

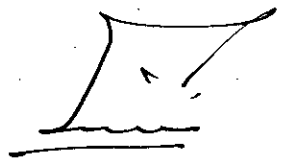
17.02.2023

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

The appeal in hand was fixed for 07.12.2022, however order sheet of the said date has not been recorded in the instant appeal. The order sheet of 07.12.2022 recorded in the connected Service Appeal 1172/2016 would show that the appeal in hand was misplaced and a detailed order of the bench headed by worthy Chairman has been recorded in the connected service appeal mentioned above. In view of the same, the appeal in hand alongwith connected appeal may be fixed for arguments before the DB on 29.03.2023.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

29th Mar, 2023

Clerk of learned counsel for the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel seeks adjournment on the ground that learned counsel was busy before the Service Tribunal Camp Court Abbottabad. Last chance is given to the appellant to argue the case on the next date. To come up for arguments on 12.06.2023 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar


(Salah Ud Din)
Member (Judicial)


(Kalim Arshad Khan)
Chairman


29.06.2022

Learned counsel for the appellant present. Mr. Touheed Iqbal, Assistant Director (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Additional Advocate General requested for adjournment on the ground that brief of the instant appeal has been misplaced. Adjourned. To come up for arguments on 06.10.2022 before the D.B.



(Rozina Rehman)
Member (J)

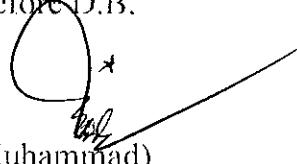


(Salah-ud-Din)
Member (J)

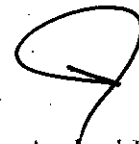
06.10.2022

Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Junior to counsel for the appellant requested for adjournment on the ground that his senior counsel is not available today. Adjourned. To come up for arguments on 07.12.2022 before D.B.



(Mian Muhammad)
Member (E)



(Kalim Arshad Khan)
Chairman

28.12.2021

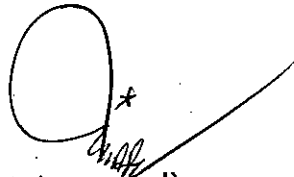
Due to Winter Vacations, the case is adjourned to 15.4.2022 for the same as before.


READER

15.04.2022

Nemo for the appellant present. Mr. Riaz Khan Paindakhel, Asst: AG alongwith Mr. Touheed Iqbal, AD for respondents present.

Previous date was changed on Reader note, therefore, notice of prosecution of appeal be issued to the appellant as well as his counsel through registered post. Adjourned and to come up for arguments before the D.B on 16.05.2022



(Mian Muhammad)
Member(E)

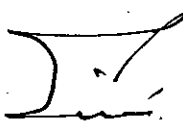

(Salah Ud Din)
Member(J)

16.05.2022

Mr. Taimur Ali Khan, Advocate learned counsel for the appellant present. Mr. Toheed Iqbal AD (litigation) alongwith Mr. Kabir Ullah Khattak Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments on 29.06.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah-Ud-Din)
Member (J)

13.01.2021

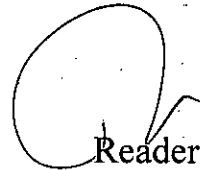
Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Due to COVID-19, the case is adjourned for the same on 20.04.2021 before D.B.


READER

20.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 12.08.2021 for the same as before.



Reader

12.08.2021

Nemo for appellant.

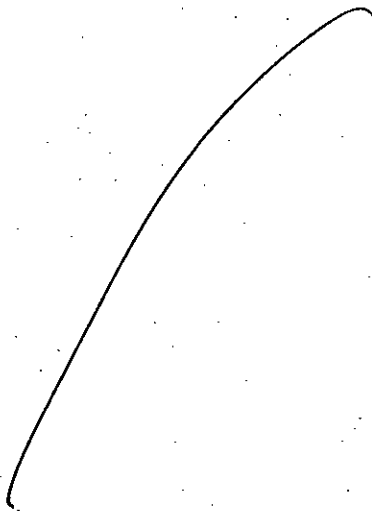
Asif Masood Ali Shah learned D.D.A for respondents present.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 29.12.2021 for arguments before D.B.

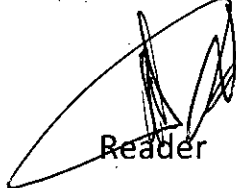

(Rozina Rehman)
Member (J)


Chairman

Asif Masood Ali Shah
13/12/21

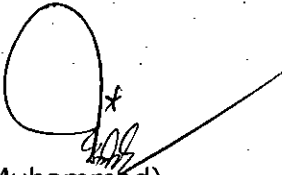


27.08.2020 Due to summer vacation, the case is adjourned to
03.11.2020 for the same as before.


Reader

03.11.2020 Junior to counsel for the appellant and Addl. AG
alongwith Tuheed Iqbal, AD for the respondents present.

The Bar is observing general strike, therefore, the
matter is adjourned to 13.01.2021 for hearing before the
D.B.


(Mian Muhammad)
Member


Chairman

27.01.2020

Junior to counsel for the appellant and Addl. AG alongwith Attaur Rahman, Inspector (Legal) for the respondents present.

Due to general strike on the call of K.P Bar Council, instant appeal is adjourned to 26.03.2020 for arguments before the D.B.


Member


Member

26.03.2020


Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 15.06.2020 before D.B.


Reader

15.06.2020


Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Toheed Iqbal Assistant Director for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.08.2020 before D.B.



(Rozina Rehman)
Member


(M.Amin Khan Kundi)
Member

08.07.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Mr. Hazrat Shah, Supdt for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 30.08.2019 before D.B.

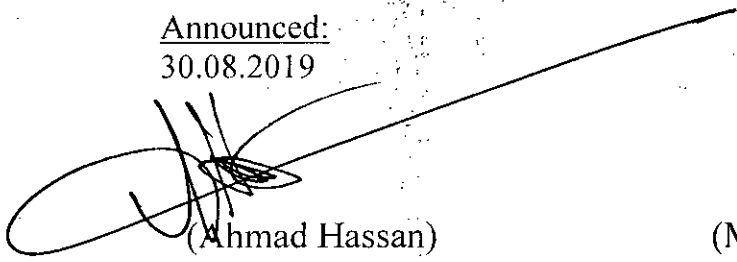

Member



Member

30.08.2019

None for the appellant present. Mr. Ziaullah, DDA for respondents present. Called for several times but no one appeared on behalf of the appellant, therefore, the appeal in hand is hereby dismissed in default. No order as to costs. File be consigned to the record room.

Announced:
30.08.2019



(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

27.11.2019

Vide order of today i.e. 27.11.2019 passed in ~~Service~~ restoration application No.337/2019, the present service appeal has been restored. To come up for further proceedings/arguments on 27.01.2020 before D.B.

Member


Member

26.10.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on 11.12.2018 before D.B.



Chairman

11.12.2018

Junior to counsel for the appellant and Muhammad Jan, DDA for respondents present. The Worthy Chairman is on leave, therefore, case is adjourned to 31.01.2019 for arguments before the D.B.



Member

31.1.2019

Counsel for the appellant and Mr. Muhammad Riaz Paindakhel, Asstt. AG alongwith Muhammad Ilyas Statistician for the respondents present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. Adjourned to 22.04.2019 before the D.B.



Member



Chairman

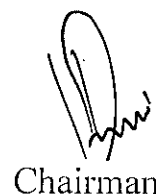
22.04.2019

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Asstt. AG for the respondents present. Learned counsel for the appellant requests for adjournment as instant matter was not noted in his diary for today.

Adjourned to 08.07.2019 before D.B.



Member



Chairman


25.05.2018

Clerk of the counsel for appellant and Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 27.07.2018 before D.B.


(M. Amin Khan Kundi)
Member

27.07.2018


Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Waseem Khan S.O litigation for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 19.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member


19.09.2018

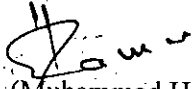
Mr. Taimur Ali Khan, junior counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 26.10.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

8, 10.07.2017 Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondents present. Counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 10.11.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

10.11.2017

Junior counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Junior counsel for the appellant submitted rejoinder requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 19.01.2018 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

19.01.2018


Clerk to counsel for the appellant and Mr. Zia Ullah, Learned Deputy District Attorney for the respondents present. Clerk of the counsel seeks adjournment as counsel for the appellant is not available. Adjourned. To come up for arguments on 26.03.2018 before D.B.



(Gul Zeb Khan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

26.03.2018

Junior to counsel for the appellant and Mr. Usman Ghani, learned District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourn. To come up for arguments on 25.05.2018 before D.B.


(Muhammad Amin Kundi)


(Muhammad Hamid Mughal)


20.03.2017

Counsel for the appellant and Mr. Tariq Khan (Stenographer) alongwith Add: AG for the respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 18.04.2017 before S.B.


Chairman

18.04.2017.

Counsel for the appellant and Mr. Fakhru Islam, SO (Litigation) alongwith Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 17.05.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

17.05.2017

Counsel for the appellant and Mr. Muhammad Ilyas, Statistical Officer alongwith Addl. AG for the respondents present. Written reply submitted. To come up for rejoinder and arguments on 10.07.2017 before D.B.


(Ahmad Hassan)
Member

11.01.2017

Learned counsel for the appellant argued that the appellant is serving as Director General Agriculture Research Institute, Peshawar. That he is entitled to promotion to BPS-20 w.e.f. the year 2011 but till date not promoted despite seniority-cum-fitness constraining the appellant to prefer departmental appeal on 15.09.2016 which was not responded and hence the instant service appeal on 29.12.2016.

That the appellant is entitled to promotion to BPS-20 against a vacancy available in the department since 2011 to which the appellant was entitled on the basis of promotion.


Appellant Deposited
Security & Process Fee

Points raised need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents. To come up for written reply/comments on 15.02.2017 before S.B.


Chairman

15.02.2017

Counsel for the appellant and Mr. Tariqullah, Stenographer alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 20.03.2017 before S.B.

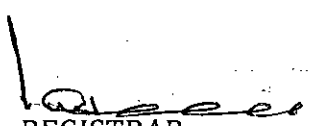


(AHMAD HASSAN)

MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1262/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29/12/2016 SCANNED KPST Peshawar	The appeal of Dr. Nazir Hussain Shah presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR
2-	9-1-2017	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11-01-2017</u>  CHAIRMAN

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

Appeal No. 1262 /2016

Dr. Nazir Hussain Shah

V/S

Agriculture Department.

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of seniority list.	- A -	05
3.	Copy of C.V	- B -	06-14
4.	Copy of order 18.3.2011	- C -	15
5.	Copy of order 23.4.2013	- D -	16
6.	Copy of order 16.10.2014	- E -	17
7.	Copy of Rules.	- F -	18 -21
8.	Copy of departmental appeal	- G -	22 -24
9.	Instructions.	-H-	25
10.	Vakalat nama	---	26

THROUGH:

APPELLANT

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)

ASC

&

Taimur Ali Khan
(TAIMUR ALI KHAN)

&

**(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR.**

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Appeal NO. 1262/2016.

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1323

Dated 29-12-2016

Dr. Nazir Hussain Shah,
Director General, Agriculture Research,
Peshawar.....Appellant.

VERSUS

- 1- The Govt: of KPK Through the Chief Secretary KPK Civil Secretariat Peshawar.
- 2- The Secretary Agriculture Deptt: Civil Secretariat Peshawar.
- 3- The Secretary Establishment Civil Secretariat Peshawar.
- 4- The Secretary Finance Deptt: KPK Peshawar.

.....Respondents.

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL FOR DIRECTING THE RESPONDENTS TO CONSIDER THE APPELLANT FOR REGULAR PROMOTION TO BPS-20 W.E.FROM AVAILABILITY OF POST (2011) BEING ELIGIBLE AND SENIOR MOST BPS-19 OFFICER AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD.

Filed to-day

[Signature]
Registrar

29/12/16

PRAYER:

That on acceptance of this appeal the respondents may be directed to consider the appellant for promotion to BPS-20 being senior most eligible officer from the date of availability of post (2011) with all back and consequential benefits. Further prayed that in case of retirement of appellant during pendency of appeal, then the appellant may be given the benefits of proforma / notional promotion to BPS-20 with pensionary benefits of such grade. Any other remedy which this august Tribunal deems appropriate that may also be granted in favor of appellant.

R.SHEWETH.

- 1- That the appellant is the citizen of Pakistan and has every legal right duly protected under the law of the Land.
- 2- That the appellant joined the Agriculture Deptt: in the year 1979 in BPS-17 AS Research Officer. The appellant was later on granted BPS-18 in the year 1992 and was also promoted to the post of Director (BPS-20) on 01.12.2008. Besides this the appellant is at S.No.1 of the seniority list of BPS-19 officers. All dates are recorded in the seniority list the copy of which is attached as Annexure – A.
- 3- That the appellant, due to his excellent service record and achievements as well as more than 37 years service, has been posted against the vacant post of Director General (BPS-20) but on OPS. The appellant was posted as D.G Agriculture Research (BPS-20) on 18.03.2011, Director Agriculture Outreach (BPS-20) on 23.04.2013 and then again as D.G Agriculture Research (BPS-20) on 16.10.2014. All these postings were made on OPS basis because though the post of BPS-20 is vacant since 2011 but the Deptt: is not carrying out the process of PSB for the unknown reasons. Copies of C.V of appellant, & posting orders are attached as Annexure – B,C,D,&E.
- 4- That according to the Service Rules dated. 20.01.2014 the posts of BPS-20 , D.G Agriculture, Sr. Director ARI Tarnab & Sr. Director Outreach, are to be filled in as:

“By promotion on the basis of seniority cum fitness, from amongst the Director of Agriculture Research Institute, Director Station, Director Outreach, Director Soil & Plant Nutrition, Director Agri: Research(Planning), or principal Research Officer of Agri: Research System having 17 years service in BPS-17 and above + publication of at least 8 research papers.”

The Appellant is eligible for promotion in light of the rules, referred to above, and the posts are also available since 2011, but despite that respondents are not fulfilling their legal duty. Copy of rules is attached as Annexure – F.

- 5- That since the post of BPS-20 is available and vacant since 2011 as evident from the posting orders, therefore, the respondents are legally bound to convene the PSB meeting to determine the fitness of appellant along with other eligible officers for promotion to the post of BPS-20.

- 6- That despite of availability of post since 2011, the respondents are not fulfilling their legal duty, due to which the appellant is being deprived from his due right of promotion. Thus having no other remedy, the appellant is constrained to file this appeal after exhausting departmental remedy and wait till expiry of statutory period on the following grounds amongst the others. Copy of appeal is attached as Annexure – G.

GROUND:

- A- That not considering the appellant for promotion to the post of BPS-20 despite being senior most & eligible officer and despite of availability of post ,as per Rules by the respondents amounts to not fulfilling the legal duty and keeping the appellant deprive from his legal rights. Thus the inaction and attitude of the respondents is not tenable under the law.
- B- That the respondents are under legal obligation to place the case of appellant's promotion before the PSB which is competent forum for determination of fitness & suitability, but the respondents are totally failed in performing their legal duty which also affects the service rights of the appellant.
- C- That the respondents have turned deaf ear to the genuine request of appellant and even not decided his appeal within statutory period of ninety days which is a clear violation of the Hon'able Apex Court's judgment reported as 2011 SCMR-01.
- D- That the respondents under the law cannot keep the post of BPS-20 vacant for unlimited period or till the arrival of their blue eyed person, which is also in violation of Govt: own instructions given in Estta Code, that appointment on current charge, acting charge or Additional charge cannot be given for more than six months, but despite such instruction, respondents are not placing the promotion case of appellant before competent PSB. Copy of instructions is attached as Annexure – H.
- E- That the respondents are continuously violating the mandate of the law and rules and section -9 of the Civil Servants Act, 1973 which is not permissible under the law.

- F- That there is no specific order regarding stoppage of promotion of appellant, therefore it is the legal right of appellant to be considered for promotion to BPS-20 from the date of availability of post with all back and consequential benefits.
- G- That the appellant has not been dealt with in accordance with the law and rules and arbitrarily deprived from rights of promotion which is the violation of Article 2-A, 4, 9, 25 of the Constitution of Pakistan, 1973.
- H- That due to inaction on the part of respondents the appellant has been continuously suffering because the appellant has been kept deprived from the benefits of promotion in an arbitrary and fanciful manner.
- I- That the appellant seeks permission of this august Tribunal to advance other grounds and proofs at the time of hearing.

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

APPELLANT

Nazir Hussain Shah
Dr. Nazir Hussain Shah

THROUGH:

M. Asif Yousafzai
M. ASIF YOUSAFZAI
ASC
Taimur Ali Khan
(TAIMUR ALI KHAN)

&

(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR.

NO-79-PROVY Dds ^A

TENTATIVE SENIORITY LIST OF SCIENTISTS IN BS-19
OF AGRICULTURAL RESEARCH SYSTEM KHYBER PAKHTUNKHWA.

S.No.	Name & Academic Qualification	Date of Birth/ Domicile	Date of 1st entry into Govt. Service	Regular Appointment/promotion to the present post			Present posting	Date of retirement	Remarks
				Date	BPS	Methods of recruitment			
1	2	3	4	5	6	7	8	9	10
1	Dr. Nazeer Hussain Shah M.Sc Hons Agri Ph.D USA	12.03.1957 D.I.Khan	26.12.1979 Regular	26.12.1979 30.05.1992 25.11.2008	BS-17 BS-18 BS-19	By initial recruitment By initial recruitment By promotion	Director General Agricultural Research	11.03.2017	By promotion
2	Dr. AbdulLatif M.Sc Hons Agri Ph.D UK	04.02.1963 Bannu	01.02.1989 Regular	01.02.1989 28.06.1994 09.02.2010	BS-17 BS-18 BS-19	By initial recruitment By initial recruitment By promotion	Senior Director Outreach	03.02.2023	By promotion
3	Dr. Naveed Akhtar M.Sc Hons Agri Ph.D UK	15.04.1962 Peshawar	29.07.1987 Regular	29.07.1987 28.06.1994 09.02.2010	BS-17 BS-18 BS-19	By initial recruitment By initial recruitment By promotion	Senior Director, ARI, Tarnab, Peshawar	14.04.2022	By promotion

Reference to the Director General, Khyber Pakhtunkhwa office letter # 8022/Est/DGAR, dated 10/06/2016.

The following few lines are hereby quoted for your kind information:-

- There is no problem (in the Rules or by any person of the Department) in the Seniority of Serial # 1 in the said draft Tentative Seniority List of BS-19 Officers of Agriculture Research Department.
- Mr. Imran Ali, Research Officer, ARI-Tarnab, Peshawar and others have challenge the seniority issue regarding Serial # 2 & 3 and the case is under judicial consideration in the Supreme Court of Pakistan (Copy attached for ready reference).

Imran Ali
Chairman Seniority Committee
Senior Research Officer (Vegetable)
ARI-Tarnab, Peshawar

DUARAH
Adl

ATTESTED

2/1/16

B
6

CURRICULUM VITAE

1. Name : Dr. Nazeer Hussain Shah
2. Father's Name : Asghar Ali Shah
3. Date of Birth : 12-03-1957
4. Domicile : D.I.Khan
5. Nationality : Pakistan
6. Martial Status : Married
7. Religion : Islam
8. Permanent Address : Bara House, Tarnab Peshawar
9. Present Address : Directorate of Outreach, Agricultural Research,
The University of Agriculture Peshawar Pakistan
10. Date of Joining Service: 26-12-1979
11. Service Group : Cereal Crops
12. Present Position : Senior Director Outreach, Agricultural Research,
Khyber Pakhtunkhwa



13. EDUCATIONAL QUALIFICATIONS:

S. No.	Examination	Year	Division	Institute
1.	S.S.C	1972	First	G.H.S. No.2, D.I Khan/ BISE Peshawar
2.	F. Sc. Agriculture	1974	Second	Govt: Sci. & Agric College D.I. Khan / University of Peshawar.
3.	B. Sc (Hons) Agriculture	1977	First	Faculty of Agriculture Gomal University D.I, Khan
4.	M. Sc. Agriculture	1980	First	Faculty of Agriculture / University of Peshawar.
5.	Ph.D. (KSU, KS, USA)	1991	--	Agronomy, KSU, USA.

14. DATE OF APPOINTMENT / PROMOTION:

S. No.	Name of Grade	Duration
1.	Research Officer (BPS-17)	26-12-79 to 30-05-1992 (12 Years & 6 months)
2.	Director (Acting / station)/ Agronomist / Wheat Botanist / SRO (BPS-18)	01-06-92 to 30-11-2008 (13 Years)
3.	Director Regular (BPS-19)	01-12-08 up to date (2 years & above)
4.	Director General, Agricultural Research (Own Pay Scale)	18-03-2011 to 23-03-2013 (about 2 years)
5.	Senior Director Outreach, Agricultural Research	24-04-2013 to date (Continue)

ATTESTED

A

15. RECORD OF POSITING / APPOINTMENTS:

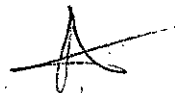
S. No.	Post Held	BP S.	Regular / Officiating /adhoc basis	Period	
1.	Research Officer ARI, D.I. Khan	17	Regular	12 years	6 months
2.	Director/ Incharge/ Agronomist ARS, Sarai Naurang	18	Regular	4 years	7 months
3.	Agronomist/ ARI, D.I. Khan	18	Regular	2 years	5 months
4.	Director (Acting / Agronomist ARI, D.I. Khan)	18	Regular	1 year	9 months
5.	S.R.O, PRC, Abbottabad	18	Regular	2 years	1 month
6.	Wheat Botanist/Cord: Front: Seed / P.I/ CCRI Pirsabak	18	Regular	3 years	6 months
7.	Director (Acting) ARI Baffa Mansehra	18	Regular	--	3 months
8.	Director (Acting) ARI Mingora	18	Regular	--	2 months
9.	Director ARI Mingora	19	Regular	1 year	1 month
10.	Director ARS Bam Khel Swabi	19	Regular	1 year	2 months
11.	Director General Agricultural Research (Own pay)	19	Regular	2 years	--
12.	Senior Director Outreach, Agricultural Research (own pay)	19	Regular	Continue	Continue

16. TRAINING COURSES ATTACHED:

a. Foreign

S. No.	Description	Institution	From	To
1.	Ph.D	KSU, KS, USA	1-1-1988	31-6-1991
2.	Annual Meeting of Physiologist	Toronto, Canada	1988	(1 Week)
3.	Annual Meeting of Agronomist	Dallas Texas	1990	(1 Week)

ATTESTED



b. In Country

S. No.	Description	Institution	From	To
1.	Training Workshop on Research Monitoring and Evaluation.	ARI, D.I. Khan	17-06-1995	21-06-1995
2.	Training Workshop on Methodology for Research priorities.	NWFP, Agricultural University Peshawar	23-10-1994	25-10-1994
3.	Training Workshop on PC Hardware Maintenance	Gomal University D.I Khan	16-04-1994	21-04-1994
4.	Workshop on Computer Applications	ARI, D.I Khan	01-01-1994	07-01-1994
5.	Training on 3 rd Short-term Programme on Soybean Sunflower and Repeseed Crop Production and protection.	ARI, D.I Khan	13-01-1993	15-01-1993
6.	Training on Statistical Procedures & Computer Applications.	ARI, D.I. Khan	23-05-1992	04-06-1992
7.	Role of Outreach, Research and extension in the transfer of Agriculture Technology to the farming community of NWFP	HARS, Abbottabad	29 th July, 2008	30 th July, 2008
8.	Emergency Response and Disaster Management for Government Line Agencies	CIDA, Mansehra-Pakistan	8 th August 2009	9 th August 2009

ATTESTED



ACHIEVEMENTS:

- Released three wheat varieties Pirsabak 2004, Pirsabak 2005 and Pirsabak 2008 from provincial seed council in 2004, 2005 and 2008 respectively.
- Served as applicant for three varieties of wheat. Naseer 2000, Raj 2000 & Haider 2000
- Served as applicant for two varieties of fruits, Stella and Galla Must.
- Served as an applicant, breeder of wheat and barley varieties 2011, 2012.
- Received Awards along with Cash Prize for outstanding performances/ Scientist for NWFP from Ministry of Food & Agriculture, Government of Pakistan in 2009.
- Managed to release 19 varieties in various crops and vegetables from Provincial Seed Council.
- Served as Pioneer in Physical Establishment of ARS Bamkhel Swabi.
- Served as Director ARI D.I Khan & Set new records with regards to production/income by 5 times in 1999-01.
- Served as Director (N) at ARI, Mingora during extremely hard period in the entire history of Swat.
- Prepared and assisted in preparation for 27 technical bulletins.
- Produced Thousands of tones of BNS, Pre-basic, basic & certified seed.
- Organized dozens field days/workshops of international status for tech: transfer and feed back.
- Worked with hundreds of farmers for their up lift and increased their productivity.
- Managed as a team member to release three varieties i.e Shahkar CCRI 2013, Pirsabak 2013 and Barley 2013 from Provincial Seed Council held on 05-03-2013.
- Assisted Government and supervised Agriculture Research System and boosted physical income, technical research activities and socio-economic uplift of the farmers of Khyber Pakhtunkhwa.

ATTESTED

A

17. PUBLICATION:

1. **Nazeer Hussain Shah** and G.M Pausen. Response of Wheat to Combined High Temperature and Osmotic Stress During Maturation, I Plant Photosynthesis and Productivity. Pakistan Journal of Biological Sciences. 2(4): 1286-1291, 1991.
2. **Nazeer Hussain Shah**, Muhammad Jamal, Gul Hassan and Mohammad Yaqoob. Effect of Method of Sowing and Cultural Practices on Maize. Sarhad Journal of Agricultural Sciences. 15(4) 247-249, 1999.
3. **Nazeer Hussain Shah** and G.M Pausen. Response of Wheat to Combined High Temperature and Osmotic Stress During Maturation, II. Plant Water Relation, Pakistan Journal of Biological Sciences. 3 (10): 1639-1643. 2000.
4. **Nazeer Hussain Shah**, Gul Hassan, Ijaz Ahmad Khan and Abdul Azim. Management of Grassy and Broadleaf Weeds in Potato in the Hilly Areas of Pakistan. Pak. J. weed Sci. Res. 9(1-2): 111-16, 2003.
5. Muhammad Yaqoob, **Nazeer Hussain Shah**, Bashir Ahmad and Gul Hassan. Genetic Variability Exists in Mung Bean (*Vigna Rediata* L.) Wilczek. Journal of Pure and Applied Sciences. 13(1): 9-14.
6. Gul Hussun, **Nazeer Hussain Shah**, Ghulam Sarvar and Inayatullah Awan. Geometrical Planting Studies in Upland Cotton under D. I. Khan condition. Gomal University Journal of Research. 5(1&2) 1-6, 1985.
7. Gul Hassan, Muddasar Qurashi, **Nazeer Hussain Shah** and Inayat Ullah Awan. Performance of Six Rice Cultivars under Direct Wet Seeded Condition of Dera Ismail Khan. Pakistan Journal of Biological Sciences. 2 (4) 1504-1506, 1999.
8. Muhammad Hamayun, Gul Hassan, Bahadur Marwat and **Nazeer Hussain Shah**. Effect of Different Herbicides on Controlling Weeds and their Effects on Yield and Yield Components of Edible. Pak, J. weed Science. Res. 9 (1-2): 81-87, 2003.
9. Muhammad Yaqoob, Gul Hassan, Ghulam Mohammad and **Nazeer Hussain Shah**. Combining Ability Studies for Some Quality Traits in Cotton (*Gossypium hirsutum* L.). Journal of Pure and Applied Sciences. 16(1): 47-50. 1997.
10. F. Subhan, A. Nazir, M. Anwar, **Nazeer Hussain Shah**, M. Siddiq, I. Ali, J. Rehman, and T. Sajjad. 2004. Response of Newly Developed Wheat Cultivars/ Advance Lines to Planting Dates in the Central Agro-Ecological Zones of NWFP. Asian Journal of Plant Sciences. (3): 87-90. 2004.
11. Allah Baksh Khan, B.H. Shah, M.B. Ahmad & **Nazeer Hussain Shah**. Yield Constraint Research on Rice in Dera Ismail Khan Published in Rice Research and Production in Pakistan PP-59-68, 1985. Proceeding of fifth National Seminar on Rice Research and Production held at Kala Shah Kaku Pakistan April 25-27, 1985.

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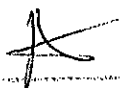
12. Inayatullah Awan, Hamid Ullah Khan Alizai, **Nazeer Hussain Shah** and Patch Muhammad Chaudhry. Conventional and Chemical Control in Transplanted Rice. Pak. J. Weed Sci: Res. 4 (2) 1991.
13. Inayatullah Awan, Faizullah Khan, Ghulam Abass, **Nazeer Hussain Shah** and Ahmad Nawaz. Chemical Vs. Manual Wheat Control in Wheat Crop. Gomal University Journal of Res.6 (1&2): 15-19, 1986.
14. Mohammad Jamal, M. Shafi Nazir, Nazir Ahmad, Shamshad Hussain Shah and **Nazeer Hussain Shah**. Wheat Yield Components as Affected by Low Water Stress at Different Growth Stages. Effect on Ear Length, Grain Weight and Number of Grain Ear⁻¹. Sarhad Journal of Agricultural Research, Volume 12 (1)1996.
15. Zarai Dad Khan, Rahim Jan Khan and **Nazeer Hussain Shah**. Morphological Characteristics, Yield and Yield Components of Ber Cultivars (Zizyphus Jujuba Mill under Bannu Condition). Journal of Agricultural Research, 34 (4-5): 325-330, 1996.
16. Mohammad Riaz Khalil, Naqibullah Khan, Mohammad Yaqoob, **Nazeer Hussain Shah** and Gul Hassan. Control of Downy Mildew [pseudo personapora cubensis (berk & curt) rostow] of emlon (Cucumismelo) with different fungicides. Pakistan Journal of Phytopathal 4(1-2) 50-53, 1992.
17. **Nazeer Hussain Shah**, Gul Hassan, Saad-ur-Rehman, Nazir Ahmad and Fazle Subhan. Weed Management In Wheat On Farmers Field of DASP Command Area Pak J. Weed Sci Res 10 (1-2): 25-32, 2001.
18. Muhammad Bashir Ahmad, Muhammad Younis, **Nazeer Hussain Shah** and Muhammad Yaqoob. Economics of Phosphorus Application for Cotton in NWFP. Gomal University Journal 14, (1 A): 27-31 1996.
19. Azim. H., Habib-ur-Rehman and **Nazeer Hussain Shah** on Farm Soil Test. Values of Agricultural soils of Bannu Division Published in Proceedings of 5th National Congress of Soil Science 23-25 October, 1994 at NWFP Agricultural University Peshawar, abstract in Pakistan Soils: Problem and management Soil Science Society of Pakistan.
20. **Nazeer Hussain Shah** and G.M Paulsen. Interaction of Drought & High Temperature on Photosynthesis & Grain Filling of Wheat. Plant and Soil. 257:219-236, 2003.
21. Tahir Sajjad, Abdul Azim, Muhammad Siddiq, Manzoor Akbar, Zubair Shah, Kamal Khan, Fazli Subhan, and **Nazeer Hussain Shah**. 2004. Screening of Sub-tropical Maize Germplasm from CIMMYT, Mexico for Desirable Traits and its Implication in Indigenous Maize Breeding Programme. Asian Journal of Plant Sciences. 3 (2): 163-166, 2004.
22. **Nazeer Hussain Shah** and G.M Paulsen. Injury to Photosynthesis and Productivity from Interaction between High Temperature and Drought during Maturation of Wheat Accepted in Asian Journal of Plant Sciences. 4(1): 67-74, 2005.

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23. Mohammad Khan, **Nazeer Hussain Shah**, Gul Hassan, Habib Ullah, Nazir Ahmad and Zahoor-ul-Haq. An Approach to Find Effective and Economical Strategy for Controlling Weeds In Wheat In NWFP. Pak J. Weed Sci. Res. 11(1-2): 37-41. 2005.
24. **Nazoor Hussain Shah**, Habib Ullah, Nazir Ahmad and Inamullah. Effect of Different Method of Weed Control on the Yield and Yield Components of Wheat. Pak J. Weed Sci. Res. 11(3-4): 97-101, 2005.
25. **Nazeer Hussain Shah**, Muhammad Khan, Muhammad Siddiq, Inamullah Khan, Imtiaz Ahmed, Saad-ur- Rehman and Nazir Ahmed. Pirsabak Barani-04: New Candidate Wheat Variety for Cultivation in the Province of NWFP. Asian Journal of Plant Sciences, 4 (6): 555-557, 2005 ISSN 1682-3974, 2005 Asian Network for Scientific Information.
26. Nazir Ahmad, **Nazeer Hussain Shah**, Habib Ullah, and Fateh Ullah Khan. Effect of Different Seed Rates, Sowing Dates and Weed Control on Grain Yield of Wheat. Pak. J Weed Sci. Res. 11(3-4): 109 -113, 2005.
27. **Nazeer Hussain Shah**, Inamullah Khan and Fateh Ullah Khan. Screening and Evaluation of the CIMMYT Germplasm for Yield and Disease Resistance and its Implication, Indigenous Wheat Breeding Program. Asian Journal of Plant Sciences 5(1): 76-80, 2006.
28. Habibullah, **Nazeer Hussain Shah**, Nazir Ahmad and Faiq Iqbal. Response of Rice Varieties to Various Transplanting Dates. Pak J. Pl. Sci. 13(1): 1-4, 2007.
29. **Nazeer Hussain Shah**, Inamullah Khan, Gul Hassan and Fateh Ullah Khan. Role of Intensive Management of Wheat in Poverty Alleviation of NWFP, Pakistan. Asian Journal of Plant Sciences. 5 (2): 190-192, 2006.
30. **Nazeer Hussain Shah**, Muhammad Khan, Inam-ullah, Imtiaz Ahmad, Saad-ur-Rehman, Nazir Ahmad, Muhammad Saddiq and Fateh Ullah Khan. Pirsabak-04, A New Wheat Variety for Normal & Late Cultivation in the North West Frontier Province of Pakistan. Asian Journal of Plant Sciences 5(2): 233-237, 2006.
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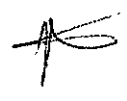


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33. **Nazeer Hussain Shah**, Inamullah Khan, Fateh Ullah Khan, Muhammad Siddiq, Imtiaz Ahmed, Saad-ur- Rehman and Nazir Ahmad. Pirsabak Barani-05, A New Wheat Variety for Cultivation in Rainfed Areas of NWFP, Pakistan. Asian Journal of Plant Sciences. 5 (3): 566-569, 2006 ISSN 1682-3974, 2006 Asian Network for Scientific Information.
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41. Saad-ur-Rehman, Shad K. Khalil, Abdur Rehman, Amanullah, Amir Z. Khan, **Nazeer Hussain Shah**. Micro-Watershed, Enhances Rain Water Use Efficiency, Phonology and Productivity of Wheat Under Rained Condition. Science & Tillage Research 104: 82-87, 2009.
42. Gul Hassan, Imtiaz Khan, Muhammad Azim Khan, **Nazeer Hussain Shah**, Munir Khan and Mian Liaqat Ullah. Weed Flora of ChickPea in District Lukky Marwat. Sarhad J. Agric. Vol 26(1): 79-86, 2010.
43. Mehboob Ahmad, Saleem Khan, Farhad Ahmad, **Nazeer Hussain Shah**. and Naveed Akhtar. Evaluation of 99 SI Lines of Maize for Inbreeding Depression. Pak J. Agri. Sci, Vol 47(3), 209-213 2010.
44. Muhammad Farooq Khalil, Gul Hassan, Zahid Hussain, **Nazeer Hussain Shah** and Muhammad Mumtaz Khan. Effect of individual and Tank Mixed Herbicides on Yield of Wheat Crop Pak J. Weed Sci, Res, 16(1): 89-96, 2010.

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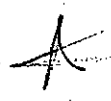


45. Nazeer Hussain Shah, Inamullah, Muhammad Siddiq, Imtiaz Ahmad and Saad-ur-Rehman. Pirsabak-2008, A New High Yielding Wheat Variety for Cultivation in Irrigated Tracks of NWFP, Pakistan. Sarhad J. Agric. 26(2), 213-220, 2010.
46. Akbar Khan, Abdul Bari, Sajid Khan, Nazeer Hussain Shah and Islam Zada. Performance of Cowpea Genotypes at Higher Altitude of NWFP. Pak J. of Bot., 42 (4): 2291-2296, 2010.

(Dr. Nazeer Hussain Shah)
Senior Director Outreach
Agricultural Research System
Khyber Pakhtunkhwa

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT**

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Dated Peshawar the 18th March 2011

NOTIFICATION

NO. SG(E-I)E&AD/9-118/2011. The competent authority is pleased to transfer Dr. Nazir Hussain-Shah (BS-19 Officer of Agriculture Department) Director, Agricultural Research Station, Bamkhel, Swabi and to post him as Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar in his own pay and scale, against the vacant post, in the public interest, with immediate effect.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Encl. NO. & date even

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Agriculture Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. Commissioner, Peshawar.
6. District Coordination Officer, Swabi
7. Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
8. Director Information, Khyber Pakhtunkhwa.
9. Director, Agricultural Research Station, Bamkhel, Swabi.
10. District Accounts Officer, Swabi.
11. PS to Chief Secretary, Khyber Pakhtunkhwa.
12. PS to Secretary Establishment E&AD.
13. Officer concerned.
14. Manager, Govt. Printing Press Peshawar.

Zubair Ahmad
(ZUBAIR AHMAD)

SECTION OFFICER (ESTT. I)
PH: & FAX# 091-9210529

44444444

No. 1145 / Estt/DGAR,

Dated 21/03 / 2011

Copy of the above is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officer, Sawabi
3. The Assistant Accounts Officer, Directorate General, Agric. Research Khyber Pakhtunkhwa, Peshawar.
4. The Cashier, Directorate General, Agric. Research Khyber Pakhtunkhwa, Peshawar,

for information and necessary action

AW 21/03
Adm. Officer (Estt.)
Directorate General.

ATTESTED

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TO BE SUBSTITUTED WITH THE NOTIFICATION BEARING SAME NO. AND DATE



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar, the April 23, 2013

NOTIFICATION

NO. SO(E-I)E&AD/9-118/2013. Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following officers of Agriculture Department, in the public interest, with immediate effect:-

SR.#	NAME OF OFFICER	FROM	TO
1.	Dr. Nazeer Hussain Shah (BS-19)	Director General, Agriculture Research, Khyber Pakhtunkhwa	Senior Director, Outreach Peshawar, in his own pay and scale, vice Sr. No. 2.
2.	Dr. Abdul Latif (BS-19)	Senior Director, Outreach Peshawar	Director General, Agriculture Research, Khyber Pakhtunkhwa, in his own pay & scale, vice Sr. No. 1.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. SO(E-I)E&AD/9-118/2013

Dated 30.4.2013

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department.
4. Divisional Commissioner, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General, Agriculture Research, Khyber Pakhtunkhwa
7. Senior Director, Outreach Peshawar
8. Director Information and Public Relations, Khyber Pakhtunkhwa.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary Establishment.
11. Officers concerned.
12. Manager, Govt. Printing Press Peshawar.

Syad M
AOR

ZIA UL HAQI
8/5

M/S R. K. R. J.

13/05

(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESTT. I)
PH: & FAX # 091-9210529

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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar, the October 16, 2014.

NOTIFICATION

NO. SO(E-I)E&AD/9-118/2014. Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following officers of Agriculture Department, in the public interest, with immediate effect:-

SR.#	NAME OF OFFICER	FROM	TO
1.	Dr. Nazeer Hussain (BS-19)	Senior Director, Outreach Peshawar	Director General, Agriculture Research, Khyber Pakhtunkhwa Peshawar, in his own pay and scale, vice Sr. No. 2.
2.	Dr. Abdul Latif (BS-19)	Director General, Agriculture Research, Khyber Pakhtunkhwa Peshawar.	Senior Director Outreach, Peshawar in his own pay and scale. Against the vacant post.
3.	Dr. Naveed Akhtar (BS-19)	Director Outreach, Directorate General Outreach Agriculture Research Khyber Pakhtunkhwa Peshawar.	Senior Director, Agriculture Research Institute, Tarnab, Peshawar, in his own pay and scale, against the vacant post.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst. Of even Number and date.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department.
4. Divisional Commissioner, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General, Agriculture Research, Khyber Pakhtunkhwa
7. Senior Director, Outreach Peshawar
8. Senior Director, Agriculture Research Institute, Tarnab, Peshawar.
9. Director Information and Public Relations, Khyber Pakhtunkhwa.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary Establishment.
12. Officers concerned.
13. Manager, Govt. Printing Press Peshawar.

Muhammad Javed Siddiqi
**(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESTT. I)
PH: & FAX # 091-9210529**

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

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Peshawar, dated the January 20, 2014

NOTIFICATION

No.SOE(AD)2(2)429/2011.- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all notifications issued in this behalf, the Agriculture, Livestock and Cooperation Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the appendix to this Notification, which shall be applicable to the posts mentioned in column 2 of the said Appendix in the Agriculture Research Wing of the Agriculture Department.

APPENDIX-A

S.NO	NOMENCLATURE OF THE POST	QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT	AGE LIMIT	METHOD OF RECRUITMENT
1.	2.	3.	4.	5.
1.	Director General, Agriculture Research Khyber Pakhtunkhwa, Senior Director, Agriculture Research Institute, Tarnab, (Peshawar) and Senior Director Outreach (BS-20)			By promotion, on the basis of seniority-cum-fitness, from amongst the Directors of Agri. Research Institute, Director Station, Director Outreach, Director Soil and Plant Nutrition, Director Agri. Research (Planning) or Principal Research Officer (BS-19) of Agriculture Research System, having: a) seventeen years service as Research Officer in BS-17 and above in research job; and, b) Publication of at least 8 Research papers on problems encountered in or relevant to the conditions in Khyber Pakhtunkhwa and of such a quality which have been used as reference by other research scientists of national and international repute.

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S.NO	NOMENCLATURE OF THE POST	QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT	AGE LIMIT	METHOD OF RECRUITMENT
1.	2.	3.	4.	5.
2.	Director Agri. Research Institute, Director Agriculture Research and Planning, Director Soil and Plant Nutrition, Director Station, Director Outreach and Principal Research Officer (BS-19)			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the, Deputy Director of Agriculture Research and Planning, Deputy Director Agriculture Research Monitoring & Evaluation, Deputy Directors Outreach (BS-18) of Agril: Research System and Senior Research Officers having:</p> <p>a) Twelve years' service as Research Officer in (BS-17) and above in research job; and</p> <p>b) Publication of at least 6 research papers on problems encountered in, or relevant to the conditions in Khyber Pakhtunkhwa and of such a quality which have been used as reference by other research scientists of national and international repute.</p>
3.	Senior Statistician (BS-19)	---		<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Statistician (BS-18) of Agril: Research System with twelve years service in performing Agriculture Research experiment and processing data there from.</p>
4.	Senior Research Officer, Deputy Director Agri. Research and Planning, Deputy Director Agri. Research (Monitoring & Evaluation), Deputy Director Outreach (BS-18)			<p>By promotion, from amongst the holders of the post of (BPS-17) of the Agri. Research System on the basis of overall seniority-cum-fitness, irrespective of Subject Group or specialization having:</p> <p>a) five years service Research Officer; and</p> <p>b) Publication of at least two research papers on problems encountered in, or relevant to, the conditions in Khyber Pakhtunkhwa and of such a quality which have been used as reference by other research scientists of national and international repute.</p>

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S.NO	NOMENCLATURE OF THE POST	QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT	AGE LIMIT	METHOD OF RECRUITMENT
1.	2.	3.	4.	5.
5.	Statistician (BS-18)			By promotion on the basis of seniority-cum-fitness from among the Addl. Statisticians (BS-17), in the Agriculture Research System having: a) Eight years service in planning, agricultural experiments and processing the data there from; and b) Master's Degree in Statistics or Mathematics or Economics with specialization in Statistics, from a recognized university.
6.	Research Officer (BPS-17)	2 nd class M.Sc/B.Sc (Hons.) Degree in Agriculture from a recognized University, under research programme in the subject relating to the subject groups as specified in Schedule (Appended to this notification) to which the vacancy occurs.	21 to 32 years	By initial recruitment.
7.	Additional Statistician (BS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Statisticians (BS-16), of the Agriculture Research System having: a) Five years service in planning agricultural experiments and processing data there from; and b) Master's Degree in Statistics or Mathematics or Economics with specialization in Statistics, from a recognized university.

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SCHEDULE

(Subject Groups)

- (a) Cereal Crops
(i) Maize (including Sorghum and Mallets).
(ii) Wheat (including Barley and Triticales)
(iii) Rice
- (b) Pulses and Legumes
Gram, Mong, Mash, Soyabean, Lentil.
- (c) Oilseeds
Mustard, Rape, Groundnut, Sunflower, Safflowers and Casterbean.
- (d) Sugar Crops
Sugarcane and Sugar beet
- (e) Vegetables
(i) Potato
(ii) Other vegetables
- (f) Horticulture
Fruit of all kinds
- (g) Miscellaneous Crops
Forage Crops Tobacco, Cotton, Jute etc.
- (h) Plant Pathology
- (i) Plant Physiology.
- (j) Entomology
- (k) Chemistry
(i) Soils
(ii) Bio-Chemistry
- (l) Food Technology
- (m) Agriculture Economics
- (n) Statistics.

SD/-
**SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA,
AGRICULTURE LIVESTOCK AND COOPERATIVE
DEPARTMENT**

Copy forwarded for information and necessary action to: -

1. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Law Department.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The All District Coordination Officers, Khyber Pakhtunkhwa.
6. The All District Officers (Agriculture), Khyber Pakhtunkhwa.
7. The Secretary to Governor, Khyber Pakhtunkhwa.
8. The PSO to Chief Minister, Khyber Pakhtunkhwa.
9. The PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. The PS to Additional Chief Secretary, FATA, Warsak Road, Peshawar.
11. The PS to Minister for Agriculture, Khyber Pakhtunkhwa.
12. The Director General, Agricultural (Research), Khyber Pakhtunkhwa, Peshawar
13. The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. He is requested that printed (preferable gazette) copies of the notification as and when published may be furnished to this Department, E&A and Law Department along with details of gazette in which is published.
14. PS to Secretary Agriculture.

ATTESTED

(Dr. Mir Ahmad Khan)
SECTION OFFICER-ESTT:

To

The Honourable Chief Secretary,
Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.

Through: **PROPER CHANNEL**

Subject: **Appeal for Consideration for Regular Promotion to
BPS-20 as Director General, Agricultural Research**

Sir,

Most profoundly, it is submitted that I have been working in the Agricultural Research System, Khyber Pakhtunkhwa and have 33 years service and presently working as Director General, Agricultural Research, Khyber Pakhtunkhwa since 18th March, 2011 in my own pay scale.

My name is on the top of the seniority list of BPS-19 officers and also has very good service record. The rules/criteria also favours me according to which the post of Director General (BPS-20) is to be filled-in:

- (a) "By selection on merit from amongst the holders of the posts of Director Research / Director Outreach (BS-19) having seventeen years experience on responsible research job; and
- (b) Publication of at-least 6 research papers on problems encountered in or relevant to the condition in North West Frontier Province and of such a quality which have been used as reference by other research scientists of national and international repute as per detail given below:
 - (i) Two research papers in BS-17
 - (ii) Two research papers in BP-18
 - (iii) Two research paper in BS-19 to be published in journal of National repute particularly in Pakistan Agricultural Research Council"

ATTESTED

[Handwritten Signature]

As there is no other senior most officers to be posted as Director General, Agricultural Research, therefore, the competent authority posted me as Director General Agricultural Research in my own pay scale and in the said capacity I have also completed about 2 years services and the record would show that my performance as Director General Research Agricultural Research remained extremely good.

The Rules-9-(1) of the Khyber Pakhtunkhwa Appointments, Promotions and Transfers Rules, 1989, also provides that "where the appointing authority considered it to be in the public interest to fill the post reserved under the rules for departmental promotion and the senior civil servant belonging to the cadre of service concerned who is otherwise eligible for promotion but does not possess the specified length of service, the authority may appoint him to that post on acting charge basis" whereas in my case I am not short of any length of service, rather, fulfill the criteria meant for regular promotion to BPS-20 as Director General.

The august Supreme Court of Pakistan is also held in the various judgments that the promotion should be made from the date of availability of the post on regular basis and the promotion cases should not be delayed un-necessarily by the concerned Government authorities.

The record shows that the post is available since 20.01.2011 because I have performing my duty in my own pay scale despite having eligibility and fulfilling the criteria for regular promotion. The own pay scale appointment also made me suffer a lot financial because having prospects and chance of regular promotion. I have been made to work against the post of Director General Research (BPS-20) on own pay and scale basis. The said suffering will make a lot of difference to my financial pension calculation too.

Posting of Junior Officers on Posts in Higher Scale

This Department's Circular letter No.SORI(S&GAD)1-29/75(A), dated 13.2.1993, on the subject noted above and to state that it has been noticed that certain Provincial Government Departments are resorting to the practice of posting officers in a lower scale on posts in higher scales. This practice is against the provisions of NWFP Civil Servants Act, 1973 and rules made thereunder as well as the instructions of the Establishment Division reproduced below:-

"The grant of higher appointments to junior officers against senior posts amounts to accelerated promotion in view of the decision given by the Supreme Court of Pakistan in the case of Government of Pakistan Versus Qazi Abdul Karim. The Ministries/Divisions or Provincial Governments can only fill vacancies in a particular grade by officers of the same grade, and officers in a junior grade will not be appointed against a vacancy in a higher grade".

2. It may be pointed out that in the light of rule 9 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the methods prescribed for posting a junior officer to a higher post are restricted to the following only:-

i) ACTING CHARGE APPOINTMENT AGAINST A HIGHER POST

Where the senior most officer in a cadre is otherwise fully eligible for promotion but does not possess the specified length of service, the competent authority may appoint him to the higher post on acting charge basis, but only on the recommendation of Departmental Promotion Committee/Selection Board and subject to the condition that such officer lacks the prescribed length of service not more than (one year).

ii) CURRENT CHARGE APPOINTMENT OF A HIGHER POST

Only the senior-most officer of a cadre can be given current charge appointment of a higher post with the approval of the competent authority. However, this can only be an arrangement upto a maximum of six months.

iii) ADDITIONAL CHARGE APPOINTMENT OF AN EQUIVALENT POST

An officer can be given the additional charge of a second post but only of a post in an equivalent grade, upto a period of six months by the competent authority.

3. Adherence to the above rules is a legal requirement so that the actions taken by officers are not held at any stage to be irregular. Also, appointments in violation of the rules constitute administrative indiscipline.

4. I am, therefore, directed to request that all such cases of irregular appointments be reviewed and ensure not to resort to such appointments that violate the provisions of the Civil Servants Act and the statutory rules framed thereunder.

5. I am further directed to request that these instructions may be brought to the notice of all concerned for strict compliance.

(Authority: Circular letter No.SORI(S&GAD)1-29/75(A), dated 5.7.1994).

ATTESTED



VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal, Peshawar

Dr. Nazir Hussain Shah (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Govt. of KPK etc (Respondent)
(Defendant)

I/We, Dr. Nazir Hussain Shah (Appellant)

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

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

Dated _____/20

Nazir Hussain
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.

Taimur Ali Khan
Taimur Ali Khan
Advocate High Court

Syed Nauman Ali Bukhari
Syed Nauman Ali Bukhari
Advocate

OFFICE:

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No.1262/2016

Dr.Nazeer Hussain Shah DG, Agriculture Research.....Appellant.

VS

1. The Government of Khyber Pakhtunkhwa through the Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. The Secretary Agriculture Department Civil Secretariat, Peshawar.
3. The Secretary Establishment Civil Secretariat Peshawar.
4. The Secretary Finance Department Khyber Pakhtunkhwa

.....Respondents

PRELIMINARY OBJECTIVE

1. The appeal is not mainatable in its present form.
2. The appellant has not approached the Hon'ble Service Tribunal with clean hands.
3. The appellant has no cause of action.
4. The appellants has not locus stadia.
5. That the appellant has been estopped by his own conduct to filed the appeal.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the appeal.

R.Sheweth

1. Correct

2. Correct-pertains to record.

3. Correct to the extent that the appellants was posted as Director General (BS-20) in own pay scale, Director Agriculture Outreach and again as Director General. Also all these posting were on own pay scale. The working papers of the appellant were forwarded to Establishment Department for promotion from BS-19 to BS-20 on 19.12.2012 (**Annex-I**). The Section Officer (PSB), Establishment Department returned the case with the observation that the case has been examined in Regulation wing and it was observed that the CPLA against the judgment of Service Tribunal dated 02.12.2009 (**Annex-II**) is still pending before the Supreme Court of Pakistan. Hence, the promotion case of BS-19 officers of Agriculture Research System to BS-20 on regular basis can't be considered till the final decision of August Court.

In pursuance of Section Officer (PSB), Establishment department the administrative department letter number dated 11.02.2013 this department, resubmitted the working paper for promotion of BS-19 officers to BS-20 posts of Research Wing Agriculture Department to Section Officer (PSB) on 20.02.2013 (**Annex-III**).

In light of the decision of Hon'ble Peshawar High Court Peshawar in the WP No. 465-P/2013 the administrative department submitted seven sets of working papers for promotion to the PSB on 24.07.2014 (**Annex-IV**).

The Establishment Department observed that the working papers does not reflect the present position of CPLA already filed in the Supreme Court of Pakistan and working paper and other documents were returned in original for doing the needful (**Annex-V**).

On 06.04.2015 status quo order was issued by the Hon'ble Service Tribunal Peshawar on all the promotion cases from BS-17 to BS-20 of Agriculture Research Khyber Pakhtunkhwa (**Annex-VI**).

Status quo was vacated by the Hon'ble Service Tribunal Peshawar on 01.03.2016 (**Annex-VII**).

A joint appeal was submitted by the appellant on 29.03.2016 for promotion from BS-19 to BS-20 (**Annex-VIII**).

This department asked the DG Agriculture Research for submission of PERS for the year ending 2015 and final seniority list as stood on 31.12.2015 (**Annex-IX**).

The DG Agriculture Research has submitted working papers for promotion on 26.12.2016 (**Annex-X**).

After doing the needful the working paper resubmitted to this department by the DG Agriculture Research on 18.01.2017 (**Annex-XI**).

On 09.02.2017 the working papers submitted to the Section Officer (PSB) for placement before the Provincial Selection Board (**Annex-XII**). So far as posting on OPS is concerned that cannot create rights for regular promotion.

4. Correct to the extent of Service Rules. The rest as explained above.
5. The case for promotion of BS-19 officers to BS-20 has already been forwarded to Establishment which also includes the appellants (**Annex-XIII**).
6. As explained vide para 3 ante.

Grounds:

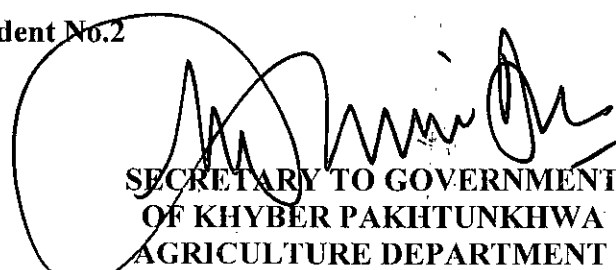
- A. Incorrect the impugned orders are in accordance with Law and Rules.
- B. Incorrect the respondents acted as per Law and Rules.
- C. As explained in para-03 ante
- D. The Administrative Department has no malafied intention. The case history has been explained in para-03 ante.
- E. As explained at Para-D of Grounds.
- F. Incorrect the act of respondents is in accordance with Law.
- G. Incorrect. The case has been dealt in accordance with law.
- H. Incorrect.
- I. No comments.

It is most humbly prayed that the instant appeal being devoid of merit may be dismissed.

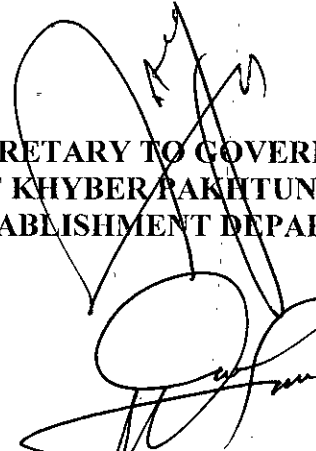
Respondent No.1


**CHIEF SECRETARY,
GOVERNMENT OF KHYBER PAKHTUNKHWA**

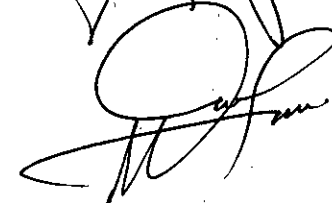
Respondent No.2


**SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
AGRICULTURE DEPARTMENT**

Respondent No.3


**SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT.**

Respondent No.3


**SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA,
FINANCE DEPARTMENT**



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

No.SOE(AD)V-7/2011
Date Peshawar the December 19, 2012

To

The Section Officer-PSB,
Government of Khyber Pakhtunkhwa,
Establishment Department

SUBJECT:- WORKING PAPER REGARDING PROMOTION OF (BS-19) OFFICERS TO (BS-20) POSTS OF RESEARCH WING AGRICULTURE DEPARTMENT

I am directed to enclose herewith seven sets of Working paper regarding promotion of the following BS-19 officers of Research Wing, Agriculture Department to (BS-20) duly signed for placement before the Provincial Selection Board:-

1. Dr.Nazeer Hussain Shah
2. Dr.Abdul Latif
3. Dr.Naveed Akhtar

Encl; As above

Endst. of even No. & Date.

Copy to the:

1. DGA (Research) Khyber Pakhtunkhwa Peshawar.
2. P.S to Secretary Agriculture department.

(MUHAMMAD SHERAZ)
SECTION OFFICER-ESTT:

SECTION OFFICER-ESTT:

Recd in subd
21-12-12
[Signature]

16

IMMEDIATE



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/1-6/2010/P-97
Dated Peshawar, the 11.02.2013

To
The Secretary to
Government of Khyber Pakhtunkhwa,
Agriculture Department

**SUBJECT: WORKING PAPER REGARDING PROMOTION OF BS-19 OFFICERS TO BS-20
POSTS OF RESEARCH WING AGRICULTURE DEPARTMENT.**

P-15/C
I am directed to refer to Agriculture Department letter No. SOE (AD) V-7/2011 dated 19.12.2012 on the subject and to say that the case has been examined in Regulation Wing and it is observed that the appeal against the Judgement of Service Tribunal dated 02.02.2009 is still pending before the Supreme Court of Pakistan. Therefore, the promotion case of BS-19 officers of Agriculture Research System to BS-20 on regular basis cannot be considered till the final decision of the august court.

2. Working paper and other documents received with the letter quoted above are returned in original.

Yours faithfully,

Jan Said
(JAN SAID)
SECTION OFFICER (PSB)

Endst. Even no & dated.

- 1- A copy is forwarded to:
Section Officer (R-III), Establishment Department.
- 2- P.A to Deputy Secretary (R-II), Establishment Department.

SECTION OFFICER (PSB)

SOE
Secretary Agriculture
Diary *1440*
No.
Dated *12-2-13*

BEFORE THE KHYBER PAKHTUNKHWA
TRIBUNAL, PESHAWAR.



Execution Petition no. 1/2013

Appeal No. 1146/2011.
Date of institution. 10/6/2011.
Date of decision. 17/7/2012.

2/10/13

Imran Ali Research Officer, ARI, Tarnab.....Appellant.

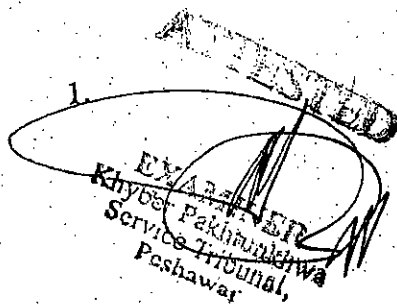
Versus

Director General, Agriculture Research IDS Building, Agriculture
University Khyber Pakhtunkhwa, Peshawar and others... Respondents.

Application by appellant for issuance of
directions to respondents to implement the
order dated 17/7/2012 passed in favour of the
appellant by this Honourable Tribunal.

Respectfully Sheweth,

It is submitted as under: -

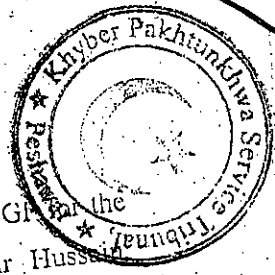


That the above titled appeal was preferred by
the appellant before this Honourable Tribunal,
which was accepted vide order dated 17/7/2011.
(Copy of the order is attached herewith).

2.

That the period of about five and a half month
has been passed but the order passed by the

R



06.4.2015

Counsel for the petitioner, Mr. Muhammad Jan, G.P. for the respondents present. Respondent No. 1, Dr. Nazir Hussain, Director General Research also present and submitted that he has recently taken over charge of the post of Director General and the issue is very complicated one. He requested that time may be granted to him to settle it amicably. Order of status quo was also discussed at length. Finally, it was decided on mutual consultation of all the parties that an order of status quo be issued to the extent of promotion right from BPS-17 up BPS-20. In the meanwhile the Director General will try his utmost to solve the problem after consultation with all the stake holders. Therefore, status quo in the above terms be maintained till date fixed. File to come up for further proceedings on 13.05.2015. 101

Certified to be true copy
Khyber Pakhtunkhwa Service Tribunal
Peshawar

SRJ
Masood

SRJ
Masood

Date: 7-4-2015
No: 800
6-
6-
9-4-2015
9-4-2015



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

No.SOE(AD)V-7/2011
Date Peshawar the February 20, 2013

To

The Section Officer-PSB,
Government of Khyber Pakhtunkhwa,
Establishment Department

SUBJECT:- WORKING PAPER REGARDING PROMOTION OF (BS-19) OFFICERS TO (BS-20) POSTS OF RESEARCH WING AGRICULTURE DEPARTMENT

I am directed to refer to your letter No.SO(PSB)ED/1-6/2010/P-97 dated 11.2.2013 and to re-submit seven sets of Working paper alongwith copies of appeal No.1383-84 dated 15.2.2013 and certificate of Advocate-on-Record, Supreme Court of Pakistan, AG's office KPK Peshawar letter No.2229 dated 18.2.2012 alongwith other relevant documents which are self-explanatory regarding promotion of the following BS-19 officers of Research Wing, Agriculture Department to (BS-20) for placement before the Provincial Selection Board:-

1. Dr.Nazeer Hussain Shah
2. Dr.Abdul Latif
3. Dr.Naveed Akhtar

Encl; As above

Endst. of even. No. & Date.

Copy to the:

1. DGA (Research) Khyber Pakhtunkhwa Peshawar.
2. P.S to Secretary Agriculture department.

(MUHAMMAD SHERAZ)
SECTION OFFICER-ESTT:

SECTION OFFICER-ESTT:



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

No.SOE(AD)V-7/2014
Date Peshawar the July 24, 2014

To

The Section Officer-PSB,
Government of Khyber Pakhtunkhwa,
Establishment Department

SUBJECT:- WORKING PAPERS OF OFFICERS FOR PROMOTION

I am directed to enclose herewith seven sets of Working paper regarding promotion of BS-19 officers of Agriculture Research System, Agriculture Department to the post of (BS-20) duly signed for placement before the Provincial Selection Board.

Encl; As above

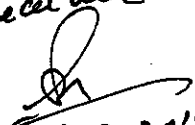

(DAULAT KHAN)
SECTION OFFICER-ESTT:

Endst. of even No. & Date.

Copy to the:

1. DG, Agriculture Research, Khyber Pakhtunkhwa Peshawar for information.
2. P.S to Secretary Agriculture department.


SECTION OFFICER-ESTT:

Received

24-7-2014

IMMEDIATE



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/1-6/2014/P-158
Dated Peshawar, the 06.08.2014

To

The Secretary to
Government of Khyber Pakhtunkhwa,
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

Annex

SUBJECT: **WORKING PAPER OF OFFICERS FOR PROMOTION OF BS-19 OFFICER
OF AGRICULTURE RESEARCH SYSTEM TO THE POST OF BS-20**

Dear Sir,

I am directed to refer to Agriculture Livestock & Cooperative Department letter No SOE (AD)/V-7/2014 dated 24.07.2014 on the subject and to say that the case has been examined in Regulation Wing and it is observed that the working paper does not reflect the present position of CPLA already filed in the Supreme Court of Pakistan. Moreover budget book pages reflecting availability of the posts have not been annexed to the working paper.

The working paper and other documents received with the letter quoted above are returned in original for doing the needful.

Yours faithfully,

[Signature]
(JAN SAID)
SECTION OFFICER (PSB)

Endst Even no & dated.

A copy is forwarded to Section Officer (R-III), Establishment Department

SECTION OFFICER (PSB)

ASST

SO (E)
Diary No. 7027
Date 08-08-2014 Time 3:30
Agriculture Dept.



06.4.2015

Counsel for the petitioner, Mr. Muhammad Jan, G...
respondents present. Respondent No. 1, Dr. Nazir Hussain
Director General Research also present and submitted that he has
recently taken over charge of the post of Director General and the
issue is very complicated one. He requested that time may be
granted to him to settle it amicably. Order of status quo was also
discussed at length. Finally, it was decided on mutual consultation
of all the parties that an order of status quo be issued to the extent
of promotion right from BPS-17 up BPS-20. In the meanwhile the
Director General will try his utmost to solve the problem after
consultation with all the stake holders. Therefore, status quo in the
above terms be maintained till date fixed. File to come up for
further proceedings on 13.05.2015. 101

Certified to be true copy
Director General
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Sd/P
Morn Khan

Sd/
Morn Khan

Date

800

6

6

Date

9-4-2015

9-4-2015

Date

BEFORE THE KHYBER PAKHTUNKHWA
TRIBUNAL, PESHAWAR.



Execution Petition no. 1/2013

Appeal No. 1146/2011.

Date of institution. 10/6/2011.

Date of decision. 17/7/2012.

21/07/13

Imran Ali Research Officer, ARJ, Tarnab.....Appellant.

Versus

Director General, Agriculture Research IDS Building, Agriculture
University Khyber Pakhtunkhwa, Peshawar and others... Respondents.

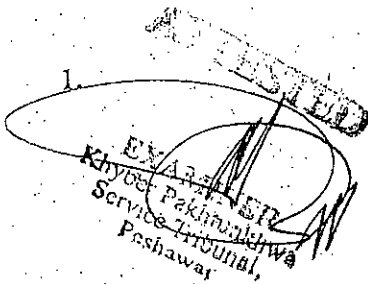
Application by appellant for issuance of
directions to respondents to implement the
order dated 17/7/2012 passed in favour of the
appellant by this Honourable Tribunal.

Respectfully Sheweth,

It is submitted as under: -

That the above titled appeal was preferred by
the appellant before this Honourable Tribunal,
which was accepted vide order dated 17/7/2011.
(Copy of the order is attached herewith).

That the period of about five and a half month
has been passed but the order passed by the



2.

A VII

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK &
COOPERATIVE DEPARTMENT

Subject: - EXECUTION PETITION NO.01/2013 IN SERVICE APPEAL NO.1146/2011
- TITLED - IMRAN ALL, RESEARCH OFFICER & OTHERS VS GOVT. OF
KHYBER PAKHTUNKHWA & OTHERS.

Will Section Officer (Establishment), Agriculture Department on the subject noted above and in continuation to this department U.O. letter of even No. dated 27-01-2016 and to forward herewith a copy of letter No. 1891-93/Tech:/SD dated 11.03.2016 alongwith court order dated 01-03-2016 passed by the Honourable Khyber Pakhtunkhwa Service Tribunal, Peshawar through which the Honourable Court rejected the above subject execution petitions in favour of department.

The honourable court also rejected, the execution petition No.02/2012 of Habibullah, execution petition No.03/2012 of Abdul Rauf & execution petition No.17/2013 of Muhammad Hussain, through the above order.

You are therefore, requested to please implement the court order dated 01-03-2016 in its letter and spirit and implementation report may be sent / share with the petitioner under intimation to this section.



Section Officer (Litigation)

The Section Officer (Estt.),
Agriculture, Livestock &
Cooperative Department.

U.O. NO. SO(Lit)AD/3-45/2011

Dated Peshawar the March 15, 2016

Endst. No. & Date Even.

Copy is forward to:

1. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
2. Master File.

Handwritten initials and a large scribble

S.O (E)
Diary No. 684
Date 20.2.2016
Agriculture Dept.

Handwritten initials

Handwritten signature



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Execution Petition no. 1/2013

Appeal No. 1146/2011.
Date of institution. 10/6/2011.
Date of decision. 17/7/2012.

*Sh. W. J. P. Peshawar,
Services Tribunal
Case No. 1146/2011
Date 17/7/12*

Imran Ali Research Officer, ARI, Tarnab.....Appellant.

Versus

Director General, Agriculture Research IDS Building, Agriculture University Khyber Pakhtunkhwa, Peshawar and others... Respondents.

*attested
[Signature]*

Application by appellant for issuance of directions to respondents to implement the order dated 17/7/2012 passed in favour of the appellant by this Honourable Tribunal.

Senior Director
Agricultural Research Institute
Tarnab, Peshawar

Respectfully Sheweth,

It is submitted as under: -

1.

ATTESTED

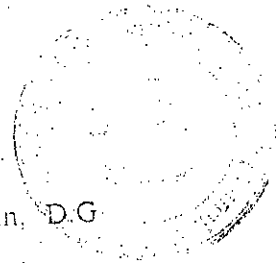
[Signature]
Khyber Pakhtunkhwa
Services Tribunal,
2. Peshawar

That the above titled appeal was preferred by the appellant before this Honourable Tribunal, which was accepted vide order dated 17/7/2011. (Copy of the order is attached herewith).

That the period of about five and a half month has been passed but the order passed by the

*cert
[Signature]*

EP. 01/2013



01.3.2016

Petitioner in person and Mr. Nazir Hussain, D.G. Research and Mr. Abdul Latif, Ex-DGR in person present.

- 2. Arguments already heard at length and record perused.
- 3. The question of preparation of separate seniority lists on the basis of Functional Groups was settled by this Tribunal vide its judgment dated 17.7.2012, against which the government filed CPLA which was declined by the august Supreme Court of Pakistan vide its judgment dated 20.6.2013. For implementation of the said judgment of this Tribunal dated 17.7.2012, petitioner Imran Ali, Abdur Rauf, Habibullah and Muhammad Hussain submitted separate execution petitions. The respondents have submitted their compliance report through D.G Research.

attested

Senior Director
General Research
Muzaffargarh, Peshawar

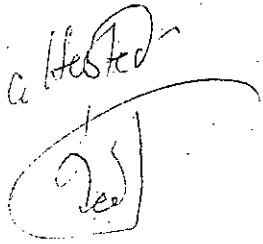
- 4. It is the contention of the petitioners (BPS-17) that according to judgment of this Tribunal dated 17.7.2012, a joint seniority list be prepared of the Senior Research officers (BS-17) with reference to their dates of original appointment in BPS-17. This may be observed that the respondent department while taking Functional Groups as separate cadres for sufficient long time, had been maintaining separate seniority lists and on its basis had also been promoting officers accordingly. This may further be observed that this practice was not challenged or objected to at the relevant times in the past. Hence, the instant contention of the petitioners BS-17 that their joint seniority list

ATTESTED

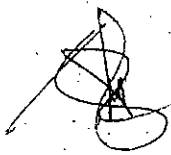
Attesting Officer
General Research
Muzaffargarh, Peshawar

may be made from their date of appointments irrespective of such promotion to higher scale from time to time made on the basis of seniority lists based on functional groups, and which practice continued for sufficient long time, cannot be accepted as the same would mean giving retrospective effect to judgment of this Tribunal dated 17.7.2012. Secondly, those promotions were not questioned at the relevant times and thus have got finality under the principles of locus poenitentiae.

5. We have perused the compliance report of the department and have also heard learned counsel for the parties at length in the light of which the Tribunal has reached to the conclusion that the instant execution petitions are misconceived and impractical. In the circumstances it would be proper to let the department to move ahead by preparing seniority list in accordance with law and rules as directed by this Tribunal in its judgment dated 17.07.2012 and in case any party feels aggrieved from a particular adverse action or entry in the seniority list or promotion, it has a right to challenge it if so advised, in accordance with law and rules.

Checked


Senior Director
 Agricultural Research Institute
 Tarnab, Peshawar



6. In the circumstances, the Tribunal is of the considered view that in view of the above said contentions of the petitioners, these execution petitions amounts to abuse of process of the Tribunal, therefore, the same are rejected and also the status quo order, if any, stands vacated. Parties are left to bear their own costs. File be consigned to the record room.

7. This order will also dispose off connected execution petitions No. 02/2012 Habibullah, No. 3/2012 Abdur Rauf, and No. 17/2013 Muhammad Hussain, in the same manner.

ANNOUNCED
01.3.2016

Sd/-
Member *Sd/-*
Member

Certified to be true copy

~~EXAMINER~~
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

attested
Des

Senior Director
Agricultural Research Institute
Tarnab, Peshawar

Date of Preparation of Copy *04-03-2016*
Number of Copies *1600*
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Name of Captain *[Signature]*
Date of Completion of Copy *04-03-2016*
Date of Delivery of Copy *04-03-2016*



**Govt of Khyber Pakhtunkhwa
Agricultural Research System**

Office: at Agricultural University Peshawar
Phone #: 0092-91-9216530
Fax #: 0092-91-9216529

No. 5064
Dated 29/03/2016

To

The Secretary
Government of Khyber Pakhtunkhwa
Agriculture, Livestock & Cooperative Department
Peshawar.

Subject: - **JOINT APPEAL FOR PROMOTION FROM BPS-19 TO BPS-20.**

Memo: Kindly enclosed find herewith a joint appeal for promotion from BPS-19 to BPS-20 of the following Officers of Agriculture Research System, Khyber Pakhtunkhwa for consideration please;

1. The undersigned was promoted as Director (BPS-19) by the Provincial Selection Board on Seniority cum-Fitness basis vide Notification No. SOE(AD)V-7/2008, dated 25.11.2008 and at present I am at the Serial No. 1 of the Seniority List of BPS-19 Officers of Agric. Research System Khyber Pakhtunkhwa and hold the post of Director General, Agric. Research (BPS-20) in own pay scale. (Seniority List Attached).
2. Dr. Abdul Latif was promoted as Director (BPS-19) by the Provincial Selection Board on Seniority cum-Fitness basis vide Notification No. SOE(AD)V-7/2008, dated 09.02.2010 and at present he is at Serial No. 2 of the Seniority List of BPS-19 Officers and hold the post of Senior Director (Outreach), Agric. Research Khyber Pakhtunkhwa, Peshawar (BPS-20) in own pay scale.
3. Dr. Naveed Akhtar was promoted by the Provincial Selection Board on Seniority cum-Fitness basis to the post of Director (BPS-19) as per above notification and at present he is at Serial No. 3 of the Seniority List of BPS-19 Officers and hold the post of Senior Director, ARI, Tarnab Peshawar (BPS-20) in own pay scale.

Secretary Agriculture
Diary
No. 3282
Dated 7/4/16

Bo
Dr. Naveed Akhtar
Dr. Abdul Latif
Dr. Naveed Akhtar
Naveed Hussain P.
(Dr. Naveed Hussain P.)
Director General
Agricultural Research System
Khyber Pakhtunkhwa Peshawar

- Copy forwarded for information to:
- Dr. Abdul Latif, Senior Director (Outreach), Agric. Research Khyber Pakhtunkhwa Peshawar
 - Dr. Naveed Akhtar, Senior Director, ARI, Tarnab, Peshawar

To

The Chief Secretary
Government of Khyber Pakhtunkhwa
Peshawar.

Through: PROPER CHANNEL

Subject: JOINT APPEAL FOR PROMOTION FROM BPS-19 TO BPS-20

R/Sir,

With due veneration we have the honour to submit the following facts for your kind consideration that:

- A. We were promoted as Directors (BPS-19) by the Provincial Selection Board on Seniority cum-Fitness basis. Vide Notification No. SOE(AD)V-7/2008, dated 25.11.2008 and SOE(AD) V-7/2008, dated 09.02.2010. (Notification attached as Annexure-1)
- B. Being fully eligible and keeping in view our whole unblemished service career as well as our rich experience in the field, we were posted against the posts of BPS-20 in our own pay scale i.e. BPS-19 and since then we performing our duties efficiently, whole heartedly and to the entire satisfaction of our superiors.
- C. There are three (3) posts of BPS-20 lying vacant, we are completely fit for promotion and we are at S.No. 1, S.No2 & S.No.3 of the Seniority List of BPS-19 but besides all these facts, we were not promoted to BPS-20, therefore, we filed a Writ Petition No. 465-P/2013 (Dr. Naveed Akhtar & others vs Chief Secretary & others) before the Peshawar High Court Peshawar who was kind enough to direct the department to process the case for promotion (Annexure-2). Court directives as mentioned in order sheet:

“ The impugned letter dated 11.2.2013 of respondent No.2 may be declared as null and void, without lawful authority and of no legal effect and the petitioners' names may be included in the PSB meeting scheduled for 22.2.2013”

That besides the clear-cut directives of the Honourable Peshawar High Court Peshawar, our case for promotion lingering on in different offices for one reason or the other.

SECTION OFFICER-ESTT

[Handwritten signature]
28/11



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

No.SOE(AD)V-7/2014
Date Peshawar the April 18, 2016

To

The Director General
Agricultural Research
Khyber Pakhtunkhwa, Peshawar.

SUBJECT:- JOINT APPEAL FOR PROMOTION FROM BS-19 TO BS-20

I am directed to refer to your letter No. 5064 dated 29.03.2016 the subject noted above and to request for furnishing the following documents to proceed further in the matter please.

1. PERs for the year ending 2015 may be included in the quantification.
2. Final seniority List as stood on 31.12.2015.

(Dr.Mir Ahmad Khan)
SECTION OFFICER-ESTT:

Endst. of even No. & Date.

Copy to the:

1. P.S to Secretary Agriculture department.

Disbursed
Date
Agr. Livestock & Coop
Dept. Peshawar

Jan
20/4/16



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURAL RESEARCH

Office: at Agricultural University Peshawar
Phone #: 0092-91-9216530
Fax #: 0092-91-9216529
E-mail: doraup@yahoo.com

No. 15-369 / Estt/DGAR,
Dated Peshawar 26/12/2016

The Section Officer (Estt)
Government of Khyber Pakhtunkhwa,
Agric. Livestock & Cooperative Department,
Peshawar.

Subject: - WORKING PAPERS OF OFFICERS FOR PROMOTION FROM BS-19 TO BS-20
FOR PROVINCIAL SELECTION BOARD

Memo:

The working papers (07 sets) of the officers BPS-19 for promotion to BS-20 at Agric. Research Department, Khyber Pakhtunkhwa dully prepared on the new proforma are submitted herewith for favour of onward submission to the quarter concerned.

Encl: As Above.

Yaqub Hussain
Director General
Agric. Research
Khyber Pakhtunkhwa
Peshawar

Recd 5 sets + 4 volume
29/12
2016



GOVERNMENT OF KHYBER PAKHTUNKHWA

Agricultural Research

Office: at Agricultural University Peshawar

Phone #: 0092-91-9216530

Fax #: 0092-91-9216529

E-mail: dgraup@yahoo.com

No. 368 /Estt/DGAR

Dated 18/01 /2017

The Section Officer (Estt)
Government of Khyber Pakhtunkhwa,
Agric. Livestock & Cooperative Department,
Peshawar.

Subject: - WORKING PAPERS OF OFFICERS FOR PROMOTION FROM BS-19 TO BS-20
FOR PROVINCIAL SELECTION BOARD

Memo:

The working papers (02 sets) of the officers BPS-19 for promotion to BS-20 at Agric. Research System Khyber Pakhtunkhwa dully prepared on the new proforma are submitted herewith for favour of onward submission to the quarter concerned.

Encl: As Above.

Nazir Hussain
Director General
Agric. Research
Khyber Pakhtunkhwa
Peshawar

put up

[Signature]

19/01/17



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

No.SOE(AD)V-7/2016/Research
Date Peshawar the 9th February, 2017

To

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department


SUBJECT:- WORKING PAPER REGARDING PROMOTION OF BS-19 OFFICERS TO
THE POST OF BS-20 IN THE AGRICULTURE RESEARCH KHYBER
PAKHTUNKHWA

Dear Sir,

I am directed to enclose herewith seven sets of working paper regarding promotion of BS-19 officers of Agriculture Research Department, Khyber Pakhtunkhwa to the post of BS-20 duly signed for placement before the Provincial Selection Board.

Encl; As above

Yours faithfully


(SADAQAT ULLAH)
SECTION OFFICER-ESTT:

Endst. of even No. & Date.

Copy to the:

1. DG, Agriculture Research, Khyber Pakhtunkhwa Peshawar for information.
2. P.S to Secretary Agriculture department.
3. Master file.


SECTION OFFICER-ESTT:



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT-

No.SOE(AD)V-7/2016/Research
Date Peshawar the March 6, 2017

To,

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department

SUBJECT:- WORKING PAPER FOR PROMOTION OF BS-19 OFFICERS TO THE POST
OF BS-20 IN THE AGRICULTURE RESEARCH

Dear Sir,

I am directed to refer to your office letter NO.SO(PSB)ED/1-6/2017/P-194 dated 22.02.2017 on the subject noted above and to enclose herewith copy of appeal filed by Dr.Naveed Akhtar, Senior Director, ARI, Tarnab (Peshawar) and Dr.Abdul Latif Senior Director Outreach, Peshawar which is self-explicit and to resubmit seven sets of working paper regarding promotion of BS-19 officers to the post of BS-20 in the Agriculture Research, with the following clarification for consideration:

- i. The working paper submitted in pursuance of the court decision is for proforma promotion of the retired BS-19 officers, who have got retired on superannuation in 2012 and they will get only financial benefits of the promotion. While the instant case of the in-service BS-19 officers of the department on the basis of seniority.
- ii. Government of Khyber Pakhtunkhwa, Establishment Department vide letter No.SOR-IV/E&AD/1-16/2016 dated March, 11, 2016, categorically extended the exemptions of MCMC, SMC, NMC & NDC to professional and technical cadres as they undertake their specialized trainings separately. It is to inform that there are three posts of BS-20 lying vacant for the last seven year and as per relevant service rules, notified on dated 21.01.2011, the applicant fulfill the requisite qualification, are the senior most three officer, having seven years' service in BS-19 but deprived of promotion.
- iii. The oversight is regretted, however the inquiries against the officer have been received and under process for decision of the Competent Authority.

I am therefore directed to request the Establishment Department for consideration

please.

Encl; As above

Yours faithfully

(Signature) 06/03/17
(SADAQAT ULLAH)
SECTION OFFICER-ESTT:

Endst. of even No. & Date.

Copy to the:

1. DG, AR, Khyber Pakhtunkhwa Peshawar for information.
2. P.S to Secretary Agriculture department.
3. PA to DS (Admn.), Agriculture Department.
4. Master file.

(Signature) 06/03/17
SECTION OFFICER-ESTT:

Recd in
6-3-17
(Signature)