, 20.03.2000, till 30.06.2001. **Copies of appointment order and extension orders are attached as Annexure- A & B.**
2. That vide notification dated 24.11.2004 the appellant was appointed as Water Management Officer in BPS-17 on contract basis and later on vide notification dated 07.06.2011 the appellant service was regularized under (NWFP) Employees Regularization of Service Act, 2005 w.e.f 24.11.2004. **Copies of notification are attached as Annexure-C & D.**
3. That from the above mention breakup, it is clear that the appellant first service spell from 20.12.1993 to 30.06.2001 consistent of seven year six months.
4. That the appellant filed representation for condonation of interaction between the two periods on 17.07.2017 despite the lapse of the statutory period of the 90 days no action has been taken on the departmental appeal of the appellant. Hence the present appeal on the following grounds amongst the others. **Copy of departmental appeal is attached as Annexure-E.**

GROUND:

- A) That not condoning the interrupted period between the two periods of the service and not taking action on departmental appeal of the appellant within statutory period of 90 days is against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.

- B) That the appellant first spell of service was consisted of seven year six months therefore, the appellant his legally entitled to his claim under pension rules 2.12 (1) and rules 2.3 of the West Pakistan Civil Services pension rule
- C) That the appellant as a genuine claim and under pension rule he is entitled to be granted condonation of interruption between the two periods of qualifying service for the pension purposes.
- D) That if the legal right was not granted to appellant then the appellant would suffer a lot for having less pensionary benefits then that to which he is otherwise legally entitled.
- E) That the appellant has not been treated according to law, rule and lingering on without any justification.
- F) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT
Abdullah Khan

THROUGH:

(M. ASIF YOUSAFZAI)
(ADVOCATE SUPREME COURT)

(TAIMUR ALI KHAN)
(ADVOCATE HIGH COURT)

&
(SYED NOMAN ALI BUKHRI)
ADVOCATE PESHAWAR.

(I + II)
A

A 4

A

Q

GOVERNMENT OF PUNJAB
AGRICULTURE, FOOD & COOPERATION
DEPARTMENT

DATED PESHAWAR _____/1963

NOTIFICATION

No. SSB (AD) IX (2) 70/Mtg/KC. Consequent upon the recommendation of the Departmental Selection Committee, the Governor NWFP is pleased to appoint the following candidates, in order of merit, as Water Management Officers (Agril. Engineers) in Basic Pay Scale No. 17 (2870-215-5450) on contract basis for a period of one year from the date of their taking over the charge on the terms and conditions as laid down in the agreement duly executed by them:-

Sl: Name and Father's Name No:	Postal/Permanent Address
1- Mr. Nageer Ahmad S/O Shahir Ahmad.	Vill: Shagzi Shagram P/O Madyan Tahsil Kohistan Distt: Swat.
2- Mr. Qsyum Khan S/C Haji Awel Mir S/Ch.	H.No. 81/L.C. in front of Railway Signal O/S Lakki Gate Bannu, City.
3- Mian Ziauddin S/O Mian Karim Baksh	Village Damana P.O: Madyan, Swat.
4- Mr. Mohammad Fahim Khattak S/O Mohammad Asim Khattak	C/C Azim X/Ray & Clinic Near Civil Hospital Dera Ismail Khan.
5- Mr. Hidayat Ali S/O Haji Shamroz Khan.	House No. 1070/3/ Near Jamia Masjid Nowshera Cantt.
6- Mr. Abdullah Khan S/O Ghulam Mohiuddin	P.O. Lund Khwar C/C Misan Cloth House Lund Khwar Mardan.
7- Mr. Javed Iqbal S/O Taj Mohammad.	Village & P.O. Chalgay Distt: Swat.
8- Mr. Rafiq Ahmed S/O Ghulam Sarwar.	C/O Deluxe Watch Co. Baham Dander D.I. Khan.
9- Mr. Mohammad Younis S/O Madda Khan.	P.O. Tahsil Mirali North Waziristan. Agency Gul Rayot Khan Electric Store.
10- Mr. Jamshed Iqbal S/O Malik Chopzi Khan.	House No. 06-Defence Officer Housing Society Defence, Pesh Cantt.

2- This appointment will not confer on them any right of claiming seniority or regularization in service.

3- On their appointment, they are posted against the posts mentioned against each with immediate effect in the interest of public service:-

Sl. Name of Officer No:	Place of posting
1- Mr. Mohammad Younis	Water Management Officer in the office of Asstt. Director, Water Management, Central.
2- Mr. Mohammad Fahim Khattak	Water Management Officer in the office of Asstt. Director, Water Management, Matta Swat.

ATTESTED

True copy
Kulshra

(D) B (5)

GOVERNMENT OF P.W.P.F.,
FOOD, AGRICULTURE, LIVESTOCK AND
COOPERATION DEPARTMENT.

DATED PESHAWAR, THE 11.1.1995.

NOTIFICATION.

NO. SOE(AD)II(2)70/Mtg./K.C. In continuation of this Department Notification of even No. 35066-EG, dated 20.12.1993, the Governor, NWFP is pleased to extend the contract period of appointment upto 31.5.1995 in respect of the following Water Management Officers (Agricultural Engineers) (BS-17) on the existing terms & conditions:-

S.No.	Name of the Officer.
1.	Mr. Nazeer Ahmad.
2.	Mr. Kuyyum Khan. ✓
3.	Mr. Mian Zia-ud-Din.
4.	Mr. Hidayat Ali. ✓
5.	Mr. Abdullah Khan.
6.	Mr. Javed Iqbal.
7.	Mr. Mohammad Fahim Khattak.
8.	Mr. Rafiq Ahmad.
9.	Mr. Mohammad Yousaf.
10.	Mr. Jamshed Iqbal. ✓

SECRETARY TO GOVT: OF NWFP
AGRICULTURE DEPARTMENT.

- Endst: No. SOE(AD)II(2)70/Mtg./K.C. Dated 11.1.1995.
Copy forwarded for information & necessary action to the:
1. P.S. to Minister for Agriculture, NWFP, Peshawar.
 2. P.S. to Chief Secretary, NWFP, Peshawar.
 3. Director Water Management, NWFP, Peshawar w/r to his letter No. 10474, dated 13.12.1994.
 4. Accountant General, NWFP, Peshawar.
 5. All District Accounts Officers/Agency Accounts Officers in NWFP.
 6. Officers concerned C/O Director Water Management, Peshawar.
 7. Manager Govt: Printing Press, Peshawar for publication in the next issue of Govt: Gazette.
 8. P.S. to Secretary Food, Agriculture, Livestock and Coop: Deptt: Peshawar.
 9. Personal Files of the Officers.
 10. Office Order File. ✓

SECTION OFFICER (ESTT:)
AGRICULTURE DEPARTMENT.

11/1/95

21-12-94 — 31-5-95

5 months

ATTESTED

JAN 1995

1-6-95
31-5-95 → 31-5-96 — one year — (B) 6

GOVERNMENT OF N.W.F.P.,
FOOD, AGRICULTURE, LIVESTOCK AND
COOPERATION DEPARTMENT.

DATED PESHAWAR, THE 12.7.1995.

NOTIFICATION.

NO. SOE(AD) II(2)/MTG/70 In continuation of this Department's Notifications of even No. dated 19.7.1994 and 11.1.1995, the Governor NWFP is pleased to extend the contract period of appointment upto 31.5.1996 or till the availability of selectees of the NWFP Public Service Commission, whichever is earlier, in respect of the following Water Management Officers/(Agricultural Engineers) (BS-17) on the existing terms & conditions:-

1. Mr. Naseer Ahmad.
2. Mr. Qayyum Khan.
3. Mian Ziauddin.
4. Mr. Hidayat Ali.
5. Mr. Abdullah Khan.
6. Mr. Javed Iqbal.
7. Mr. Rafiq Ahmad.
8. Mr. Mohammad Yousaf.
9. Mr. Jamshed Iqbal.
10. Mr. Mohammad Fahim Khattak.
11. Mr. Amjad Saeed.
12. Mr. Ahmad Shah.
13. Mr. Habibur Rehman.
14. Mr. Nadeem Amir.
15. Mr. Shahid Mehmood.
16. Mr. Amir Rabbani.
17. Mr. Amir Mohammad.
18. Mr. Sultan-e-Room.
19. Mr. Shaukat Masood.
20. Mr. Hafiz Gul Naeem.

SECRETARY TO GOVT. OF NWFP,
AGRICULTURE DEPARTMENT.

Dated 12.7.1995

ENDST: NO. SOE(AD) II(2)/MTG/70.

Copy forwarded for Information & Action on the 27/7/95

3. Director Water Management, NWFP, Peshawar w/r to his letter No. 3700/3/13/Estt:/D.M., dated 21.5.1995.
4. Accountant General, NWFP, Peshawar.
5. All Distt: Accounts Officers/Agency Accounts Officers in NWFP.
6. Officers concerned C/O Director Water Management, NWFP, Peshawar.
7. Manager Govt: Printing Press, Peshawar.
8. P.F. of the Officers concerned.
9. P.S. to Secretary Agriculture.
10. Office Order File.

(NISAR ALI SHAH)
SECTION OFFICER (ESTT:)
AGRICULTURE DEPARTMENT.
12/7/95

(4)

(B)

(7)

31-5-95
✓ 1-6-95

31-5-96

GOVERNMENT OF N.W.F.P.,
FOOD, AGRICULTURE, LIVESTOCK AND
COOPERATION DEPARTMENT.

DATED PESHAWAR, THE 12.7.1995.

NOTIFICATION.

NO. SOE(AD)II(2)/MTG/70 In continuation of this Department's

ATTESTED

76 97 (B) 8

GOVERNMENT OF N.W.F.P.
FOOD, AGRICULTURE, LIVESTOCK & COOP.
DEPARTMENT

NOTIFICATION.

NO. S.C.E(12)II(2)70/Htg/KC. In partial modification of this department's notification of even No. dated 12/7/1995, the Governor, N.W.F.P. is pleased to extend the contract period of appointment with effect from 1-6-1995 to 31.5.1997 or till the availability of selections of the N.W.F.P. Public Service Commission which ever is earlier, in respect of the following Water Management Officers/(Agriculture Engineers) BE-17 on the existing terms and conditions:-

- 1) Mr. Shahid Mahmood.
- 2) Mr. Hidayat Ali.
- 3) Mr. Abdullah Khan.
- 4) Mr. Quryun Khan.

SECRETARY TO GOVT. OF N.W.F.P.
FOOD, AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT

NO. S.C.E(12)II(2)70/Htg/KC/ Dated Peshawar the 18/5/1997.

Copy forwarded for information & n/action to:-

- 1- The Director Water Management, N.W.F.P. Peshawar with reference to his letter No.949, Dated 30/1/1997.
- 2- The Project Director, Agriculture Development Component, Sahi Walp Project, Mardan w/r to his letter No.789, Dated 28/1/1997.
- 3- The District Accounts Officer Mardan.
- 4- Officers concerned C/O Project Director, ABC-CCP Project Mardan.
- 5- The Manager Government Printing Press, N.W.F.P. Pesh.
- 6- Personal files of the officer concerned.
- 7- F3 to Secretary, Food & Agriculture Department.
- 8- Office order file.

18/3/97

(RT) (SECRETARY)
NOTICE OF APPOINTMENT

APPROVED

(B)

9

NO. 4062

In continuation of this Department notification of even No. dated 12/3/1997, the Government is pleased to extend the period of appointment with effect from 1/6/1997 to 31/3/1998 or completion of the project which ever is earlier, in respect of the following Water Management Officers (Agriculture Engineers) B-17 on the existing terms and conditions:-

- 1) Mr. Shahid Mahmood.
- 2) Mr. Imdad Ali.
- 3) Mr. Abdullah Shah.
- 4) Mr. Nazam Khan.
- 5) Mr. Ishaq Ahmad.

SECRETARY GO GOVT. OF WEST PUNJAB, AGRICULTURE, FISHERIES AND COOP. DEPARTMENT

Dated Lush: the 15/7/1997.

END: NO. SOF (AD) II (2) 70 / MGS /

Copy forwarded for information & a/cction to:-

- 1- The Director Water Management, Fash, Fashwar w/r to his letter No. 4062, dated 25/5/1997.
- 2- The Project Director ABC-127 Project Mardan.
- 3- The District Accounts Officer Mardan.
- 4- Officers concerned, S/O Project Director, ABC-127 Project Mardan.
- 5- The Manager Government of Printing Press, Fash, Fash.
- 6- PS to Secretary Food and Agriculture Department.
- 7- Persn'l files of the officers.
- 8- Office order file.

[Handwritten Signature]

16/7/97

ATTESTED

(MARDAN AND MARDAN) SECTION OFFICER (DEPARTMENT)

GOVERNMENT OF NWFP
FOOD, AGRICULTURE, LIVESTOCK & COOP
DEPARTMENT

NOTIFICATION

No. SOE(AD) II(2)70/Mt: /KC/98 In continuation of the deptt:
notification of even No. dated 15/7/97 the Governor NWFP is please
to extend the contact period of appointment with effect from 1-5-97
to 30.11.98 On completion of the Project, which ever is earlier, in
respect of the following Water Management Officers(Agri:Engineers)
BS-17 on the existing terms and conditions:-

- 1-Mr. Qayim Khan.
- 2-Mr. Abdullah Khan.
- 3-Mr. Fida Muhammad.
- 4-Mr. Hidayat Ali.

SECRETARY TO GOVT OF NWFP
FOOD, AGRI, LIVESTOCK AND COOP DEPTT

Dated Pesh: the 7/10/1998.

Endst: No. SOE(AD) II(2)70/Mt: /KC/98

Copy forwarded for information & necessary action to:-

- 1-The Director Water Management NWFP, Peshawar.
- 2-The Project Director ADC-SSP Project Mardan.
- 3-The Distt:Accounts Officer Mardan.
- 4-Officers concerned C/O, Project Director ADC-SSP Project Mardan.
- 5-The Manager Govt: Printing Press Peshawar.
- 6-PS to Secretary, Food, Agri: Livestock and Coop: Deptt: Peshawar.
- 7-The Personal Files of the officers.
- 8-Office order files.

(MUHAMMAD ISRAFI)
SECTION OFFICER (CSUT)

ATTESTED

(B)

(11)

GOVERNMENT OF NWFP
FOOD, AGRICULTURE, LIVESTOCK & COOP.
DEPARTMENT

NOTIFICATION.

NO. 608(AD)II(2)70/Mtg./99/EC. The Competent Authority is pleased to extend the contract period of appointment with effect from 1/12/1998 to 30/11/1999 in respect of the following four (4) Water Management Officers (Agri:Engineers) BPS-17 on the existing terms and conditions:-

- 1- Mr. Qayyum Khan.
- 2- Mr. Abdullah Khan.
- 3- Mr. Pida Muhammad.
- 4- Mr. Hidayat Ali.

SECRETARY TO GOVT. OF NWFP
FOOD, AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT

UNDER: NO. 608(AD)II(2)70/Mtg./99/ Dated Feshawar the 02/6/1999

Copy forwarded for information & n/action to:-

- 1- The Director Water Management, NWFP, Feshawar.
- 2- The Project Coordinator, AEC-32P, Mardan.
- 3- The Chief Planning Officer, Food & Agri: Deptt.
- 4- The District Accounts Officer, Mardan.
- 5-3 Officers Concerned C/O Project Coordinator, Agri: Dev: Component Swabi Coarp Project, Mardan.
- 9- The Manager Govt: Printing Press, NWFP, Feshawar.
- 10- PS to Secretary, Food & Agriculture Department.
- 11- Personal Files of the officers.
- 12- Office order file.

(MUHAMMAD ISRAR)
SECTION OFFICER (ESTABLISHMENT)

ATTESTED

(8) (B)

12

GOVERNMENT OF NWFP,
AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT.

NOTIFICATION.

NO. SOE(AD) II(2)70/Mtg:/99/KC. The competent Authority is pleased to extend the contract period of appointment with effect from 1/12/99 to 30/6/2000 i.e. the Project life in respect of the following four (4) Water Management Officers (Agri. Engineers) BPS-17 on the existing terms and conditions:-

- 1) Mr. Qayyum Khan. ✓
- 2) Mr. Abdullah Khan. ✓
- 3) Mr. Fida Mohammad.
- 4) Mr. Hidayat Ali.

SECRETARY TO GOVT. OF NWFP,
AGRICULTURE DEPARTMENT.

Endot: No. SOE(AD) II(2)70/Mtg:/99/KC

Dated Pesh: the 20/3/2000.

Copy forwarded for information and necessary action to:-

- 1-The Director Water Management NWFP, Peshawar.
- 2-The Project Coordinator, ADC-SSP Mardan.
- 3-The Chief Planning Officer Agriculture Department NWFP, Peshawar.
- 4-The Distt:Accounts Officer Mardan.
- 5-8) The Officers concerned C/O Project Coordinator, ADC-SSP Mardan.
- 9) The Mager Govt: Printing Press, Peshawar.
- 10) Person files of the Officers.
- 11) Office order File.


SECTION OFFICER (ESTT.)
AGRICULTURE DEPARTMENT.

1-2-99 — 30-6-2001

1.5 years

ATTESTED

Government of NWFP
Agriculture, Livestock and Cooperatives
Department
Peshawar dated the 24th November, 2004.

Notification

No. No. SOE(AD)1.1 (2) 70 / 2004. On the recommendation of the Departmental Selection Committee, Government of NWFP, Agriculture, Livestock & Cooperatives Department is pleased to appoint the following candidates against the newly created posts of Water Management Officers(Eng.) BPS-17 purely on contract basis in the project titled National Program for improvement/ lining of water courses in Pakistan (project for NWFP) for a period of one year, from the date of assuming the charge of the post, extendable to the remaining project period subject to their satisfactory performance.

1. Muqbil-un-Naseer S/o Arfan-ud-Din Village, Tehsil P.O Timergara Moh: Miagulan Distt: Dir Lower.
2. Jehan Zeb S/o Aslam Khan C/o Assistant Director Water Management Near Mall Lara Stop Jehangira Road Swabi.
3. Abdul Malik S/o Ghazi Khan C/o Abdul Wahab Village Amin Khel (Chockara) P.O Ghundi Kala Tehsil Tahti Nasrati Distt: Karak.
4. Mohammad Tufail S/o Nadar Khan: Village Masli Khan Banda P/O Khojaki Killa Tehsil T/Nasrati Distt: Karak.
5. Nisar Ahmad S/o Sarfaraz Ahmad House No. C/445 near Government Primary School No. 5 street Khawrs brothers Mohallah Kalraip walla d.I.Khan.
6. Abdullah Khan S/o Ghulam Muhammad Village Janga C/o Usman Cloth House Lund Khawar P.O Lund Khawar Teh: Takht Bhai Distt: Mardan.
7. Aftab Ahmad Khan S/O Abdul Rashid Khan Distt. D.I.Khan. C/O Ina mullah Khan AD, FIA, Peshawar, Air Port.
8. Mohammad Farooq Khan S/O Qamar Khan Moh: Tauskhari village and P.O Lahore Distt: Swabi.
9. Waseemullah S/O Mohammad Saeed Village Kachkol Asad Khan P.O Torika Tehsil and District Bannu.
10. Shaheen Iqbal S/O Mir Khatam Village and P.O Haji Zai Tehsil and Distt: Charsadda.
11. Momen-Uddin S/O Mohammad Mukhtar of Dir Lower.
12. Hidayat Ali S/O Haji Shamroz K: House No. 1070/3 new Mohalla near Jamia mosque Nowshera Cantt.
13. Tahir Khan S/O Zulfarhat Dera. Tehsil.
14. Anwar Saeed S/O Mohibullah Khan. Distt: Karak Tehsil Teh-e-Nasrati Village Nadar Kila P.O Manzeeni Banda.
15. Qiasi Ahmad S/O Faqir Saib sector, E/91 Sheikh Malloon Town distt. Mardan
16. Shahid Mahmood S/O Muhammad Ishraq H.No.389 Sector C Sheikh Malloon Town Mardan.
17. Ghulam Bilal S/O Karim Dad Khan P.O Paroa, D.I.Khan.
18. Qayyum Khan S/O Awaz Mir Shah. House No. 81/LG in front of Railway Signal O/S Distt. Bannu.
19. Munir Ahmad S/O Saeed Ahmad Opposite to the SMS No.2 Kulachi Teh Kulachi Distt: D.I Khan.

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- Saeed Shah S/o Jaffar Shah Distt: Mardan Teh Takht Dhai P.O Sallar Khan Colony
Mandi Janta Hashinagro Kafi.
- 21. Rafiq Ahmad Ghuncha S/o Ghulam Sarwar House No. 2528 Moh: Roshan Chiragh
D.I. Khan.
- 22. Mohammed Shoab S/o Muhammad Ramzan House No. T-145 Street Saddique Abad
Near Mirch Mandi Peshawar City.
- 23. Mirza Muhammad, S/o Muhammad Inani Moh: Naway Cham Vill: & P.O Shahmansoor
Tehsil and Distt: Swabi.
- 24. Jehan Zeb S/o Muqaid Jan Mugh Pali House New Bazar Chitral.
- 25. Saïd Muhammad S/o Mir Muhammad Village, and P.O Urmay Payan Moh: Alj Khel
Distt. Peshawar.
- 26. Fazal Sallar S/O Nasir Ud Din Khan. Village Galkore P.O Osheri Teh: Dir Distt: Dir
Upper.
- 27. Abdus Subhan S/O Abdur Razaq. C/O Dr. Aziz ur-Rehman Village and P.O Paniala
Distt: D.I. Khan.
- 28. Muhammad Tahir S/O Noor Wahab r/o Malakand Agency.
- 29. Mr. Muhammad Nadeem S/O Muhammad Khan. Village Paniala Tehsil and District
D.I. Khan.
- 30. Amir Rabbani S/o Rehmatullah H: No. 442 Sarafa Bazar Atbolabad
- 31. Muhammad Khalil Akbar S/o Abdur Rafiq Moh: Ismail Khel Village Garhi Daulat Zai
P.O Garhi Kapura Tehsil and Distt: Mardan.
- 32. Muhammad Uzair Khan S/o Mohabat Khan Moh: Danda Village and P.O Charbagh
Distt: Swat.
- 33. Hidayatullah S/o Muhammad Iqbal House No. 372 Armour Colony Manki Road
Nowshera Canll.
- 34. Zulfiqar Ali S/O Akbar Ali Khan P.O Kachi Paind Khan Midad Khel House Hanif Town
Waqas Colony Diyat Road D.I Khan.
- 35. Zahid Khaleeq S/o Khaleeq-uz-Zaman House No. 30/D, Muhammad Jan Street Bannu.
- 36. Bakht Jamair S/o Shad Muhammad Khan C/o Eilat Book Store Village and P.O Jowar.
Tehsil Daggar Distt: Buner.
- 37. Irfanullah S/o Muhammad Hanif Mohallah Saeed Khel Teh and Distt: UManwal.
- 38. Anjad Masood S/o Sheikh Ahmad Dab No. 1 Behind Ara Machine Shailia Road
Manshra.
- 39. Muhammad Rahmatullah Khan S/o Rohullah Khan Ismatullah LS-I F-Block Flat No. 6
(C.A.E.B) Shami Road Wapda Colony Peshawar.
- 40. Kilayat Zaman S/o Shahi Zaman Street I: A Hakeem Village and P.O Gujrat Teh and
Distt: Mardan.
- 41. Anam Khan S/o Pekhwaray Khan Village: and P.O Pir Baba Pacha Kalay Tehsil
Daggar Distt: Buner.
- 42. Ihsan Ullah Khan S/O Saïd Khumar Khan Village and P.O Kot Beli Tehsil and Distt:
Bannu.

ATTESTED

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- vi. Their posting orders will be issued subsequently after approval of the competent authority.

18

SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Registrar, Hon' able Peshawar High Court, Peshawar.
2. The Director General, On-Farm Water Management, Khyber Pakhtunkhwa, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The Director General, (National Program) Water Management, Khyber Pakhtunkhwa, Peshawar.
5. The Manager, Government Printing Press, Peshawar.
6. All the District Officers / Deputy Directors, On-Farm Water Management, in Khyber Pakhtunkhwa.
7. All the District Accounts Officers, in Khyber Pakhtunkhwa.
8. Officers concerned.

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(SAKHI-UR-REHMAN)
SECTION OFFICER-ESTT:

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- 43. Atta Ullah S/o Manaras Khari C/O Abdur H/W New Madyan Road Mingora District Swat.
- 44. Muhammad Idress S/o Abdul Kabir Bacha Village and P.O Mian Brangola Tehsil Adenzai Distt: Dir.
- 45. Irfanullah S/o Faqir Muhammad Khan(Late) Amjad Shahaed Colony Village and P.O Thana Malakand Agency.
- 46. Zailul Haq S/o Muhammad Zaman Village Burghando P.O and Tehsil Lal Qilla Distt: Dir Lower.
- 47. Amjad Ali S/o Muhammad Salim Moh: Irfan Abad /Salim Abad P.O Balkhela Malakand Agency.
- 48. Shahdad Khan S/o Abdur Rashid C/O Mian Mohammed -Iqbal H.No.172 Street -8 Sector J/3 Phase No.2 Hayatabad Peshawar.

2. Their appointment shall be governed by the following terms and conditions:

- a. Their appointment shall be on contract basis initially for a period of One year. The contract shall stand automatically terminated on the expiry of the initial period. Fresh contract would be executed if the services of any of the above named candidates were further required.
- b. The appointment shall be subject to the medical fitness report by the standing Medical Board and satisfactory completion of pre-service training.
- c. They shall undergo One month pre-service training in one of the training centers at OFWM training centre D.I.Khan/Agricultural Training Institute Peshawar/Agricultural University Peshawar / NWFP Engineering University Peshawar. During training, they shall be paid stipend as per approved PC-1.
- X d. They shall be governed by such rules, regulations, orders, acts and ordinances etc relating to appointment, promotion, transfer, leave, T.A., Medical Attendance, seniority, efficiency & discipline and conduct as have been/may be prescribed by the Government for the category of Government servants of their status, from time to time and as interpreted by the Government.
- e. Their pay will be fixed in the Basic Pay Scale 17 i.e. Rs. 6210-465-15510 from the date of their taking over the charge of the post.
- f. Their services shall be liable to termination on the following conditions:
 - i. At any time without notice and without assigning any reasons during the period of their contract appointment if their work during this period was not found satisfactory.
 - ii. On One month notice by the Government on one side and by them on the other. In case the notice on either side is less than One month, a sum equivalent to the pay for the period by which the notice falls short of One month, will be paid by the Government to them or in lieu thereof One month pay shall be forfeited.
 - iii) By Government without previous notice if it is satisfied on material evidence that they are unfit and/or likely to remain unfit for a considerable period by reasons

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of ill health or physical disability to discharge their duties. The decision of the Government as to what constitutes considerable period shall be final.

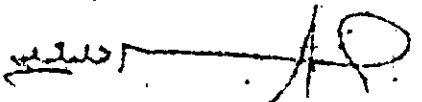
- They shall not be entitled to any Travelling Allowance on their first appointment/posting.
- They shall not contribute to G.P. Fund and will not be entitled to pension, gratuity benefits.
- This does not constitute inter se seniority and the appointees shall not be entitled to seniority as against any other Government servant.

3. If the above terms and conditions are acceptable to the above named selected candidates, they should convey their willingness individually and signed office of the Director of WFP for signing the Contract Agreement. In order to effect this, candidates shall be assigned to one of the state medical training centers by the Director of WFP. In case of non submission of acceptance of Contract Agreement, the offer will stand cancelled.

SECRETARY AGRICULTURE
(CAIBULAH KHAN)
Date: Peshawar the 24th November, 2004

Encl: No. No. SOE(AD) 1 (2) 20/1/2004
Copy of the above is forwarded to the
1. Accountant General, WFP, Peshawar.

- 2. Director General Health Services, WFP, Peshawar. He is requested to kindly arrange for an early medical examination of the above named appointees through the Standing Medical Board and supply their medical examination certificates to this Department for record.
- 3. Director General, Federal Water Management Cell, Islamabad F-8 Islamabad.
- 4. Director, On Farm Water Management Department, WFP, Peshawar w/o to his memo No. 11874 dated 04-10-2004 with the request to furnish the posting proposal of the above appointees on successful completion of the training at the earliest.
- 5. All appointees as per list given in part-1 of the notification.
- 6. P2 to Chief Secretary, WFP.
- 7. P2 to Minister for Agriculture, WFP.
- 8. P2 to Additional Chief Secretary, P2, Department.
- 9. P2 to Secretary Agriculture.
- 10. P2 to Special Secretary to Chief Minister, Chief Minister's Office, Peshawar.
- 11. Master file.


(AKHTER ALI SHAH)
SECTION OFFICER (ESTT.)

ATTESTED

True copy
1/11/04

D 17
Dated Peshawar, the 7/6/2011

NOTIFICATION.

NO. SOE (AD) 17-131/2009.- In pursuance to the judgement of the Hon' able Supreme Court of Pakistan in civil appeals No. 834 to 837 of 2010, the Competent authority is pleased to regularize the services of the following Water Management Officers (BS-17) appointed on contract basis in the project "National Program for Improvement of Watercourses in Pakistan (Khyber Pakhtunkhwa Component) as provided under section-19 sub-section (2) of the NWFP Employees (Regularization of Services) Act, 2005 with effect from 24-11-2004: ✓

Sl. No.	Name of Officer
1.	Mr. Wajid Ali
2.	Mr. Atta-ul-Haq
3.	Mr. Farmanullah
4.	Mr. Mujeeb-ur-Rehman
5.	Mr. Wakcel Khan
6.	Mr. Muhammad Shahid Nawaz
7.	Mr. Abdullah Khan
8.	Mr. Aftab Ahmad Khan
9.	Mr. Shahid Mehmood
10.	Mr. Ghulam Bilal
11.	Mr. Qayyum Khan ✓
12.	Mr. Rafiq Ahmad Ghuncha
13.	Mr. Said Muhammad
14.	Mr. Muhammad Nadeem
15.	Mr. Amir Rabbani
16.	Mr. Zahid Khaliq

2. Terms & Conditions of their regularization in service are as under:-

- i. Their services will be considered regular but without pensionary or Gratuity benefits in term of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. They will however be entitled to contribute to Contributory Provident Fund in such a manner and at such rates as prescribed by the Government.
- ii. Their services will be liable for termination on one month's notice from either side. In case of resignation without notice, two month's pay/allowances shall be refunded to Government.
- iii. They will be governed under such rules and regulations as may be issued from time to time by the Government.
- iv. In case of misconduct, they will be proceeded against the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the Rules framed there under from time to time.
- v. Charge report should be submitted by the officers concerned.

ATTESTED

To

The Secretary,
Agriculture Livestock and Coop: Deptt;
Government of Khyber Pakhtunkhwa,
Peshawar.

E (19)

THROUGH: PROPER CHANNEL.

SUBJECT: CONDONATION OF INTERRUPTION BETWEEN THE TWO PERIODS OF QUALIFYING SERVICES FOR PENSION PROPOSED UNDER THE RULE 2.12 (I) AND RULE 2.3 OF THE WEST PAKISTAN CIVIL SERVICES PENSION RULES.

Respected Sir,

- With due respect, I want to bring it to your kind notice the following facts.
- i) Initially I was appointed as Water Management Officer (BS-17) in On-Farm Water Management Agriculture Department on contract basis, vide Notification No.SOE(AD)II (2)70/Mtg/KC dated 20-12-1993. (Notification attached as Annex-I)
 - ii) I served the Department in the same position as Water Management Officer up to 30-06-2001. Thus my 1st service spells of qualifying temporary service is of 7 years and 6 months. (Relevant Notification and documents attached as Annex-II)
 - iii) My services were terminated without any reason.
 - iv) After a break of 3 years and 4 months, I was reappointed as Water Management Officer BS-17 in On-Farm Water Management Agriculture Department vide Notification No. No.SOE (AD)II (2)70/2004, dated 24-11-2004. (Notification attached as Annex-III)
 - v) My services were regularized as Water Management Officer through Notification No.SOE(AD)17-131/2009 dated 07-06-2011, with effect from 24-11-2004. (Notification attached as Annex-IV)
 - vi) At present I am serving the Department as Water Management Officer (BS-17) in office of the District Director, On-Farm Water Management, District Mardan and now my 2nd spell of regular qualifying service period is above 12 years.

Therefore it is requested that my 1st service spell of 7 years and 6 months may be treated as qualifying service for pension and the same may be counted with the 2nd spell of qualifying service of more than 12 years and thus the condonation of interruption between the two spells of temporary/officiating service may be regulated under Rule 2.12 (I) and Rule 2.3 of the West Pakistan Civil Services of pension Rules (the Government instructions and illustrations are attached for ready reference as Annex-V)

Thanks.

(ABDULLAH KHAN),
Water Management Officer,
O/O District Director,
On-Farm Water Management,
District Mardan.

Dated 17-07 /2017.

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Sesvice Tribunal Peshawar

Abdullah Khan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Agriculture Dept.

(Respondent)
(Defendant)

I/we Abdullah Khan

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, 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

Abdullah

(CLIENT)

ACCEPTED

M. Asif Yousafzai

M. ASIF YOUSAFZAI

Advocate

Taimur Ali Khan
(Advocate)

M. ASIF YOUSAFZAI

Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.

Ph.091-2211391-

0333-9103240

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 424 /2017



Mr. Qayyum Khan, Water Management Officer,
District On-Farm Water Management,
District Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 451

Dated 03/05/2017

(Appellant)

VERSUS

1. The Government of KPK through Chief Secretary, Civil Secretariat Peshawar.
2. The Chief Secretary Civil Secretariat, Peshawar
3. The Secretary Agriculture Livestock and Cooperative Department Civil Secretariat, Peshawar.
4. The Director General Form of Water Management Government of KPK, Peshawar.
5. The Secretary Finance, KPK, Peshawar.
6. The Secretary Establishment, KPK, Peshawar.

(Respondents)

Filed to-day

Registrar

3/5/17

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS, 1974 ACT FOR DIRECTING THE RESPONDENTS TO CONSIDER THE RESPONDENTS TO CONDONE THE INTERRUPTION BETWEEN THE TWO PERIODS OF QUALIFYING SERVICES FOR PENSION PURPOSE UNDER RULES 2.12 (1) AND RULES 2.3 CIVIL SERVICES PENSION RULES. AND AGAINST NOT TAKING ANY ACTION ON DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF (90) DAYS



13.09.2017

Counsel for the appellant seeks adjournment. **Granted.**

To come up for preliminary hearing on 11.10.2017 before S.B.

[Signature]
Chairman

11.10.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as Water Management Officer (BPS-17) in Agriculture Department on contract basis vide notification dated 20.12.1993. From time to time his contract appointment was extended by the Provincial Government. Vide notification dated 07.06.2011, services of the appellant were regularized after promulgation of Khyber Pakhtunkhwa Employees Regularization Act 2005 w.e.f 24.11.2004. There is a break of break of 7 years 6 months in the stint of service from 20.12.1993 to 24.11.2004. He preferred departmental appeal on 06.01.2017 which was not responded within stipulated period, hence, the instant service appeal. Apparently the appeal is barred by time. When learned counsel for the appellant was confronted on the point that why he failed to agitate this issue in time, he was unable to give any plausible explanation? Reliance was placed on judgment of Peshawar High Court, Peshawar rendered in writ petition no. 3394-P/2016 dated 22.06.2016 wherein the issue of length of service has been decided.

Points urged need consideration. Admit subject to all legal objections. Appellant is directed to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 22.11.2017 before S.B.

[Signature]
(AHMAD HASSAN)
MEMBER

Certified to be true copy
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Affidavit: 14-12-17
Number of Affidavits: 880
Copying Fee: 6/-
Urgent: 2/-
Total: 8/-
Name of Counsel: *[Signature]*
Date of Deposit of Security & Process Fee: 14-12-17
Date of Presentation of Appeal: 14-12-17

Appellant Deposited
Security & Process Fee

[Signature]

12

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of Service Appeal No. 1259/2017 of Mr. Abdullah Water Management Officer
o/o District Director On Farm Water Management District Mardan.....**Appellant**

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. The Chief Secretary Civil Secretariat, Peshawar
3. The Secretary Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department Civil Secretariat, Peshawar.
4. The Director General, On Farm Water Management Khyber Pakhtunkhwa, Peshawar.
5. The Secretary Finance Khyber Pakhtunkhwa, Peshawar.
6. The Secretary Establishment Khyber Pakhtunkhwa, Peshawar.....**Respondents**

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Shewith:

Preliminary Objections

1. That the appeal is badly time bared in the eyes of Law.
2. That the appellant has got no locus standi or cause of action against the replying respondents.
3. That the appeal is premature.
4. That no discrimination/injustice has been done to the appellant.
5. That due to concealment of material fact and misstatement, the appeal is liable to be dismissed.

COMMENTS

1. Correct to the extent that the appellant Mr. Abdullah Khan along with others were appointed as Water Management Officers on contract basis in different developmental projects like OFWM Phase-III (World Bank Assisted), SIAP Mardan, CRBC Stage-III D.I.Khan and OECF Japan on contract basis for a period of one year vide Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock & Coop: Department Peshawar notification No. SOE(AD)II(2)70/MTG/K.C. dated 20-12-1993 (**Annex-A**). The contractual project service of the appellant was extendable on need basis subject to satisfactory performance. His contract was extended from time to time i.e. vide notifications dated 11-01-1995, 12-07-1995, 18-03-1997, 16-07-1997, 07-10-1998, 02-06-1999 and lastly extended vide notification dated 20-03-2000 till 30-06-2001 and further extension beyond 30-06-2001 was not granted due to completion of Swabi Scarp Project Mardan (Copies of extension orders attached **Annex-B,C,D,E,F,G & H**).

2. In the year 2004, the Agriculture Department advertised certain posts of Water Management Officers (BS-17) for recruitment against the project posts in Project titled "National Program for Improvement/Lining of Water Courses (Khyber Pakhtunkhwa Component)" and on recommendation of Departmental Selection Committee the appellant along with others were appointed as Water Management Officer (BS-17) vide Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock & Coop: Department notification dated 24-11-2004 (**Annex-I**) as fresh candidate as per terms and conditions specified for recruitments against the project posts for a period one year extendable on need basis subject to satisfactory performance.
3. Incorrect, in the 1st spell of service the appellant was appointed on 20-12-1993 on contract basis as explained in Para-1 above against the project post for a period of one year and his contract was extended from time to time and last extension was granted up to 30-06-2001 i.e. completion date of Swabi Scarp Project Mardan.

It is further submitted that the appellant Mr. Abdullah Khan in 2nd spell of service i.e. from 24-11-2004 while serving in the project titled "National Program for Improvement/Lining of Watercourses (Khyber Pakhtunkhwa Component) filed writ petition for regularization of his service which was decided in favour of the appellant and in compliance to the decision dated 01-03-2011 of the august Supreme Court of Pakistan (**Annex-J**) the service of the appellant was regularized vide notification dated 07-06-2011 (**Annex-K**).

4. Correct to the extent that the appellant filed representation on 18-07-2017 which was sent to the Administrative Department vide Director General OFWM letter dated 01-08-2017 which is yet under consideration of the competent authority, but it is pertinent to mention here that similar nature appeal submitted by another colleague of the appellant i.e. Mr. Qayyum Khan (appellant in Service Appeal No. 424/2017) was considered by the competent authority in a meeting held on 08-08-2017 under the Chairmanship of Additional Secretary (Regulation) Finance Department wherein the case was considered and rejected the same that the request of the officer for regularization of contract period of service is not covered under the relevant Civil Servant Pension Rules and Government instructions (copy of letter dated 04-10-2017 & minutes of the meeting dated 08-08-2017 attached **Annex-L&M**).



DATED PESHAWAR / 1993

Annex-B
 26

NOTIFICATION

No. SOE(AD)II(2)70/Mtg/KC. Consequent upon the recommendation of the Departmental Selection Committee, the Governor NWFP is pleased to appoint the following candidates, in order of merit, as Water Management Officers (Agril. Engineers) in Basic Pay Scale No. 17 (2870-215-5450) on contract basis for a period of one year from the date of their taking over the charge on the terms and conditions as laid down in the agreement duly executed by them:-

Sl. No.	Name and Father's Name	Postal/Permanent Address
1-	Mr. Naseer Ahmad S/O Shabir Ahmad.	Vill: Shagai Shagram P/O Madyan Tehsil Behrain Distt: Swat.
2-	Mr. Qayum Khan S/O Haji Awal Mir Shah.	H.No. 81/L.C. in front of Railway Signal O/S Lakki Gate Bannu, City.
3-	Mian Ziauddin S/O Mian Karim Bakhsh.	Village Damana P.O. Madyan, Swat.
4-	Mr. Mohammad Fahim Khattak S/O Mohammad Azim Khattak.	C/O Azim X/Ray & Clinic Near Civil Hospital Dera Ismail Khan.
5-	Mr. Hidayat Ali S/O Haji Shamroz Khan.	House No. 1070/3/Near Jamia Masjid Nowshera Cantt.
6-	Mr. Abdullah Khan S/O Ghulam Mohammad.	P.O. Lund Khwar C/O Misan Cloth House Lund Khwar Mardan.
7-	Mr. Javed Iqbal S/O Taj Mohammad.	Village & P.O. Ghalagay Distt: Swat.
8-	Mr. Rafiq Ahmad S/O Ghulam Sarwar.	C/O Deluxe Watch Co. Rahim Bazar D.I. Khan.
9-	Mr. Mohammad Yousaf S/O Madda Khan.	P.O. Tehsil Mirali North Waziristan. Agency Gul Rayet Khan Electric Store.
10-	Mr. Jamsheed Iqbal S/O Malik Ghazi Khan.	House No. 86-Defence Officer Housing Society Defence, Peshawar Cantt.

2- This appointment will not confer on them any right of claiming seniority or regularization in service.

3- On their appointment, they are posted against the posts mentioned against each with immediate effect in the interest of public services:-

Sl. No.	Name of Officer	Place of posting
1-	Mr. Mohammad Yousaf	Water Management Officer in the office of Asstt: Director, Water Management, Chitral.
2-	Mr. Mohammad Fahim Khattak	Water Management Officer in the office of Asstt: Director, Water Management, Matta Swat.

Contd...P/2-

28
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(11)

GOVERNMENT OF N.W.F.P.
FOOD, AGRICULTURE, LIVESTOCK AND
COOPERATION DEPARTMENT.

DATED PESHAWAR, THE 11.1.1995.

NOTIFICATION

NO. SOE(AD)II(2)70/Mtg./K.C. In continuation of this Department Notification of even No. 35066-86, dated 20.12.1993, the Governor NWFP is pleased to extend the contract period of appointment upto 31.5.1995 in respect of the following Water Management Officers (Agricultural Engineers) (BS-17) on the existing terms & conditions:-

- | S.No. | Name of the Officer. |
|-------|-----------------------------|
| 1. | Mr. Nuseer Ahmad. |
| 2. | Mr. Sayyid Khan. |
| 3. | Mr. Mian Zia-ud-Din. |
| 4. | Mr. Hidayat Ali. |
| 5. | Mr. Abdualah Khan. |
| 6. | Mr. Javed Iqbal. |
| 7. | Mr. Mohammad Fahim Khattak. |
| 8. | Mr. Rafiq Ahmad. |
| 9. | Mr. Mohammad Yousaf. |
| 10. | Mr. Jamshed Iqbal. |

SECRETARY TO GOVT. OF NWFP
AGRICULTURE DEPARTMENT.

- Endst: No. SOE(AD)II(2)70/Mtg./K.C. Dated 11.1.1995.
Copy forwarded for information & necessary action to the:
1. P.S. to Minister for Agriculture, NWFP, Peshawar.
 2. P.S. to Chief Secretary, NWFP, Peshawar.
 3. Director Water Management, NWFP, Peshawar w/r to his letter No. 10474, dated 13.12.1994.
 4. Accountant General, NWFP, Peshawar.
 5. All District Accounts Officers/Agency Accounts Officers in NWFP.
 6. Officers concerned C/O Director Water Management, Peshawar.
 7. Manager Govt. Printing Press, Peshawar for publication in the next issue of Govt. Gazette.
 8. P.S. to Secretary Food, Agriculture, Livestock and Coop. Deptt. Peshawar.
 9. Personal Files of the Officers.
 10. Office Order File.

SECTION OFFICER (ESTT.)
AGRICULTURE DEPARTMENT.

21-12-94 — 31-5-95

5 months

GOVERNMENT OF N.W.F.P.,
FOOD, AGRICULTURE, LIVESTOCK AND
COOPERATION DEPARTMENT.

DATED PESHAWAR, THE 12.7.1995.

NOTIFICATION.

NO. SOE(AD)II(2)/MTG/70 In continuation of this Department's Notifications of even No. dated 19.7.1994 and 11.1.1995, the Governor NWFP is pleased to extend the contract period of appointment upto 31.5.1996 or till the availability of selectees of the NWFP Public Service Commission, whichever is earlier, in respect of the following Water Management Officers/(Agricultur Engineers) (BS-17) on the existing terms & conditions:-

1. Mr. Naseer Ahmad.
2. Mr. Qayyum Khan.
3. Mian Ziauddin.
4. Mr. Hidayat Ali.
5. Mr. Abdullah Khan.
6. Mr. Javed Iqbal.
7. Mr. Rafiq Ahmad.
8. Mr. Mohammad Yousaf.
9. Mr. Jamshed Iqbal.
10. Mr. Mohammad Fahim Khattak.
11. Mr. Amjad Saeed.
12. Mr. Ahmad Shah.
13. Mr. Habibur Rehman.
14. Mr. Nadeem Amir.
15. Mr. Shahid Mehmood.
16. Mr. Amir Rabbani.
17. Mr. Amir Mohammad.
18. Mr. Sultan-e-Room.
19. Mr. Shaukat Masood.
20. Mr. Hafiz Gul Naeem.

SECRETARY TO GOVT: OF NWFP
AGRICULTURE DEPARTMENT.

ENDST: NO. SOE(AD)II(2)/MTG/70. Dated 12.7.1995.

Copy forwarded for Information & action to the:-

1. P.S. to Minister for Agriculture, NWFP.
2. P.S. to Chief Secretary, NWFP.
3. Director Water Management, NWFP, Peshawar w/r to his letter No. 3700/3/13/Estt:/D/M, dated 21.5.1995.
4. Accountant General, NWFP, Peshawar.
5. All Distt: Accounts Officers/Agency Accounts Officers in NWFP.
6. Officers concerned C/O Director Water Management, NWFP, Peshawar.
7. Manager Govt. Printing Press, Peshawar.
8. P.F. of the Officers concerned.
9. P.S. to Secretary Agriculture.
10. Office Order File.

(NISAR ALLI SHAH)
SECTION OFFICER (ESTT:)
AGRICULTURE DEPARTMENT.

Submit immediate proposal for posting in the going off/roll projects
13/7/95

GOVERNMENT OF NWFP
FOOD, AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT

MEMORANDUM

RE: NO. SOF(AD) II(2)70/Mtg/ In continuation of this Department notification of even No. 4052/13/1997, the Government NWFP is pleased to extend the contract period of consultants with effect from 1/6/1997 to 31/3/1998 or completion of the project which ever is earlier, in respect of the following Water Management Officers (Agriculture Engineers) B-17 on the existing terms and conditions:-

- 1) Mr. Shahid Mahmood.
- 2) Mr. Hidayat Ali.
- 3) Mr. Abdullah Khan.
- 4) Mr. Nayyaz Khan.
- 5) Mr. J. A. Mahmood.

SECRETARY GO GOVT. OF NWFP
FOOD, AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT

ENCL: NO. SOF(AD) II(2)70/Mtg/ Dated Lush: the 16/7/1997.

Copy forwarded for information & n/action to:-

- 1 The Director Water Management, NWFP, Peshawar w/r to his letter No. 4052, dated 26/5/1997.
- 2 The Project Director ABC-NSP Project Mardan.
- 3 The District Accounts Officer Mardan.
- 4 Officer concerned, J/O Project Director, ABC-NSP Project Mardan.
- 5 The Manager Government of Printing Press, NWFP, Pesh.
- 6 PS to Secretary Food and Agriculture Department.
- 7 Personal files of the officers.
- 8 Office order file.

[Handwritten Signature]
16/7/97

(MUSAR ALI SHAH)
SECTION OFFICER (SECRETARY'S OFFICE)

(7)

30-99

on you

GOVERNMENT OF NWFP
FOOD, AGRICULTURE, LIVESTOCK & COOP.
DEPARTMENT

NOTIFICATION.

NO. SOF(AD)II(2)70/Mtg/99/KC. The Competent Authority is pleased to extend the contract period of appointment with effect from 1/12/1998 to 30/11/1999 in respect of the following four (4) Water Management Officers (Agri-Engineers) BPS-17 on the existing terms and conditions:-

1. Mr. Qayyum Khan.
2. Mr. Ismail Khan.
3. Mr. Fida Muhammad.
4. Mr. Hidayat Ali.

SECRETARY TO GOVT. OF NWFP
FOOD, AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT

ENCL: NO. SOF(AD)II(2)70/Mtg/99/ Dated Feshawar the 02/6/1999

Copy forwarded for information & a/cion to:-

- 1- The Director Water Management, NWFP, Feshawar.
- 2- The Engineer Coordinator, AIO-SEP, Hardan.
- 3- The Chief Planning Officer, Food & Agri. Deptt.
- 4- The District Accounts Officer, Hardan.
- 5-8 Officers concerned O/O Project Coordinator, Agric. Dev. Component Swabi Scarp Project, Hardan.
- 9- The Manager Govt. Printing Press, NWFP, Feshawar.
- 10- PS to Secretary, Food & Agriculture Department.
- 11- Personal Files of the officers.
- 12- Office order file.

(SHEHNAZ ISHAR)
SECTION OFFICER (ESTABLISHMENT)

(8)

GOVERNMENT OF NWFP,
AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT

NOTIFICATION.

NO. SOE(AD)II(2)70/Mtg:/99/KC. The competent Authority is pleased to extend the contract period of appointment with effect from 1/12/99 to 30/6/2000 i.e. the Project Life in respect of the following four (4) Water Management Officers (Agri. Engineers) BPS-17 on the existing terms and conditions:-

- 1) Mr. Qayyum Khan. ✓
- 2) Mr. Abdullah Khan. ✓
- 3) Mr. Fida Mohammad.
- 4) Mr. Hidayat Ali.

SECRETARY TO GOVT. OF NWFP,
AGRICULTURE DEPARTMENT.

Enst: No. SOE(AD)II(2)70/Mtg:/99/KC

Dated Pesh: the 20/3/2000.

Copy forwarded for information and necessary action to:-

- 1- The Director Water Management NWFP, Peshawar.
- 2- The Project Coordinator, ADC-SSP Mardan.
- 3- The Chief Planning Officer Agriculture Department NWFP, Peshawar.
- 4- The Distt: Accounts Officer Mardan.
- 5-8) The Officers concerned C/O Project Coordinator, ADC-SSP Mardan.
- 9) The Mager Govt: Printing Press, Peshawar.
- 10) Person files of the Officers.
- 11) Office order File.

[Signature]
SECTION OFFICER (ESTT.)
AGRICULTURE DEPARTMENT

1-2-99 ——— 30-6-2001 ——— 1.5 years

[Handwritten initials]
15/3/00

Annex (III)

B

173
15

Government of NWFP
Agriculture, Livestock and Cooperatives
Department.
Peshawar dated the 24th November, 2004.

Notification
No. No. SOE(AD)11 (2) 70 / 2004. On the recommendation of the Departmental Selection Committee Government of NWFP, Agriculture, Livestock & Cooperatives Department is pleased to appoint the following candidates against the newly created posts of Water Management Officers(Eng.) BPS-17 purely on contract basis in the project titled National Program for improvement/lining of water courses in Pakistan (project for NWFP) for a period of one year, from the date of assuming the charge of the post, extendable to the remaining project period subject to their satisfactory performance.

1. Muqsil-un-Naseer S/o Irfan-ud-Din Village, Tehsil P.O Timergara Moh: Mingulan Distt: Dir Lower.
2. Jernan Zeb S/o Aslam Khan C/o Assistant Director Water Management Near Mall Lara Stop Jehangira Road Swabi.
3. Abdul Malik S/o Ghazi Khan C/o Dr. Abdul Wahab Village Amin Khel (Chockara) P.O Ghundi Kala Tehsil Tahli Nasrali Distt: Karak.
4. Mohammad Tufail S/o Nadar Khan Village Masli Khan Banda P/O Khojaki Killa Tehsil T/Nasrali Distt: Karak.
5. Nisar Ahmad S/o Sarfaraz Ahmad House No. C/445 near Government Primary School No. 5 street Khawrs brothers Mohallah Katrain walla distt: Khan.
6. Abdullah Khan S/o Ghulam Muhammad Village Janga C/o Usman Cloth House Lund Khawar P.O Lund Khawar Teh: Takht Bhai Distt: Mardan.
7. Aftab Ahmad Khan S/O Abdul Rashid Khan Distt: D.I. Khan. C/O Ina mullah Khan AD FIA, Peshawar, Air Port.
8. ✓ Mohammad Farooq Khan S/O Qamar Khan Moh: Tauskhah village and P.O Lahore Distt: Swabi.
9. Waseemullah S/O Mohammad S... ed Village Kachkol Asad Khan P.O Torka Tehsil and District Bannu.
10. Shaheen Iqbal S/o Mir Khatam Village and P.O Haji Zai Tehsil and Distt: Charsadda.
11. Moeen Uddin S/O Mohammad Mukhtar of Dir Lower.
12. Hidayat Ali S/O Haji Shamroz Khan House No. 1070/3 new Mohalla near Jamia mosque Nowshera Cantt.
13. Tahir Khan S/O Zafarullah District Shangla.
14. ✗ Anwar Saeed S/O Mohibullah Khan. Distt: Karak Tehsil Teh-e-Nasrali Village Nadar Kila P.O Manzeeni Banda.
15. Qiaash Ahmad S/O Faqir Saib sector E/91 Sheikh Malloon Town distt. Mardan
16. Shahid Mahmood S/O Muhammad Ishaq H.No. 389 Sector C Sheikh Malloon Town Mardan.
17. Ghulam Bilal S/O Karim Dad Khan P.O Parva, D.I. Khan.
18. → Qayyum Khan S/O Awal Mir Shaj: House No. 51/LG in front of Railway Signal O/S Distt. Barau.
19. Munir Ahmad S/o Saeed Ahmad ... osite to the GHS No-2 Kulachi Teh Kulachi

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20. Saeed Shah S/o Jaffar Shah Distt: Mardan Teh Takht Bhai P.O Sattar Khan Colony Mahal Jamra Hashtnagro Kali.
21. Rafiq Ahmad Ghuncha S/o Ghulam Sarwar House No. 2528 Moh: Roshan Chiragh D.I. Khan.
22. Mohammed Shoab S/o Muhammad Ramzan House No. T-145 Street Saddique Abad Near Mirch Mandi Peshawar City.
23. Mirza Muhammad S/o Muhammad Inani Moh: Naway Cham Vill: & P.O Shahmansoor Tehsil and Distt: Swabi.
24. Jehan Zeb S/o Muqaid Jan Mugh Pati House New Bazar Chitral.
25. Said Muhammad S/o Mir Muhammad Village and P.O Urmar Payan Moh: Ali Khel Distt: Peshawar.
26. Fazal Sattar S/O Nasir Ud Din Khan, Village Galkore P.O Osheri Teh: Dir Distt: Dir Upper.
27. Abdus Subhan S/O Abeer Razaq, C/O Dr. Aziz ur-Rehman Village and P.O Paniala Distt: D.I. Khan.
28. Muhammad Tahir S/O Noor Wahab r/o Lakand Agency.
29. Mr. Muhammad Nadeem S/O Muhammad Khan, Village Paniala Tehsil and District D.I. Khan.
30. Amir Rabbani S/o Rehmatullah H.No. 448 Sarafa Bazar Abbotabad ✓
31. Muhammad Khalil Akbar S/o Abdur Rafiq Moh: Ismail Khel, Village Garhi Daulat Zai P.O Garhi Kapura Tehsil and Distt: Mardan.
32. Muhammad Uzair Khan S/o Mohabal Khan Moh: Danda Village and P.O Charbagh Distt: Swat.
33. Hidayatullah S/o Muhammad Iqbal House No. 372 Armour Colony Manki Road Nowshera Cantt.
34. Zulfqar Ali S/O Akbar Ali Khan P.O Kachi Paind Khan Midad Khel House Hanif Town Waqas Colony Diyai Road D.I Khan.
35. Zahid Khaleeq S/o Khaleeq-uz- Zaman House No. 30/D, Muhammad Jan Street Bannu.
36. Bakht Jamair S/o Shad Muhammad Khan C/o Bilal Book Store Village and P.O Jowar Tehsil Daggar Distt: Buner.
37. Irfanullah S/o Muhammad Hanif Mohallir Saeed Khel Teh and Distt: L/Marwat.
38. Amjad Masood S/o Sheikh Ahmad Dab No. 1 Behind Ara Machine Shailia Road Mansehra.
39. Muhammad Rahmatullah Khan S/o Rohullah Khan Ismatullah LS-1-F-Block Flat No. 6 (C.A.E.B) Shami Road Wapda Colony Peshawar.
40. Kifayat Zaman S/o Shahi Zaman Street H.A Hakeem Village and P.O Gujral Teh and Distt: Mardan.
41. Aman Khan S/o Pehlawaray Khan Village and P.O Fir Baba Pacha Kalay Tehsil Daggar Distt: Buner.
42. Ihsan Ullah Khan S/O Said Khumar Khan Village and P.O Kot Beh Tehsil and Distt: Bannu.

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43. Alta Ullah S/o. Manaras Khan C/O: Noor H/W New Madyan Road Mingora District Swat.
44. Muhammad Idress S/o Abdul Kabir. Bacha Village and P.O Mian Brangola Tehsil Adenzai Distt: Dir.
45. Irfanullah S/o Faqir Muhammad Khan (Late) Amjad Shaheed Colony Village and P.O Thana Malakand Agency.
46. Zailul Haq S/o Muhammad Zaman Village Burghando P.O and Tehsil Lal Qilla Distt: Dir Lower
47. Amjad Ali S/o Muhammad Salim Moh: Irfan Abad / Salim Abad P.O Batkhela Malakand Agency.
48. Shahdad Khan S/o Abdur Rashid C/O Mian Mohammed - Iqbal H.No. 172 Street - 8 Sector J/3 Phase No. 2 Hayatabad Peshawar.

2. Their appointment shall be governed by the following terms and conditions:

- a. Their appointment shall be on contract basis initially for a period of One year. The contract shall stand automatically terminated on the expiry of the initial period. Fresh contract would be executed if the services of any of the above named candidates were further required.
- b. The appointment shall be subject to the medical fitness report by the standing Medical Board and satisfactory completion of pre-service training.
- c. They shall undergo One month pre-service training in one of the training centers at OFWM training centre D.I. Khan/Agricultural Training Institute Peshawar/Agricultural University Peshawar / NWFP Engineering University Peshawar. During training, they shall be paid stipend as per approved PC-1.
- d. They shall be governed by such rules, regulations, orders, acts and ordinances etc relating to appointment, promotion, transfer, leave, T.A., Medical Attendance, seniority, efficiency & discipline and conduct as have been/may be prescribed by the Government for the category of Government servants of their status, from time to time and as interpreted by the Government.
- e. Their pay will be fixed in the Basic Pay Scale 17 i.e. Rs 6210-465-15510 from the date of their taking over the charge of the post.
- f. Their services shall be liable to termination on the following conditions:
- i. At any time without notice and without assigning any reasons during the period of their contract appointment if their work during this period was not found satisfactory.
- ii. On One month notice by the Government on one side and by them on the other. In case the notice on either side is less than One month, a sum equivalent to the pay for the period by which the notice falls short of One month, will be paid by the Government to them or in lieu thereof One month pay shall be forfeited.
- iii) By Government without previous notice if it is satisfied on material evidence that they are unfit and/or likely to remain unfit for a considerable period by reasons

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of ill health or physical disability to discharge their duties. The decision of the Government as to what constitutes considerable period shall be final.

- g. They shall not be entitled to Traveling Allowance/Daily Allowance on their first appointment/posting.
- h. They shall not contribute to G.P Fund and will not be entitled to pension, gratuity benefits.
- i. This does not constitute inter se seniority and the appointees shall not be entitled to seniority as against any other Government Servant.

3. If the above terms and conditions are acceptable to the above named selected candidates, they should convey their willingness individually and attend office of the Director OFWM for signing the Contract Agreement on or before 10.12.2004 positively where after the candidates shall be assigned to one of the afore-mentioned training centers by the Directorate of OFWM. In case of non submission of acceptance/ signing of Contract Agreement, the offer will stand cancelled.

Sd/+++
(ZAIBULLAH KHAN)

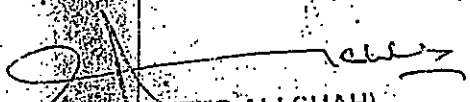
SECRETARY AGRICULTURE

Dated Peshawar the 24th November, 2004

Encls: No. No. SOE(AD)11 (2) 70 / 2004.
Copy of the above is forwarded to the:-

1. Accountant General, NWFP, Peshawar.
2. Director General Health Services, NWFP Peshawar. He is requested to kindly arrange for an early medical examination of the above named appointees through the Standing Medical Board and supply their medical examination certificates to this Department for record.
3. Director General, Federal Water management cell aimarkazi F-8 Islamabad
4. Director, On Farm Water Management Department NWFP, Peshawar w/r to his memo No.11674 dated. 04-10-2004 with the request to furnish the posting proposal of the above appointees on successful completion of the training at the earliest.
5. All appointees as per list given in para-1 of the notification.
6. PS to Chief Secretary, NWFP.
7. PS to Minister for Agriculture, NWFP.
8. PS to Additional Chief Secretary P&D department.
9. PS to Secretary Agriculture.
10. PS to Special Secretary to Chief Minister/ Provincial Coordinator.
11. Master file.

*True Copy
Amir Ali*


(KHAHIR ALI SHAH)
SECTION OFFICER (ESTT.)

24
11/11/11

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Javed Iqbal
Mr. Justice Raja Fayyaz Ahmed
Mr. Justice Asif Saeed Khan Khosa

Civil Appeals No. 834 to 837 of 2010

(On appeal from the judgment dated 01.12.2009 of the Peshawar High Court, Peshawar passed in Review Petitions No. 64, 68, 69 and 66 of 2009 in Writ Petitions No. 1645/2007, 29/2009, 84/2009 and 43 of 2009)

Government of North-West Frontier Province through
Secretary, Agriculture, Live Stock and Cooperatives
Department, Peshawar, etc.
(in all cases) Appellants

versus

1. Abdullah Khan, etc. (in CA. 834/2010)
2. Wakil Khan (in CA. 835/2010)
3. Amir Rabbani (in CA. 836/2010)
4. Atta-ul-Haq, etc. (in CA. 837/2010)

... Respondents

For the appellants:
(in all cases)

Qazi Muhammad Anwar, ASC

For the respondents:
(in all cases)

Mr. Gul Zarin Giani, ASC with
Mr. Waseem-ud-Din Khattak, ASC

Date of hearing:

01.03.2011

JUDGMENT

Asif Saeed Khan Khosa, J.: The respondents in the present appeals had been selected for appointment in the prescribed manner on or after the first day of July, 2001 and before the 23rd day of July, 2005 but they had all been appointed on contract basis and upon enactment of subsection (2) of section

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Supreme Court of
ISLAMABAD

19 of the North-West Frontier Province Civil Servants (Amendment) Act, 2005 they were to be deemed to have been appointed on regular basis but upon failure of the Provincial Government to treat them as such they and some others filed different Writ Petitions before the Peshawar High Court, Peshawar which Writ Petitions had been allowed by a learned Division Bench of the said Court through a consolidated judgment dated 01.12.2009 with a direction to treat the said respondents as regular employees. On that occasion the learned Additional Advocate-General appearing for the Provincial Government had conceded the claim of the respondents and others to be treated as regular employees. Instead of challenging that judgment of the Peshawar High Court, Peshawar before this Court the appellants herein chose to file Review Petitions before the Peshawar High Court, Peshawar but all such Review Petitions were dismissed by a learned Division Bench of the said Court through a consolidated judgment dated 01.12.2009. The said consolidated judgment dismissing the appellants' Review Petitions has been assailed by the appellants before this Court through the present appeals after obtaining leave of the Court on 14.09.2010.

2. We have heard the learned counsel for the parties at some length and have gone through the relevant record of the case with their assistance.

3. The main contention of the learned counsel for the appellants is that the respondents were project employees appointed on contractual basis and, thus, they were not entitled to

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be regularized in service and in this regard he has referred to the provisions of the North-West Frontier Province Employees (Regularization of Services) Act, 2009. We have, however, remained unable to subscribe to this submission of the learned counsel for the appellants inasmuch as according to clause (aa) of subsection (1) of section 2 of the North-West Frontier Province Employees (Regularization of Services) Act, 2009 "contract appointment" meant appointment of a duly qualified person made "otherwise than in accordance with the prescribed method of recruitment". It is admitted at all hands that the appointments of the respondents were made in accordance with the prescribed method of recruitment and through the Departmental Selection Committee and, thus, their case did not attract the above mentioned definition of "contract appointment" contained in clause (aa) of subsection (1) of section 2 of the said Act of 2009. It may be true that the definition of "employee" contained in clause (b) of subsection (1) of section 2 of the said Act of 2009 excluded the employees appointed for a "project post" but before the Peshawar High Court, Peshawar as well as before this Court the appellants have utterly failed to produce anything to establish their assertion that the respondents had in fact been appointed for any project post. All that the appellants could produce before the Peshawar High Court, Peshawar in that regard were some salary slips and payrolls but such salary slips or payrolls could not be accepted as proper substitute for positive and definite proof of the nature of the respondents' appointment or employment.

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Supreme Court of P. K. I.
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4. We have found that the case of the respondents was in fact squarely covered by the provisions of subsection (2) of section 19 of the North-West Frontier Province Civil Servants (Amendment) Act, 2005 because the respondents had been appointed on contract basis in a manner in accord with the prescribed procedure and that they had been appointed between the period which was catered for by the said Act of 2005. In this view of the matter we have found the learned Division Bench of the Peshawar High Court, Peshawar to be quite justified in allowing the respondents' Writ Petitions and in dismissing the appellants' Review Petitions and also in directing the appellants to treat the respondents as regular employees.

5. We have unmistakably noticed that during the hearing of the respondents' Writ Petitions before the Peshawar High Court, Peshawar the claim of the respondents and the legal position applicable to them had been conceded by the learned Additional Advocate-General appearing for the Provincial Government and, therefore, the appellants cannot be allowed at this stage to turn around and to try to wriggle out of that concession which we have otherwise found to be quite correct and fair.

6. It is not disputed before us that the original consolidated judgment passed by the Peshawar High Court, Peshawar in the respondents' Writ Petitions had not been assailed by the appellants before this Court and they have now approached this Court challenging the consolidated judgment passed by the Peshawar High Court, Peshawar dismissing their Review Petitions. In our

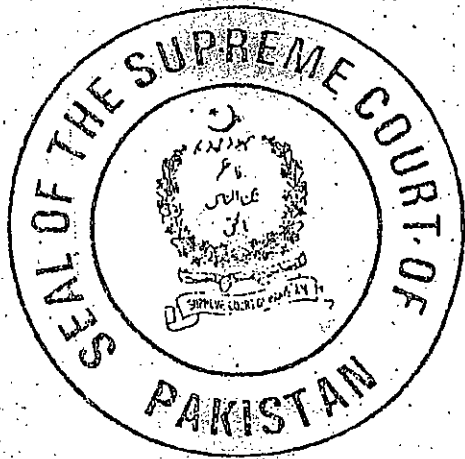
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considered opinion the appellants' Review Petitions had been dismissed by the Peshawar High Court, Peshawar quite correctly as no error patent on the face of the record had been pointed out by the appellants and the consolidated judgment passed by the Peshawar High Court, Peshawar in the Writ Petitions filed by the respondents stands unchallenged before this Court on its merits till date. The appellants cannot now be allowed to assail the consolidated judgment passed in the respondents' Writ Petitions while disregarding the rigours of the law of limitation.

7. For what has been discussed above all these appeals are dismissed with no order as to costs.



ISLAMABAD
01.03.2011
Not approved for reporting.

M. Yasin

7/3/11

Sd/- Saaved Farhad, J
Sd/- Raja Fayyaz Ahmed, J
Sd/- Asif Saeed Khan Khosro, J

Certified to be True Copy

Superintendent
Supreme Court of Pakistan
ISLAMABAD

SR NO:	1608/11	Civil/Criminal
Date of Presentation:	07-03-11	
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Compared by:		
Received by:		

Dated Peshawar, the 7/6/2011

NOTIFICATION.

NO. SOE(AD) 17-131/2009.-

In pursuance to the judgement of the Hon' able Supreme Court of Pakistan in civil appeals No. 834 to 837 of 2010, the Competent authority is pleased to regularize the services of the following Water Management Officers (BS-17) appointed on contract basis in the project "National Program for Improvement of Watercourses in Pakistan (Khyber Pakhtunkhwa Component) as provided under section-19 sub-section (2) of the NWFP Employees (Regularization of Services) Act, 2005 with effect from 24-11-2004:-

Sl. No.	Name of Officer
1.	Mr. Wajid Ali
2.	Mr. Atta-ul-Haq
3.	Mr. Farmanullah
4.	Mr. Mujeeb-ur-Rehman
5.	Mr. Wakeel Khan
6.	Mr. Muhammad Shahid Nawaz
7.	Mr. Abdullah Khan
8.	Mr. Aftab Ahrnad Khan
9.	Mr. Shahid Mehmood
10.	Mr. Ghulam Eils
11.	Mr. Qayyum Khan
12.	Mr. Rafiq Ahmad Ghuncha
13.	Mr. Said Muhammad ✓
14.	Mr. Muhammad Nadeem
15.	Mr. Amir Rabbani
16.	Mr. Zahid Khaliq

2. Terms & Conditions of their regularization in service are as under:-

- i. Their services will be considered regular but without pensionary or Gratuity benefits in term of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. They will however be entitled to contribute to Contributory Provident Fund in such a manner and at such rates as prescribed by the Government.
- ii. Their services will be liable for termination on one month's notice from either side. In case of resignation without notice, two month's pay/allowances shall be refunded to Government.
- iii. They will be governed under such rules and regulations as may be issued from time to time by the Government.
- iv. In case of misconduct, they will be proceeded against the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the Rules framed there under from time to time.
- v. Charge report should be submitted by the officers concerned.



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

NO.SOE(AD)/17-131/2016/ WM
Dated Peshawar, the October 4, 2017

To

The Director General,
On-Farm Water Management,
Khyber Pakhtunkhwa, Peshawar

SUBJECT:- APPLICATION FOR PENSION PURPOSE IN RESPECT OF MR. QAYYUM KHAN
WATER MANAGEMENT OFFICER FOR CONDONATION OF INTERRUPTION
BETWEEN THE TWO PERIODS OF SERVICE

I am directed to refer to your letter No.673 dated 22/02/2017 on the subject noted above and to inform that as per minutes of the meeting held on 08.08.2017 under the Chairmanship of Addl. Secretary (Regulation) Finance Department that the request of the officer for regularization of contract period of service is not covered under the relevant Civil Servant Pension Rules and Government instructions (copy enclosed).

Encl: As above

Endst. of even No. & Date.

Copy for information to:

1. P.S. to Secretary Agriculture department.
2. PA to DS (Admn) Agriculture Department.

SECTION OFFICER-ESTT:

SECTION OFFICER-ESTT:

A O In mt

No. 19091 /DG/OFWM dated Peshawar the 06/10 /2017

Copy of the above along with minutes of the meeting dated 08-08-2017 is forwarded to District Director OFWM Peshawar with reference to his letter No. 678/DD/OFWM dated 06-01-2017 for favour c information and further necessary action.

[Signature]
Director General
On-Farm Water Management
Khyber Pakhtunkhwa, Peshawar

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**MINUTES OF THE MEETING REGARDING CONDONATION OF INTERRUPTION
BETWEEN TWO SPELL OF SERVICES IN R/O MR. QAYYUM KHAN WATER
MANAGEMENT OFFICER**

A Meeting regarding the subject matter was held on 08/08/2017 at 1200 Hours under the chairmanship of Additional Finance Secretary (Regulation) Finance Department in his office.

The Following participants attended the meeting:-

- | | | |
|----|---|-----------------|
| 1) | Mr. Musharraf Khan Marwat,
Additional Finance Secretary (Reg) Department. | In Chair |
| 2) | Mr. Nasir Aman,
Deputy Secretary (Reg) Establishment Deptt. | Member |
| 3) | Mr. Masood-ul-Hassan
Section Officer (Opinion-II)
Law Department. | Member |
| 4 | Mr. Javed Iqbal,
DISH Director, On Form Water Management,
Agriculture Department. | Member |
| 5) | Dr. Mir Ahmad Khan,
Section Officer (Establishment)
Agriculture, Live Stock & Dairy Development Deptt. | Member |
| 6) | Mr. Moazzam Khan
Section officer (SR-II),
Finance Department. | Member |

The meeting started with recitation of Holy Quran.

The chair briefed the participants about the detail of the case. Mr. Masood-ul-Hassan, Law Department was of the view that Rule 2.3 of Civil Servants Pension Rules & Government Instructions 2006, is only for Civil Servants and not for Project or contract employees. Therefore, application of Rules 2.12 of Pension Rules in the instant case is out of question. The Director On Form Water Management, Khyber Pakhtunkhwa was also of the view that there is no documentary proof of GP fund deduction from the pay of the officer being Civil Servant.

Mr. Nasir Aman Deputy Secretary (Reg.) Establishment Department was of the view that under the relevant Pension Rules, the Administrative Department has to fill gap between two spell of Services, whereas in the instant case, the period between 1993 to 2001 is a non-qualifying service and between 2001 to 2004 is a non-service period, therefore, the request for regularization of contract period is not covered under the relevant Pension Rules and Govt. Instructions.

After threadbare discussion, the forum unanimously agreed that the request of the officer for regularization of contract period of service is not covered under the relevant Civil Servant Pension Rules & Government Instruction.

The meeting ended with a vote of thanks to and from the chair.