

17th Feb, 2023

Junior to counsel for the appellant present. Mr. Muhammad Jan,
District Attorney for the respondents present.

Junior to counsel for the appellant requested for adjournment on
the ground that learned counsel for the appellant is busy before
Hon'ble Peshawar High Court, D.I.Khan Bench. Adjourned. To come
up for arguments on 19.04.2023 before S.B at camp court D.I. Khan.

SCANNED
KFST
Peshawar

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman
Camp Court D.I. Khan

19.04.2022

Learned counsel for the appellant present. Mr. Asif
Masood Ali Shah, Deputy District Attorney for the respondents
present.

On perusal of the case file it transpired that the appeal in
hand was fixed ^{for} arguments, however has been inadvertently
fixed before the S.B, therefore, to come for arguments before
the D.B on 19.06.2023 at camp court D.I.Khan. Parcha Peshi
given to the parties.

(Muhammad Akbar Khan)
Member (E)
Camp Court D.I.Khan


26.10.2022

Appellant present through representative.

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

Reply not submitted. Learned AAG requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments on 24.11.2022 before S.B at Camp Court, D.I Khan.

SCANNED
KPST
Peshawar


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

24.11.2022

Tour to camp court D.I Khan has been cancelled therefore, the case is adjourned to 19.01.2023 for the same.

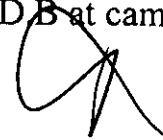

READER

19th Jan, 2023

Junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Vide order sheet dated 28.10.2022, last chance was given to the respondents to submit reply/comments but today there is nobody present on behalf of the respondents nor did they submit written reply/comments. The time provided in Rule-12 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 for filing reply is seven days before the date fixed but despite providing opportunity the respondents have not filed the comments. They are thus placed ex-parte and their right to file reply stands struck off. To come up for arguments on 17.02.2023 before D.B at camp court D.I Khan.

SCANNED
KPST


(Kalim Arshad Khan)
Chairman
Camp Court D.I Khan

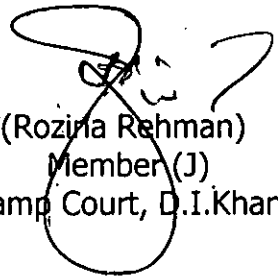
23.05.2022

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 29.07.2022 before S.B at Camp Court, D.I.Khan.

Rs-800/-
Appellant Deposited
Security & Process Fee

Asif
07/6/22


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

29/07/2022

Due to Summer
up 30/09/2022


Vacation Come

Reader

30.09.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.





Reply/comments on behalf of respondent are still awaited. Learned Deputy District Attorney shall intimate the respondents to positively submit reply/comments on 26.10.2022 before the S.B at Camp Court D.I.Khan.


(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 184/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/02/2022	<p>The appeal of Mr. Umar Hayat received today by post through Mr. Ahmad Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR,</p>
2-	28.03.2022	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put there on <u>28-03-2022</u></p> <p> CHAIRMAN</p> <p>Counsels are on strike. To come up for preliminary hearing tomorrow on 29.03.2022 before S.B at camp court, D.I.Khan.</p> <p> CHAIRMAN, Camp Court, D.I.Khan</p>
	29.03.2022	<p>Counsel for the appellant present.</p> <p>Let notice be given to other side for the date fixed. To come up for preliminary hearing on 23.05.2022 before S.B at camp court, D.I.Khan.</p> <p> CHAIRMAN, Camp Court, D.I.Khan</p>

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

Service Appeal No. 184 of 2022

Umar Hayat

Appellant

Versus

Government of K.P.K through
Secretary Agriculture

Department, Peshawar and others

Respondents

**SCANNED
KPST
Peshawar**

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5	Copy of Copy of initial Appointment to Civil Posts (Relaxation of Upper Age Limits) Rules, 2008	C	16-17
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Dt. 7/12/2022

Umar Hayat
Yours humble Appellant
Through Counsel



Ahmad Ali

Advocate Supreme Court

①

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

Service Appeal No. 184 of 2022

Umar Hayat, son of Sher Ali Khan, resident of Mohallah Hussain Zai, Tehsil Kulachi, District D.I.Khan

Appellant

Versus

1. **Government of Khyber Pakhtunkhwa** through Secretary Agriculture, Livestock and Co-operative Department, Peshawar
2. **Secretary**, Agriculture, Livestock and Co-operative Department, Khyber Pakhtunkhwa, Peshawar.
3. **Director General** Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
4. **District Director Agriculture** (Extension), Bannu Road D.I.Khan.
5. **Establishment Assistant**, Headquãrter, Dera Ismail Khan.
6. **District Comptroller of Accounts/D.A.O.** D.I.Khan.

Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AIMED AGAINST THE IMPUGNED ORDER DATED 17.12.2015 WHEREBY THE OFFICE ORDER DATED 11.02.2015 TO THE EXTENT OF APPELLANT HAS BEEN CANCELLED AS ILLEGAL, WITHOUT LAWFUL AUTHORITY WHICH IS BASED ON MALAFIDE RESULT OF IMPROPERLY EXERCISE OF OFFICIAL AUTHORITY.

PRAYER IN APPEAL

- TO DECLARE THE IMPUGNED ORDER DATED 17.12.2015 WHEREBY THE OFFICE ORDER DATED 11.02.2015 TO THE EXTENT OF APPELLANT HAS BEEN CANCELLED AS ILLEGAL, WITHOUT LAWFUL AUTHORITY WHICH IS BASED ON MALAFIDE RESULT OF IMPROPERLY EXERCISE OF OFFICIAL AUTHORITY AND THE SAME MAY PLEASE BE SET ASIDE IN THE INTEREST OF JUSTICE.

- TO ISSUE DIRECTIONS TO THE DISTRICT DIRECTOR AGRICULTURE, D.I.KHAN OR TO THE QUARTER CONCERNED TO GRANT REQUIRED UPPER AGE RELAXATION TO THE APPELLANT AND SET ASIDE THE IMPUGNED ORDER DATED 17.12.2015, TOGETHER WITH GRANT OF ANY OTHER APPROPRIATE REMEDY THAT THIS HONOURABLE TRIBUNAL MAY DETERMINE IN THE LIGHT OF RELEVANT CIRCUMSTANCES.

9/3

Note:- Addresses given above shall suffice the object of service

Respectfully Sheweth,

The appellant prefers the instant appeal on the grounds hereinafter submitted apropos the following facts.

Concise Facts

1. That the appellant is having 'Two Years Field Assistant Training Course' with Matric and 'Six months condensed Training Course Examination for Field Assistant.

2. That respondents through an advertisement, placed in the national dailies, invited application from interest candidates for

appointment on vacancies of Field Assistant. In consequent, thereof, the appellant being eligible, applied for the post of Field Assistant in response to the advertisement; and after holding Test, Interview etc, the appellant along with others was appointed as 'Field Assistant' BPS-9 vide Office Order bearing No.678-82/DDA dated 11.02.2015. Copy of office order dated 11.02.2015 is enclosed as Annexure-A.

3. That the appellant, thereafter, obtained Medical Fitness Certificate and then submitted his arrival Report, where-after vide Office Order bearing Endst. No.885-90/D.D.Aagri: dated 25.02.2015, the appellant was posted at Govt. Seed Farm, Ratta Kulachi and then transferred to Agriculture Office, Kulachi (Looni) vide Office Order bearing Endst. No.1683- 86/D.D.Aagri. dated 01.04.2015. Copy of order dated 01.4.2015 is enclosed as Annexure-B.
4. That in the past, appellant was appointed as Field Assistant on Contract Fixed Salary in the 'Crop Maximization Project-II, D.I.Khan' under the Agriculture Department, Govt. of KPK, for a period of three years.
5. That the date of birth of appellant is 10.02.1975, the closing date for submission of applications as mentioned in the Advertisement was 02.02.2015; and thus on the closing date of applications, the age of appellant was 39 years and 357 days i.e approximately 40 years. Whereas, as per advertisement, the required age limit for the post of Field Assistant was 30 years; in this way the appellant was 09 years 357 days over age. However, according to Rule 3 of Khyber Pakhtunkhwa 'initial appointment to Civil Posts (Relaxation of Upper Age Limits) Rules, 2008 Government Servants who have completed 02 years continuous government service are entitled to 10 years automatic relaxation in the age. Copy of initial Appointment to Civil Posts (Relaxation of Upper Age Limits) Rules, 2008 is enclosed as Annexure C.

6. That the appellant has already rendered three years continuous government service in the Agriculture Department, D.I.Khan; therefore, according to Rule 3 ibid, the appellant was entitled to 10 years automatic age relaxation in the upper age limit on the closing date of applications.
7. That after his appointment the appellant has been serving on the post of Field Assistant and respondent No.4 sought required relaxation from the respondent No.2; however, vide letter dated 30.9.2015, the Secretary Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa Peshawar directed to process the case of appellant in view of the Rule 5 of ibid Rules. Copy of letter dated 30.9.2015 is enclosed as Annexure D.
8. **That** dissatisfied of the inaction on the part of Department to delay in finalizing the case of age relaxation of appellant, the appellant having left with no other efficacious remedy, seek interference of Peshawar High Court, D.I.Khan Bench in the matter for redressal of his grievance, whereby vide order dated 28.10.2021, it was held that:-

The respondent No. 4 (District Director Agriculture (Extension), D.I.Khan present in Court, produced copy of office order dated 17.12.2015, whereby the office order dated 11.2.2015 to the extent of appellant/appellant has been cancelled. In such view of the matter, the learned counsel for the appellant/appellant requested for withdrawal of the instant petition in order to approach the proper forum. Order accordingly.

Copies of impugned office order dated 17.12.2015, W.P No. 833-D/2020 and order dated 28.10.2021 passed by Hon'ble Peshawar High Court, D.I.Khan Bench, are enclosed as Annexure E, F & G.

9. That accordingly the appellant resorted to the Director General, Agriculture (Extension) Khyber Pakhtunkhwa Peshawar (Respondent No. 3) by way of departmental appeal against the order dated 17.12.2015 and thereby sought to declare the impugned order dated 17.12.2015 to the extent of appellant as illegal, without lawful authority, malafide and be set aside the

same. The Departmental appeal dated 03.11.2021 remains unanswered till filing of the instant appeal due to inaction on the part of respondents. Copy of Departmental appeal dated 03.11.2021 is enclosed as (Annexure-H)

10. That disgruntled of the impugned order dated 17.12.2015 whereby the office order dated 11.02.2015 to the extent of appellant has been cancelled which is based on malafide result of improper exercise of official authority, the appellant approaches this Honourable Tribunal for redressal of his grievance on inter-alia the following grounds.

G R O U N D S

- a. That the inaction of respondents to cancel the office order dated 11.02.2015 is based on mala-fide result of improper exercise of official authority and having no binding effect upon rights of the appellant accrued to him by dint of his eligibility, appointment and past government service.
- b. That the appellant has past three years continuous service in the Agriculture Department D.I.Khan, coupled with the fact that there were three posts of Field Assistant upon which two other successful candidates were appointed and for the third post besides appellant there was no eligible candidate. In this regard letter dated 08.10.2015 of the respondent No.4 is very much relevant and self-explanatory. Thus, the appellant is entitled to the grant of required age relaxation in view of his previous three years continuous government service. Copy of letter dated 08.10.2015 is enclosed as Annexure I.
- c. That according to Rule-6 of 'Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008' "Age relaxation in respect of overage candidates shall be sought prior to their "appointment". Whereas, at the

2

time of appointment of appellant, respondent No.4 impliedly granted 10 years' automatic age relaxation due to his previous service and thereby appointed appellant on the post of Field Assistant. Now at this stage, after the appointment of appellant, Department are having no lawful authority to raise objection on the age of appellant.

- d. That the date of birth of appellant is 10.02.1975, the closing date for applications as mentioned in the Advertisement was 02.02.2015; and thus on the closing date of applications, the age of appellant was 39 years and 357 days i.e. approximately 40 years. Whereas, as per advertisement, the required age limit for the post of Field Assistant was 30 years; in this way the appellant was 09 years and 357 days over age. However, according to Rule 3 of Khyber Pakhtunkhwa 'Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008' Government Servants who have completed 2 years continuous service are entitled to 10 years automatic relaxation in the age. Thus, the age of appellant is required to be relaxed in view of his past service and Department are having no lawful authority to delay the rights of appellant.
- e. That the impugned transfer order dated 17.12.2015 has been issued against the Rule-6 of 'Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008' and therefore the same is having no legal sanctity and no worth to be maintained.
- f. That public officers and public functionaries are bound to obey the law Rules procedure and being a public servant they are required to serve the public and it is not in their duties to in sheer violation of the law and Rules as per their own whims. Impugned office order dated 17.12.2015 is therefore nullity in the eye of law and rights of appellant are required to be protected from 'Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008'.
- g. Counsel of the appellant may please be allowed to raise additional grounds at the time of arguments.

Dated: ___/___/2022

It is therefore, most humbly prayed that Service Appeal may please be allowed as prayed in the prayer clause of the instant Appeal.

Waqar Hussain

Yours humble appellant
Through Counsel



Ahmad Ali Khan
Advocate, Supreme Court

Dated 7/9/2022



Khalid Mehmood Sagar
Advocate, D.I.Khan

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

Service Appeal No. _____ of 2022

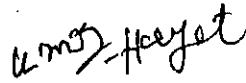
Umar Hayat Appellant

Versus


Government of K.P.K through
Secretary Agriculture
Department, Peshawar and others Respondents

CERTIFICATE

Certified that this is first appeal involving the instant subject matter and that the appellant has not filed any other appeal earlier in this Honorable Tribunal regarding the above stated controversy.



Appellant
Through Counsel



Ahmad Ali Khan
Advocate Supreme Court



Khalid Mehmood Sagar
Advocate, D.I.Khan

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

Service Appeal No. _____ of 2022

Umar Hayat Appellant

Versus

Government of K.P.K through
Secretary Agriculture
Department, Peshawar and others Respondents

AFFIDAVIT

I, Umar Hayat, son of Sher Ali Khan, resident of Mohallah Hussain Zai, Tehsil Kulachi, District D.I.Khan, the appellant, do hereby solemnly affirm and declare on oath:-

1. That accompanying service appeal has been drafted by my Counsel following my instructions
2. That all para wise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

Dated:- 7/2/2022

Umar Hayat

Deponent

[Signature]
9/2/22

10

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

Service Appeal No. _____ of 2022

Umar Hayat Appellant

Versus

Government of K.P.K through
Secretary Agriculture
Department, Peshawar and others Respondents

MEMO OF ADDRESSES OF THE PARTIES

APPELLANT

Umar Hayat, son of Sher Ali Khan, resident of Mohallah Hussain
Zai, Tehsil Kulachi, District D.I.Khan

RESPONDENTS

1. **Government of Khyber Pakhtunkhwa** through Secretary
Agriculture, Livestock and Co-operative Department,
Peshawar
2. **Secretary**, Agriculture, Livestock and Co-operative
Department, Khyber Pakhtunkhwa, Peshawar.
3. **Director General** Agriculture (Extension), Khyber
Pakhtunkhwa, Peshawar.
4. **District Director Agriculture** (Extension), Bannu Road
D.I.Khan.
5. **Establishment Assistant**, Headquarter, Dera Ismail
Khan.
6. **District Comptroller of Accounts/D.A.O.** D.I.Khan.

Dated: 7/2/2022


Counsel for appellant



Annex (A) 11

**OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE
EXTENSION DERA ISMAIL KHAN**

Phone & Fax: 0966-731399

E-mail: karimnawaz46@gmail.com



OFFICE ORDER:

Consequent upon the recommendation of Departmental Promotion/ Selection Committee the following named below are hereby appointed as Field Assistants B.P.S.9 (Rs. 6200-380-17600) plus usual allowances as admissible under the rules against an existing vacancies in the office of undersigned on the following grounds.

- Ghulam Mujtaba S/o Ghulam Murtaza R/o Mohallah Ibrahim Zai, Tehsil Kulachi, District Dera Ismail Khan
- Muhammad Ismail S/o Imtiaz Khan R/o Mohallah Zarni Khel, Tehsil Kulachi, District Dera Ismail Khan.
- Umar Hayyat S/o Sher Ali Khan R/o Mohallah Hussain Zai, Tehsil Kulachi, District Dera Ismail Khan

1. Their services in the Agriculture Department are purely temporary and can be terminated at any time without assigning any reason.
2. The offer is subject to the condition that they are domiciled of Dera Ismail Khan.
3. They will have to join duty at their own expenses.
4. They will have to produce Health and Age Certificate from the Medical Superintendent, District Headquarter Hospital, Dera Ismail Khan.
5. In case they wishes to resign at any time Fourteen (14) days notice will be necessary or in lieu thereof Fourteen days salary will be forfeited.
6. They will be governed the such rules and orders relating to leave, T.A., Medical Allowances, Pay etc as may be issued by the Govt. from the category of Govt. Servant to which they belongs.

Attested

(Sd/-)

KARIM NAWAZ BALOCH
District Director Agriculture
Dera Ismail Khan

No. 628-82 /DDA

Dated 11 / 2 / 2015

Copy to the:

1. Ghulam Mujtaba S/o Ghulam Murtaza R/o Mohallah Ibrahim Zai, Tehsil Kulachi, District Dera Ismail Khan for information and compliance.
2. Muhammad Ismail S/o Imtiaz Khan R/o Mohallah Zarni Khel, Tehsil Kulachi, District Dera Ismail Khan for information and compliance.
3. Umar Hayyat S/o Sher Ali Khan R/o Mohallah Hussain Zai, Tehsil Kulachi, District Dera Ismail Khan for information and compliance.
4. District Accounts Officer, Dera Ismail Khan
5. Establishment Assistant Headquarter, D.I.Khan For information and further necessary action.

Attested

District Director Agriculture
Dera Ismail Khan

15

پاکستان کے شمالی اڑیسہ اور جنوبی اڑیسہ کے درمیان اشتہار کے 16 دن کے اندر دفتر میں کئی کے ساتھ جملے ہوں گے۔ اگر آپ کو اشتہار کے بارے میں پتہ چلے گا تو آپ کو مطلع کیا جائے گا۔

نمبر	نام	مقام	تعداد
1	شیرانی	چوکھار	1
2	گھمبار	چوکھار	1
3	غور خان	چوکھار	1

دوسرے اشتہار کے بارے میں (قرآن کریم) کو ہدایت

0. تک پہنچ آئی

INF(P)267

دوختی اشتہار

مگر دراصل (شعبہ سٹیج) طبع اور اسما کیل خان میں روزانہ ذیل خالی آسامیوں کو پر کرنے کیلئے تیار ہونے والے اشتہار کے بارے میں جاننا چاہتے ہیں۔

نام آسامی	تعداد آسامی	مکان	تعمیراتی قابلیت
ایڈیشن	5	5	AT1 چاروں طرف سے مائلڈ پور مہلت لینے
			اسٹینڈ 30 سال
			اسٹینڈ اور AT1 سے مشورہ 16 کنڈیشنز کو

مشاورت و ضوابط

تمام اہل امیدوار اپنی درخواستیں سارے کاغذ پر تحریر کریں اور ایک عدد کاپی فراہم کرنی چاہئے۔

تمام درخواستیں مورخہ 2 فروری 2015 تک دفتر کی اوقات کار کے دوران ہی جمع کرنی چاہئیں۔

تمام درخواستیں مورخہ 9 فروری 2015 تک دفتر میں جمع کرنی چاہئیں۔

تمام درخواستیں مورخہ 9 فروری 2015 تک دفتر میں جمع کرنی چاہئیں۔

www.khyberpakhtunkhwa.gov.pk

0966-731399

INF(P)265

OFFICE

See for the p

S.No.	1
	2

04-02-workir

earne Senio with c. Tax re indicate TI mentlor order an Tender

Attested

Attested

MEDICAL CERTIFICATE

Name of Official Umar Hayyat

Caste or race Hussain Zai

Father s Name Sher Ali Khan

Resident of Mohallah Hussain Zai Tehsil Kulachi Distt: DIKhan

Date of Birth 10-02-1975 (12102-9463316-9)

Exact height by measurement (5'-09")

Personal mark of Identification Wound Scar on Leg

Signature of Official Umar Hayyat

Signature of Head of Office _____

Seal of Office _____

Attested
3/3

I do hereby certify that I have examined Umar Hayyat

a candidate for employment in the office of the: Agriculture Deptt: and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except Nil I do not consider this as disqualified for employment in the office of the Agriculture Deptt:/her age according to his/her own statement 10 Years & 14 Days appearance his/her age is about 10 Years & 14 Days.



LEFT HAND THUMB AND FINGER

IMPRESSION: 24/02/2015

Kamran
MEDICAL SUPERINTENDENT
D.H.Q. HOSPITAL DIKhan
D.H.Q.T, Hospital
Dera Ismail Khan

Attested
[Signature]

Annex (B)

(14)



**OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE
EXTENSION DERA ISMAIL KHAN**

Phone & Fax: 0966-731399 E-Mail karimnawaz46@gmail.com



OFFICE ORDER

Mr. Umer Hayat-II, Field Assistant is hereby transferred from Govt. Seed Farm, Ratta Kulachi, D.I. Khan to Agriculture Officer, Kulachi (Looni) with immediate effect in the interest of public service.

Sd/- (KARIM NAWAZ)
DISTRICT DIRECTOR AGRICULTURE,
DERA ISMAIL KHAN.

Endst. No. 1683-86 /D.D. Agri; Dated D.I. Khan the 1/4 /2015

Copy to:-

1. The Dy: Director Farm, Govt. Seed Farm, Ratta Kulachi, D.I. Khan.
2. The Incharge Agriculture Officer, Kulachi.
3. Mr. Umer Hayat-II, Field Assistant C/o GSF, Ratta Kulachi D.I. Khan for information and compliance.
4. Establishment Clerk of this Office, D.I. Khan. For information and further necessary action.

Annex 3/31

1/4/15

Attested

DISTRICT DIRECTOR AGRICULTURE,
DERA ISMAIL KHAN.

15



**OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE
EXTENSION DERA ISMAIL KHAN**

Phone & Fax:0966-731399 E-Mail karimnawaz46@qmail.com



OFFICE ORDER

The following Field Assistants are hereby directed to perform their duties under mentioned places with immediate effect in the interest of public service.

S.No	Name of official	Place of posting
1	Mr.Muhammad Ismail, Field Assistant	Govt. Fruit Nursery Farm, D.I.Khan.
2	Mr.Umer Hayat, Field Assistant	Govt. Seed Farm, Ratta Kulachi
3	Mr.Ghulam Mujtaba, Field Assistant	Govt. Fruit Nursery Farm, D.I.Khan.

Sd/-(KARIM NAWAZ)
DISTRICT DIRECTOR AGRICULTURE,
DERA ISMAIL KHAN.

Endst.No. 885-90 /D.D.Agric; Dated D.I.Khan the 25-2 /2015

Copy to:-

- 1-3) All Concerned Field Assistant for information and compliance.
- 4) The Dy:Director Farm, GSF, Ratta Kulachi for information.
- 5) The Incharge, Govt. Fruit Nursery Farm, D.I.Khan for information.
- 6) Establishment Clerk of this Office, D.I.Khan:

DISTRICT DIRECTOR AGRICULTURE,
DERA ISMAIL KHAN.

Attested
*

AGRIC
9/1

2/10/15

Annex C

16



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

Dated Peshawar the 01st March, 2008

NOTIFICATION

No. SOE-III(E&AD)2-1/2007 - In pursuance of the powers granted under Section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act XVIII of 1973), the competent authority is pleased to make the following rules, namely:

PART - I - GENERAL

1. (1) These rules may be called the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008.

(2) These shall come into force with immediate effect.

2. (1) Nothing in these rules shall apply to the appointment in BS-17 to be filled through the competitive examination of the Public Service Commission, in which case two years' optimum relaxation shall be allowed to:

- a) Government servants with a minimum of 2 years' continuous service;
- b) Disabled persons; and
- c) Candidates from backward areas.

(2) For appointment to the post of Civil Judge-cum-Judicial Magistrate/Illaqa Qazi, the period which a Barrister or an Advocate of the High Court and / or the Courts subordinate thereto or a Pleader has practiced in the Bar, shall be excluded for the purpose of upper age limit subject to a maximum period of two years from his / her age.

Annex B

PART - II - GENERAL RELAXATION

3. Maximum age limit as prescribed in the recruitment rules shall be relaxed in respect of the candidates mentioned in column (2) below to the extent mentioned against each under column (3):

Sl. No.	Category of candidates	Age relaxation admissible
1	2	3
i.	Government Servants who have completed 2 years' continuous service	Upto 10 years automatic relaxation
ii.	Candidates belonging to backward areas as specified in the Appendix attached herewith.	3 years automatic relaxation

Sub-rule (2) added vide Notification No. SOE-III(E&AD)2-1/2007, dated 03rd September, 2008.

Attested
*

THE NWFP INITIAL APPOINTMENT TO CIVIL POSTS (RELAXATION OF UPPER AGE LIMIT)
RULES, 2008 - Updated till 10th January, 2009

17

iii.	General candidates	Upto 2 years by the appointing authority and exceeding 2 years upto 6 years by the Establishment Department
iv.	Widow, son or daughter of a deceased civil servant who died during service	Discretion of the appointing authority
v.	Disabled persons	10 years automatic relaxation

4. A candidate shall only be allowed relaxation in age in one of the categories specified in rule 3;

Provided that the candidates from backward areas, in addition to automatic relaxation of three years under category (ii) specified in rule 3, shall be entitled to one of the relaxations available to Government servants; general or disabled candidates, whichever is relevant and applicable to them.

5. The age relaxation under category (iii) specified in rule 3, shall be subject to: (a) full justification in support of the proposal; and (b) a certificate to the effect that no eligible candidates within the prescribed age limits are/were available. The certificate shall be provided by the concerned Departments.

6. Age relaxation in respect of overage candidates shall be sought prior to their appointment.

7. For the purposes of these rules, age of a candidate shall be calculated from the closing date of submission of applications for a particular post.

8. The cases of age relaxations, beyond the competence of Administrative Departments, shall be sent to the Establishment Department through the Administrative Department concerned.

9. All existing instructions, relating to age relaxation, issued from time to time shall stand superseded.

CHIEF SECRETARY,
Government of the
North West Frontier Province.

Attested
X

Attested
W



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

NO.SOE(AD)2(2)250/2014/Age
Dated Peshawar, the 30-9-2015

Anex
D
18

To

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

SUBJECT:- AGE RELAXATION.

p-63/c

I am directed to refer to your letter No. 18298 dated 17-9-2015 on the subject cited above and to stat that, the case may be examined in light of rule-5 of the Age Relaxation Policy circulated vide Government of Khyber Pakhtunkhwa Establishment & Administration Department notification dated 1-3-2008.

CC:-

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

PS to Secretary Agriculture.

(Signature)
SECTION OFFICER-ESTT:

Alleged

Attested
(Signature)



**OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE
EXTENSION DERA ISMAIL KHAN**

Phone & Fax: 0966-731399 E-Mail karimnawaz46@gmail.com



OFFICE ORDER:

Consequent upon the non-provision/ submission of Age Relaxation Certificate as required in the appointment of Mr. Umar Hayyat (newly appointed Field Assistant), the Office Order issued vide this office No. 678-82/DDA dated 11.02.2015 partially withdrawn and cancelled only in favour of Mr. Umar Hayyat (newly appointed Field Assistant) with retrospective effect in the interest of public service.

Sd/-
KARIM NAWAZ BALOCH
District Director Agriculture
Dera Ismail Khan

No. 5462-65 /DDA

Dated 17 / 12 / 2015

Copy to the:

1. Director General Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar in continuation to this office No. 5357/DDA dated 07.12.2015 for information.
2. Mr. Umar Hayyat S/o Sher Khan R/o Tehsil Kulachi, Dera Ismail Khan for information and compliance.
3. District Accounts Officer, Dera Ismail Khan with reference to this office Order No. and dated quoted above for information.
4. Establishment Assistant, Headquarter, Dera Ismail Khan for information and further necessary action.

District Director Agriculture
Dera Ismail Khan

17-12-15

ANUR

Annex (F)

20

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.**

Writ Petition No. _____ -D of 2020



Umar Hayat son of Sher Ali Khan, resident of Mohallah Hussain Zai,
Tehsil Kulachi, District D.I.Khan.

(Petitioner)

VERSUS

Filed 10/11/20
Asst. Registrar
5/10/20

1. Government of Khyber Pakhtunkhwa, through Secretary Agriculture, Livestock and Co-operative Department, Peshawar
2. Secretary, Agriculture, Livestock and Co-operative Department, Khyber Pakhtunkhwa, Peshawar.
3. Director General Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
4. District Director Agriculture (Extension), Bannu Road D.I.Khan.
5. District Comptroller of Accounts/D.A.O. D.I.Khan.

(Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.**

Respectfully Sheweth,

1. That the petitioner is permanent resident of District D.I.Khan and addresses of parties are given above are correct and sufficient for the purpose of service. Copies of the CNIC and Domicile Certificate of petitioner are enclosed as Annexure A.

ATTESTED

EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

04-11-2021

2. That the petitioner is having 'Two Years Field Assistant Training Course' with Matric and 'Six months condensed Training Course Examination for Field Assistant. Copies of the Professional and academic testimonials of petitioner are enclosed as Annexure B.
3. That respondents through an advertisement, placed in the national dailies, invited applications from interested candidates for appointment on the vacancies of 'Field Assistant'. Copy of the Advertisement is enclosed as Annexure C.
4. That the petitioner being eligible, applied for the post of Field Assistant in response to the advertisement; and after holding Test, Interview etc, the petitioner along with others was appointed as 'Field Assistant' BPS-9 vide Office Order bearing No.678-82/DDA dated 11.02.2015 (Annexure D).
5. That the petitioner, thereafter, obtained Medical Fitness Certificate (Annexure E) and then submitted his arrival Report; where-after vide Office Order bearing Endst. No.885-90/D.D.Agri: dated 25.02.2015 (Annexure F-1) the petitioner was posted at Govt. Seed Farm, Ratta Kulachi; and then transferred to Agriculture Office, Kulachi (Looni) vide Office Order bearing Endst. No.1683-86/D.D.Agri. dated 01.04.2015 (Annexure F-2).
6. That in the past, petitioner was appointed as Field Assistant on Contract Fixed Salary in the 'Crop Maximization Project-II, D.I.Khan' under the Agriculture Department, Govt. of KPK, for a period of three years; and in this regard copies of appointment letter

(22)

of petitioner and Experience Certificate are enclosed as Annexure G & H respectively.

7. That, the date of birth of petitioner is 10.02.1975, the closing date for submission of applications as mentioned in the Advertisement was 02.02.2015; and thus on the closing date of applications, the age of petitioner was 39^{Years}—357^{Days} i.e. approximately 40 years. Whereas, as per advertisement, the required age limit for the post of Field Assistant was 30 years; in this way the petitioner was 09^{Years}—357^{Days} over age. However, according to Rule 3 of Khyber Pakhtunkhwa 'Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008' Government Servants who have completed 2 years continuous government service are entitled to 10 years automatic relaxation in the age. Copy of the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008' is enclosed as Annexure I.

8. That the petitioner has already rendered three years continuous government service in the Agriculture Department, D.I.Khan; therefore, according to Rule 3 ibid, the petitioner was entitled to 10 years automatic age relaxation in the upper age limit on the closing date of applications.

9. That after his appointment the petitioner has been serving on the post of Field Assistant and respondent No.4 sought required relaxation from the respondent No.2; however, vide letter dated

Filed today
 02/02/2015
 Aggr. Registrar
 5/10/2015

[Handwritten signature]

ATTESTED
[Handwritten signature]

EXAMINOR
 Peshawar High Court Bench,
 Dera Ismail Khan

04-11-2021

23


30.09.2015 (Annexure J) the respondent No.2 directed to process the case of petitioner in view of the Rule-5 of ibid Rules.

10. That the respondent No.4 vide letter No.5206/DDA dated 08.10.2015 (Annexure K) submitted the case of petitioner in view of the Rule 5 of ibid Rules. However, no response as to the relaxation of his upper age limit received to the petitioner. Therefore, the petitioner filed a Writ Petition No. 154-D/2017 (Annexure L) before this Honourable Court seeking the relaxation in his upper age limit. This Honourable Court vide order dated 14.01.2019 (Annexure M) was pleased to treat the said writ petition as departmental representation and directed the Department to decide the fate of same within a month. But till date respondents have not considered the said representation of petitioner. Thus, the case of the age relaxation of petitioner is pending since long.

11. That aggrieved of the delay in finalizing the case of age relaxation of petitioner, the petitioner has been left with no other remedy but to invoke constitutional jurisdiction of this Honourable Court seeking relaxation in his upper age limit on, inter alia, the following grounds:

GROUND:

- 1)- That the inaction of respondents in granting required age relaxation to the petitioner, is based on mala-fide result of improper exercise of official authority and having no binding effect upon rights of the

ATTESTED

 EXAMINOR
 Peshawar High Court Bench,
 Dera Ismail Khan
 04-11-2021

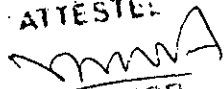
24

petitioner accrued to him by dint of his eligibility, appointment and past government service.

ii)- That the issue of age relaxation is a pre-service matter and it operates before the appointment of a civil servant. The age relaxation cannot be linked with the terms and conditions of service as terms and conditions came in field when a civil servant is appointed and takes salaries. Whereas, in the present case, after his appointment, the petitioner is not being accepted into Civil Service being over-age; thus, the matter does not relate to the terms & condition of service. Hence, petitioner has genuine grievance to file present Writ Petition which is competent in its present form.

iii)- That the petitioner has past three years continuous service in the Agriculture Department D.I.Khan, coupled with the fact that three were three posts of Field Assistant upon which two other successful candidates were appointed and for the third post besides petitioner there was no eligible candidate. In this regard letter dated 08.10.2015 of the respondent No.4 (Annexure K) is very much relevant and self-explanatory. Thus, the petitioner is entitled to the grant of required age relaxation in view of his previous three years continuous government service.

iv)- That according to Rule-6 of 'Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008' "Age relaxation in respect of overage candidates shall be sought prior to their

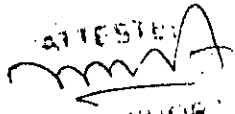
ATTESTED:

 EXAMINOR
 Peshawar High Court Bench,
 Dera Ismail Khan
 04/11/2020

appointment". Whereas, at the time of appointment of petitioner, respondent No.4 impliedly granted 10 years' automatic age relaxation due to his previous service and thereby appointed petitioner on the post of Field Assistant. Now at this stage, after the appointment of petitioner, respondents are having no lawful authority to raise objection on the age of petitioner or to refuse the release of his monthly salaries.

- v)- That, the date of birth of petitioner is 10.02.1975, the closing date for applications as mentioned in the Advertisement was 02.02.2015; and thus on the closing date of applications, the age of petitioner was 39^{Years}—357^{Days} i.e. approximately 40 years.

Whereas, as per advertisement, the required age limit for the post of Field Assistant was 30 years; in this way the petitioner was 09^{Years}—357^{Days} over age. However, according to Rule 3 of Khyber Pakhtunkhwa 'Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008' Government Servants who have completed 2 years continuous service are entitled to 10 years automatic relaxation in the age. Thus, the age of petitioner is required to be relaxed in view of his past service and respondents are having no lawful authority to delay the rights of petitioner.

- vi)- That the petitioner has been serving the department without salary but despite passing of two years, respondents have not yet finalized the age relaxation case of petitioner. Hence, a great injustice has been done to the petitioner.

ATTESTED

 EXAMINOR
 Pesnawar High Court Bench
 Dera Ismail Khan

04-11-2021

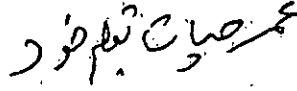
Filed today 23/10/20
 Addl. Registrar
 5/10/21



vii)- That the counsel for the petitioner may be allowed to raise additional grounds during the course of arguments.

It is, therefore, humbly prayed that on acceptance of present Writ Petition and by issuance an appropriate Writ, the required age relaxation may very graciously be granted to the petitioner and respondents may please be directed to forthwith release all the outstanding salaries of petitioner. It is further prayed that any other relief deemed appropriate in the given circumstances of case, may also be granted to the petitioner.

Yours Humble Petitioner



(Umar Hayat)
Through Counsel



AHMAD ALI
Advocate Supreme Court.

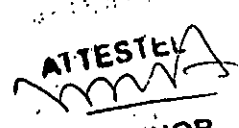


MISS SHUMAILA AWAN
Advocate High Court, D.I.Khan.

Dt. 12.10.2020

BOOKS REFERRED:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008

ATTESTED

 EXAMINOR
 Resnawar High Court Bench,
 Dera Ismail Khan
 04-11-2020


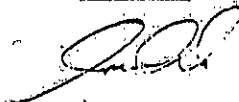
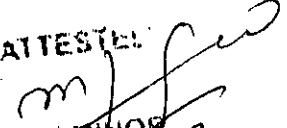
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27

PESHAWAR HIGH COURT, D.I. KHAN BENCH

FORM OF ORDER SHEET



Date of Order or Proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
28.10.2021	<p><u>W.P.No.833-D/2020 with C.M.No.980-D/2020.</u></p> <p><u>Present:</u> Mr. Ahmad Ali Khan, Advocate for the petitioner.</p> <p>Mr. Kamran Hayat Miankhel, Addl. A.G alongwith respondent No.4 in person.</p> <p>***</p> <p><u>ABDUL SHAKOOR, J.-</u> The respondent No.4, present in Court, produced copy of office order dated 17.12.2015, whereby the office order dated 11.02.2021 to the extent of petitioner has been cancelled. In such view of the matter, the learned counsel for the petitioner requested for withdrawal of the instant petition in order to approach the proper forum. Order accordingly.</p> <p><u>Announced.</u> <u>Dt: 28.10.2021.</u></p> <p style="text-align: right;">  JUDGE  JUDGE </p> <p style="text-align: right;"> ATTESTED:  EXAMINOR Peshawar High Court Bench, Dera Ismail Khan </p> <p style="text-align: right;">04-11-2021</p>

29/X

Habib

(DB)
Hon'ble Mr. Justice Abdul Shakoor
Hon'ble Mr. Justice Sahibzada Asadullah

3 For Insurance RGL53174719
Stamps affixed except in case of
insured letters of not more than
initial weight prescribed in the
Post Office Guide or on which no
acknowledgment is due.

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*Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.
Receiving Officer _____
Weight _____ (in words) _____
Insurance fee Rs. _____ Ps. _____
Name and address of sender _____

Office of the
Director General
of Inland
Fisheries
State

Amex (H)
(20)

To

Director General
Agriculture (Extension)
Khyber Pakhtunkhwa, Peshawar.

DEPARTMENTAL APPEAL AGAINST IMPUGNED ORDER
DATED 17.12.2015 WHEREBY THE OFFICE ORDER DATED
11.02.2015 TO THE EXTENT OF APPELLANT HAS BEEN
CANCELLED WHICH IS ILLEGAL, WITHOUT LAWFUL
AUTHORITY, MALA FIDE, UNFAIR, UNJUST AND BE
SET-ASIDE THE SAME.

PRAYERS

- TO DECLARE THE IMPUGNED ORDER DATED 17.12.2015 WHEREBY THE OFFICE ORDER DATED 11.02.2015 TO THE EXTENT OF APPELLANT HAS BEEN CANCELLED AS ILLEGAL, WITHOUT LAWFUL AUTHORITY WHICH IS BASED ON MALAFIDE RESULT OF IMPROPERLY EXERCISE OF OFFICIAL AUTHORITY AND THE SAME MAY PLEASE BE SET ASIDE IN THE INTEREST OF JUSTICE.
- TO ISSUE DIRECTIONS TO THE DISTRICT DIRECTOR AGRICULTURE, D.I.KHAN OR TO THE QUARTER CONCERNED. TO GRANT REQUIRED UPPER AGE RELAXATION TO THE APPELLANT AND SET ASIDE THE IMPUGNED ORDER DATED 17.12.2015.

Alkhan

Respected Sir,

The appellant humbly submits as under:-

1. That the appellant is having 'Two Years Field Assistant Training Course' with Matric and 'Six months condensed Training Course Examination for Field Assistant.

2. That respondents through an advertisement, placed in the national dailies, invited application from interest candidates for appointment on vacancies of Field Assistant. In consequent, thereof, the appellant being eligible, applied for the post of Field Assistant in response to the advertisement; and after holding Test, Interview etc, the appellant along with others was appointed as 'Field Assistant' BPS-9 vide Office Order bearing No.678-82/DDA dated 11.02.2015.

3. That the appellant, thereafter, obtained Medical Fitness Certificate and then submitted his arrival Report, where-after vide Office Order bearing Endst. No.885-90/D.D.Aagri: dated 25.02.2015, the appellant was posted at Govt. Seed Farm, Ratta Kulachi and then transferred to Agriculture Office, Kulachi (Looni) vide Office Order bearing Endst. No.1683-86/D.D.Aagri. dated 01.04.2015.

4. That in the past, appellant was appointed as Field Assistant on Contract Fixed Salary in the 'Crop Maximization Project-II, D.I.Khan' under the Agriculture Department, Govt. of KPK, for a period of three years.

Aug 2015

5. That the date of birth of appellant is 10.02.1975, the closing date for submission of applications as mentioned in the Advertisement was 02.02.2015; and thus on the closing date of applications, the age of appellant was 39 years and 357 days i.e approximately 40 years. Whereas, as per advertisement, the required age limit for the post of Field Assistant was 30 years; in this way the appellant was 09 years 357 days over age. However, according to Rule 3 of Khyber Pakhtunkhwa 'initial appointment to Civil Posts (Relaxation of Upper Age Limits) Rules, 2008 Government Servants who have completed 02 years continuous government service are entitled to 10 years automatic relaxation in the age. Copy of initial Appointment to Civil Posts (Relaxation of Upper Age Limits) Rules, 2008 is attached herewith.

6. That the appellant has already rendered three years continuous government service in the Agriculture Department, D.I.Khan; therefore, according to Rule 3 ibid, the appellant was entitled to 10 years automatic age relaxation in the upper age limit on the closing date of applications.

7. That after his appointment the appellant has been serving on the post of Field Assistant and respondent No.4 sought required relaxation from the respondent No.2; however, vide letter dated 30.9.2015, the Secretary Agriculture, Livestock and Cooperative Department, Khyber

Pakbtunkhwa Peshawar directed to process the case of appellant in view of the Rule 5 of ibid Rules.

8. That dissatisfied of the inaction on the part of Department to delay in finalizing the case of age relaxation of appellant, the appellant having left with no other efficacious remedy, seek interference of Peshawar High Court, D.I.Khan Bench in the matter for redressal of his grievance, whereby it was held that:-

The respondent No. 4 (District Director Agriculture (Extension), D.I.Khan present in Court, produced copy of office order dated 17.12.2015, whereby the office order dated 11.2.2015 to the extent of appellant/appellant has been cancelled. In such view of the matter, the learned counsel for the appellant/appellant requested for withdrawal of the instant petition in order to approach the proper forum. Order accordingly.

Copy of the order passed by Hon'ble Peshawar High Court, D.I.Khan Bench, is attached herewith.

9. That as earlier discussed here-in-above, the inaction of Department in granting required age relaxation to the appellant, is based on mala-fide result of improper exercise of official authority and having no binding effect upon rights of the appellant accrued to him by dint of his eligibility, appointment and past government service.
10. That the appellant has past three years continuous service in the Agriculture Department D.I.Khan, coupled with the fact that three were three posts of Field Assistant upon which two other successful candidates were appointed and for the third post besides appellant there was no eligible candidate. In this regard letter dated 08.10.2015 of the respondent No.4 is very much relevant and self-explanatory. Thus, the appellant is entitled to the grant of required age relaxation in view of his previous three years continuous government service.
11. That according to Rule-6 of 'Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008' "Age relaxation in respect of overage candidates shall be sought prior to their "appointment". Whereas, at the time of appointment of appellant, respondent No.4 implicitly granted 10 years' automatic age relaxation due to his previous service and thereby appointed appellant on the post of Field Assistant.

APL:CD

Now at this stage, after the appointment of appellant, Department are having no lawful authority to raise objection on the age of appellant.

- 12. That the date of birth of appellant is 10.02.1975, the closing date for applications as mentioned in the Advertisement was 02.02.2015; and thus on the closing date of applications, the age of appellant was 39 years and 357 days i.e. approximately 40 years. Whereas, as per advertisement, the required age limit for the post of Field Assistant was 30 years; in this way the appellant was 09 years and 357 days over age. However, according to Rule 3 of Khyber Pakhtunkhwa 'Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008' Government Servants who have completed 2 years continuous service are entitled to 10 years automatic relaxation in the age. Thus, the age of appellant is required to be relaxed in view of his past service and Department are having no lawful authority to delay the rights of appellant.

Albana 3

In view of the above made submissions, it is very humbly requested that on gracious acceptance of the instant departmental appeal to declare the decision/impugned office order dated 17.12.2015 whereby the office order dated 11.02.2015 to the extent of appellant has been cancelled issued by District Director Agriculture (Extension), D.I.Khan as illegal, without lawful authority which is based on malafide result of improperly exercise of official authority and the same may please be set aside in the interest of justice.

It is further prayed that to issue directions to the District Director Agriculture (Extension), D.I.Khan or to the quarter concerned to grant required upper age relaxation to the appellant and set aside the impugned order dated 17.12.2015.

Dated:- 3/11/2021

Your Humble Appellant

Umar Hayat

Umar Hayat
Son of Sher Ali Khan
resident of Mohallah Hussain Zai
Tehsil Kulachi, D.I.Khan

OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE
(EXTENSION), DERA ISMAIL KHAN

AD 24 (II)
33

No. 5206/DDA

Dated 8/10/2015

To


The Director General Agriculture
Extension, Khyber Pakhtunkhwa
Peshawar.

Subject: AGE RELAXATION.

Memo:

In continuation to this office No. 2156/DDA dated 29.04.2015 & your office No. 18299/DGA (E) and S.O. (Establishment) Govt. KPK Agriculture, Livestock and Cooperation Department No. SOE (AD) 2 (2)250/2014/Age dated 30.09.2015 address to you and copy thereof Endst. to this office.

It is submitted that Mr. Umar Hayyat S/o Sher Ali Khan R/o. Tehsil Kulachi, District Dera Ismail Khan being eligible and fulfill the requisite conditions, the Selection Committee justified and recommended for the appointment as Field Assistant on the basis of marks awarded to him in written test / Interview + F.A. Training Diploma and 3 years services rendered in Crop Maximization Project, D.I. Khan


District Director Agriculture
(Extension) Dera Ismail Khan

Attested



41/10/15

کورٹ
 فیس

حساب سروس فریڈل جی آر گواہ لیکچر اور
 محاسب
 طرحیں ت نام گوہر گھٹیا ۲۲۸ ۲۲۸
 سروس فریڈل
 دعویٰ یا جرم
 تفصیل دعویٰ یا جرم

باعث خرید آنکہ
 درہ اسمان
 مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات کی بنا پر پیشی یا تصفیہ مقدمہ بنام
 امیر علی خان ایڈووکیٹس کورٹ / صلاحیت اور الزامات
 کو حسب ذیل شرائط پر مکمل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بزرگیہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت تیار رہے جانے مقدمہ مکمل صاحب
 موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
 موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز مکمل صاحب موصوف صدر مقام کچہری کے علاوہ یا کچہری کے اقتدار سے پہلے یا پیچھے یا بروز تعطیل
 بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام کچہری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے یا پیچھے پیش ہونے
 پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا ضمانت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ
 کو اس ساقبت پر واختم صاحب موصوف مکمل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اس کے ذمہ
 نظر ثانی اپیل گرانٹی و ہرجم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا ثالثی نامہ و فیصلہ برحالیف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے
 تاریخ پیشی مقدمہ مقرر بیرون از کچہری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و گرانٹی و برآمدگی مقدمہ یا منسوخی ذمہ کی ایک طرفہ یا درخواست حکم انشائی یا قرقی
 یا گرانٹی اپیل از فیصلہ اجراء ذمہ بھی صاحب موصوف کو بشرط ادائیگی عینہ عینہ بیرونی کا اختیار ہو گا اور تمام ساقبت پرداخت صاحب موصوف مکمل کردہ
 از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی
 اپیل گرانٹی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے مکمل یا بزرگیہ کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی بر امر میں دی اور دینے
 اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التواہ پڑے گا وہ صاحب موصوف کا حق ہو گا مگر
 صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پوری نہ کریں اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ 7 مارچ 1977ء
 منضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

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Amir - Hayat