

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 7418/ 2021

Dr. Khisrao Kaleem, PRO/Station Director
Livestock Research & Development Station Surezai Peshawar

VERSUS


Government of Khyber Pakhtunkhwa and others

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 8923
Diary No. 1416123
Dated 14/10/23

Para-wise comments on behalf of the Respondents No: 01 to 07

INDEX

S.No	Description of Documents	Annexures	Page Nos.
01	Parawise Comments/Reply	--	I-III
02	Notification dated 20-12-2017 (Departmental Service Rules 2017	A	01-02
03	Appeal of the appellant	B	03-14
04	Writ Petition No. 3140-P/2018, Peshawar High Court Peshawar along with Order sheet dated 18-11- 2020	C	15-22
05	Letter of the appellant , Reply of DG (Research), Notification of rejection of appeal	D	23-27


Dr. Hamid Ullah Khan
Departmental Representative
Livestock & Dairy Development Department
(Research Wing) Khyber Pakhtunkhwa, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 7418/ 2021

Dr. Khisrao Kaleem, PRO/Station Director

Livestock Research & Development Station Surezai Peshawar

..... Appellant

VERSUS

Government of Khyber Pakhtunkhwa and others

..... Respondents

Para-wise comments on behalf of the Respondents No: 01 to 07.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

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

ON FACTS

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

Directors and Station Directors having ten years service in BPS-19 to the post of Director General (BPS-20) on the basis of merit, has been changed to the criteria of seniority-cum-fitness.

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

GROUND.

- A. Incorrect. The impugned Notification dated 20-12-2017 (**Annex-A**) and rejection order dated 15-01-2021 (**Annex-D**) are based on law, rules, principles of natural justice and observing all laid down procedures, giving proper opportunity to the petitioner which he did not avail intentionally for the reason best known to him.
- B. Incorrect as explained in the above paras that framing of rules/policy or making amendments in such policies is the domain of the government. The amendment has been made through SSRC and duly endorsed by the Establishment Department & Law Department.
- C. Incorrect. Detailed reply has been mentioned in Para-B.
- D. Incorrect. The proposed rules were duly vetted by Law Department and after approval were notified by the Provincial Government.
- E. Incorrect. The impugned Notification is general in nature and not framed malafidely.
- F. Incorrect. The length of service is the same which has been mentioned in the government of Khyber Pakhtunkhwa promotion policy.
- G. Incorrect. As given in the above para F.
- H. Incorrect. Detailed reply has been mentioned in above Para-4.
- I. The respondents may kindly be allowed to add other grounds at the time of final hearing.

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

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

Secretary,
Government of Khyber Pakhtunkhwa
Livestock, Fisheries & Coop: Department
(Respondent No. 3)

Secretary,
Government of Khyber Pakhtunkhwa
Establishment Department
(Respondent No. 4)

Director General (Research),
Livestock & Dairy Dev: Deptt:
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 5)

for
The Standing Service Rules Committee (SSRC),
Through its Chairman
(Respondent No. 6)

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

Affidavit:

It is hereby solemnly and declare on oath that the contents of the instant reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.


Deponent

Dr. Hamid Ullah Khan
Senior Research Officer/
Departmental Representative

Annex-A ①

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Annexure 8 Reg 25

Dated Peshawar the 20th December, 2017

NOTIFICATION

In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous notifications issued in this behalf, the Agriculture, Livestock and Cooperation Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column No. 3 to 5 of the Appendix to this Notification, which shall be applicable to the posts specified in column No. 2 of the said Appendix born in the Khyber Pakhtunkhwa Directorate General (Research) Livestock and Dairy Development and its subordinate offices.

APPENDIX PART-I

(PROFESSIONAL AND PARA PROFESSIONAL STAFF)

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

Attested
Advocate for

21/12/2017



Annexure C

151

2

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

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

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Endst of Even No & Date

Copy of the above is forwarded to the:-

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

Attested
Hasnullah
Advocate PN

(DR MIR AHMAD KHAN)

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

(MIRFAN 20/12/2017)

Annex-B (3)

DLR/Estt/83/2018/1



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

Phone# 091-9213294, Fax# 091-9210639
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187

No.DLR&D/Estt/83/Vol-IV/ 1443

Dated Peshawar the 16/03/2018

To

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



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

Enclosed please find herewith the presentation regarding the subject noted above in respect of Dr. Khisrao Kaleem, Station Director Livestock Research & Development Station Dir Lower, further necessary action please.


DR. MUHAMMAD IQBAL
DIRECTOR

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

Dated Peshawar the /03/2018

Copy of the above is forwarded to Station Director Livestock Research & Development Station Dir Lower, for information please.

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DR. MUHAMMAD IQBAL
DIRECTOR

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**LIVESTOCK RESEARCH & DEVELOPMENT STATION
DIR (LOWER)**

No.SD/PRO/LR&DS/Dir/2017-18/

Dated 20/02/2018

To

The Director,
Livestock Research & Development,
Khyber Pakhtunkhwa, Peshawar.

Subject:

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

Kindly refer to Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar letter No.DG(R)/L&DD/Estt-1(18)/2016/Vol-VI/532-43 dated 12/01/2018 regarding the subject noted above.

It is please stated that the undersigned is submitting few reservations in respect of the recently approved recruitment rules in respect of method of recruitment for the post of Director General (Research) (BPS-20) mentioned at S.No.1 (**Annex-I**).

The department proposed amendment in the existing service rules of the Livestock & Dairy Development Department vide dated 12/07/2016 and in this regard existing rules-2008 and the proposed rule-2016 proposed by two members committee for the post of Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar reproduced as under (**Annex-II**).

Method of Recruitment:

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

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

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

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187

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

The length of service under promotion policy for the post of BPS-20 are as under (**Annex-V**).

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

The Pakistan Veterinary Medical Council act 1996 clearly state that nobody is allowed to join Government or private job without getting membership of Pakistan Veterinary Medical Council (**Annex-VI**).

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

(i) The promotion on the basis of Seniority-cum fitness in one side is against the recommendations of the two members committee especially constituted for this purpose, as well the recommendations made under the Chairmanship of Director General (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar in light of the request of Pakistan Veterinary Medical Association Khyber Pakhtunkhwa Zone, but the seniority cum fitness is also against directive of Provincial selection board stated above.

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

(iii) The deletion of membership of Pakistan Veterinary Medical Council is also violation of Pakistan Veterinary Medical Council act, 1996.

You are therefore requested that observations of the undersigned may be sent to Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa, Peshawar for onward submission to the quarter concern please.


Dr. Khisrao Kalim
Station Director



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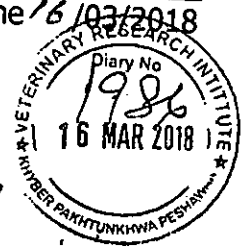
**DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT
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No.DLR&D/Estt/83/Vol-IV/ 1442

Dated Peshawar the 16/03/2018

To

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



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

Kindly refer to your office letter No.DG(R)/L&DD/Estt-1(18)/2016/Vol-^{P-159/2} VI/2633 dated 09/03/2018 regarding the subject noted above.

In this regard, It is please to state that the subject letter was signed on 2.2.2018, which is clear from the dispatch no and date.

It is regretted to say that the subject letter instead of submitting to your good office was kept in the relevant file. In this regard, inquiry proceeding in the matter has been order. However, the subject presentation is hereby submitted for further necessary action please.

Handwritten notes:
F-I
19/3/18
Mi
16/3/2018

**DR. MUHAMMAD IQBAL
DIRECTOR**



(7) 20

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

Dated Peshawar the 2/01/2018

To

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

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

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

Dear Sir,

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

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



(8) *R* *HS*

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

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

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

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



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

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

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

Method of Recruitment:

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

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



(10) *ZB*

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

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

b



**DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT
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107
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108

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

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

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

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

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

**DR. MUHAMMAD IQBAL
DIRECTOR**

2/2/2018



DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK DIRECTORATE GENERAL
(LIVESTOCK & DAIRY DEVELOPMENT
DEPARTMENT)

KHYBER PAKHTUNKHWA, PESHAWAR

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www.facebook.com/livestockresearchkp/

<https://twitter.com/livestockreskp>

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



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

Dated Peshawar the 3/08/2018

To

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

Attention Section Officer (LFC)

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

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

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

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

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



DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK DIRECTORATE GENERAL
(LIVESTOCK & DAIRY DEVELOPMENT)
DEPARTMENT

KHYBER PAKHTUNKHWA, PESHAWAR

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



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

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

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

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

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

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

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



Website: www.lddr.kpdata.gov.pk Email: dg.lddr@kp.gov.pk
www.facebook.com/livestockresearchkp/
<https://twitter.com/livestockreskp>

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

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

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

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

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

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

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

In light of the above it is suggested that:-

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

Encl: As above

[Signature]
31/8
Director General (Research)
[Signature]

Annex-C

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Annexure "E"

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 3140 P/2018

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

VERSUS

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

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

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

ATTESTED
EXAMINER
Peshawar High Court

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13 JUN 2018

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

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

Method of Recruitment

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

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

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ATTESTED
EXAMINER
Peshawar High Court

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

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

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

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

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

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

ATTESTED
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Peshawar High Court

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Deputy Registrar

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

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

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

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

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

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

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

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

Grounds:-

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

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EXAMINER
Peshawar High Court

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

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

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

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

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

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

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

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EXAMINER
Peshawar High Court

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

Dated 11-06- 2018

Petitioners

1. Dr. Muhammad Iqbal

2. Dr. Khisrao Kalim

Through

1. Naqibullah Khattak.

2. Anwar Shah Advocate, Peshawar.

Note:- 1. No such like petition on the subject has been moved in the past except the instant one.

2. Copy of the instant writ petition has been served to the official Respondent under registered post, original postal receipt are enclosed.

Petitioners

Books Relied upon.

1. Constitution of Islamic Republic of Pakistan, 1973.

2. Promotion policy of BPS-20 vide notification dated 16/12/2008.

3. Any other precedent on the subject.

Petitioners

1. Dr. Muhammad Iqbal

2. Dr. Khisrao Kalim

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Peshawar High Court

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Annexure *F*

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PESHAWAR HIGH COURT, PESHAWAR.

**FORM 'A'
FORM OF ORDER SHEET**



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

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

No. 16337

Date of Presentation of Application 24/11/2020

No of Pages 2-7

Copying fee

Total 32/-

Date of Preparation of Copy 24/11/2020

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EXAMINER
Peshawar High Court Peshawar
Authorized Under Article 37 of
The Oath & Sherada Order 1984.

24 NOV 2020

Annex - D

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DIRECTORATE GENERAL (RESEARCH)



Government of Khyber Pakhtunkhwa
Office of PRO/Station Director,
Livestock Research & Development Station Surezai, Peshawar
Phone No. 091-5510384



Annexure - 6

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No.LR&DS/2020-21/54

Dated Peshawar the 03/03/2021.

To

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

1093
08 MAR 2021

Through: Proper Channel.

SUBJECT:- DECISION ON WRIT PETITION NO.3140-P/2018, DATED 18/11/2020 IN PESHAWAR HIGH COURT PESHAWAR.

Please refer to the subject noted above.

It is please stated that the undersigned alongwith Dr. Muhammad Iqbal, Director Livestock Research and Development, Khyber Pakhtunkhwa Peshawar filed joint W.P No.3140-P of 2018 in Peshawar High Court Peshawar against the Revised Recruitment Rules-2017 for Director General (Research) Livestock and Dairy Development Department Khyber Pakhtunkhwa. The worthy Peshawar High court Peshawar has issued following decision in the above writ petition on dated 18/11/2020, which are reproduced as under:-

"On second thought learned counsel for the petitioners stated at the bar that he would not press this petition anymore if directions are given to the respondent No.5/Director General (Research) Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar to decide the petitioners representation in accordance with Law and Rules on the subject to which latter got no objection.

2. In view of the above, this petition stands dismissed for its having not been pressed, however, we would direct respondent No.5 to decide the petitioners representation after providing them right of audience within a period of two months from today, but strictly in accordance with law and rules on the subject"

You are, therefore, requested to intimate the latest position/progress in light of decision passed by Peshawar High court Peshawar to undersigned, being one of the petitioners in the subject writ petition.

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03/03/2021

(Dr. Khisro Kalim)
STATION DIRECTOR
LR&DS SUREZAI, PESHAWAR

Director General (Research)
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**DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR**



Annexure

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091-9210270

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No. DG(Res)LR&DD/Litigation (99)/CC/2018/2284

Date: Peshawar the 03/03/2021

The Dr. Khisro Kalim,
Station, Director,
Livestock Research & Development
Station Surezai Peshawar.

Directorate of Livestock Research
& Development Khyber Pakhtunkhwa
Peshawar

Diry No. 8569

Through: Director Livestock Research & Development KP Peshawar.

Dated: 16/8/2021

Subject: **DECISION ON WRIT PETITION NO. 3140-P/2018, DATED 18.11.2020 IN PESHAWAR HIGH COURT PESHAWAR.**

Kindly reference to your letter No. LR&DS/2020/21/154 Dated 03.03.2021 on the subject noted above.

In this connection it is to state that:-

1. The method of recruitment for the post of Director General (Research) has been the outcome of a series of consultations between Establishment Department, Law Department and Public Service Commission. As per the expert views of the Regulation Wing of Establishment Department, the Standing Service Rules Committee (SSRC) is the competent forum for Service Rules and the rules were accordingly approved.
2. The Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa (Respondent No.05) is not an authority/statutory body to amend/approve Service Rules. Hence, by asking the court for directions specifically to Director General (Research) is ultra vires of the Peshawar High Court decision dated 18.11.2020, wherein the Standing Service Rules Committee (SSRC) has been declared Statutory Body for Service Rules and not the Director General or the Secretary.
3. The Standing Service Rules Committee (SSRC) examined, discussed and approved the Service Rules strictly in accordance with the Law & Rules and there is no ambiguity in the Statutory Role of the Standing Service Rules Committee (SSRC).
4. The Departmental appeal No.SD/PRO/LR&DS/Dir/2017-18 dated 20.02.2018, which was a part of your writ petition No. 3140-P/2018 in "Ground" at S No. F (Attached as Annexure 14, Page No.39) has been re-examined in the light of the Judgment in writ petition No. 3140-P/2018 dated 18.11.2020 and has been closed as your appeal has no legal support under the Law and Rules.

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

It is worth mentioning that the case at High Court was rigorously perused by Dr. Muhammad Iqbal and he has already been responded with evidence on record appropriately.

Director General (Research)
Dated Peshawar the 03/03/2021

DG(Res)LR&DD/Litigation (99)/CC/2018/

Copy of the above is forwarded to:-

1. The Registrar Peshawar High Court Peshawar with reference to Judgment WP No. 3140-P of 2018 dated 18.11.2020.
2. PS to Secretary Government of Khyber Pakhtunkhwa, Agriculture, Livestock, Fisheries and Cooperative Department Peshawar.

[Handwritten signatures]

Director General (Research)

Office Work 2

**DIRECTORATE OF
LIVESTOCK RESEARCH AND DEVELOPMENT
KHYBER PAKHTUNKHWA
PESHAWAR**

Phone# 091-9210248, Fax# 091-9210639
Website www.kp.gov.pk

No.DLR&D/Est/PP(06)/2008/839

Dated Peshawar the 18/06/2021

Copy of the overleaf is forwarded to Dr.Khisro Kalim, PRO/Station Director, Livestock Research & Development Station, Surezai Peshawar for information, please.

[Handwritten signature]
(DR.MUHAMMAD I)



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



Bacha Khan Chowk Khyber Pakhtunkhwa Peshawar
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dg.idr@kp.gov.pk

No. DGR/L&DD/Lit (99)/CC/2018/10963-6

Dated: December 28, 2020

To

Dr. Muhammad Iqbal,
Divisional Level Director, Peshawar

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

SUBJECT: WRIT PETITION ORDER OR OTHER PROCEEDINGS

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

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

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

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

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

Director General (Research)

Dated: December 28, 2020

Copy for information forwarded to:

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

Director General (Research)



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



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dg.ldr@kp.gov.pk

No. DGR/L&DD/Lit (99)/CC/2018/281-84

Dated: January 11, 2021

To

Dr. Muhammad Iqbal,
Divisional Level Director, Peshawar

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

SUBJECT: WRIT PETITION ORDER OR OTHER PROCEEDINGS

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

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

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

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

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

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

222
12/1/21
17/1/21

Ali Iqbal
Director General (Research)

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

Dated: January 11, 2021

Copy for information forwarded to:

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

Director General (Research)



27

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



Bacha Khan Chowk Khyber Pakhtunkhwa Peshawar
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dg.ddr@kp.gov.pk

Dated: January 15, 2021

NOTIFICATION

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

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

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

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

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

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

Director General (Research)

Dated: January 15, 2021

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

Copy to:

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

Director General (Research)

15/01/2021



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

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AUTHORITY LETTER

I, Dr. Muhammad Ijaz Ali, Director General (Research) Livestock and Dairy Development Department Khyber Pakhtunkhwa, Peshawar hereby authorized Dr. Hamid Ullah, Senior Research Officer, Veterinary Research Institute, Peshawar as Departmental Representative of undersigned in Appeal No. 7418/2021 titled Dr. Khisrao Kaleem Vs Government of Khyber Pakhtunkhwa and Others.

Director General (Research)

No. DG(R)/L&DD/Litigation (158)/2023/ 00158

Dated Peshawar the 13 /06/2023

Copy of the above is forwarded to:-

1. The Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar.
2. The Director, Veterinary Research Institute, Peshawar
3. Dr. Hamid Ullah Khan, Senior Research Officer, Veterinary Research Institute, Peshawar.

Director General (Research)

Hamid Ullah
12/06/2023