16.08.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Furqan Ullah, Junior Clerk for the respondents present.

Reply/comments on behalf of respondents submitted which are placed on file. Copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, and arguments on 10.11.2022 before D.B.

(Mian Muhammad) Member (E)

10.11.2022

Counsel for the appellant present.

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

Former made a request for adjournment that he has not prepared the brief. Adjourned. To come up for arguments on 09.01.2023 before the D.B.

(Fareeha Paul) Member (E)



09.01.2023

CANNED

peshawa



Appellant present in person. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Furqan Ahmad, Assistant for the respondents present.

Learned Member Executive (Miss Fareeha Paul) left the court at 12.00 Noon in order to attend a meeting in the Law Department, Government of Khyber Pakhtunkhwa, therefore, this case is adjourned to 04.04.2023 for arguments before the D.B.



(ROZINA REHMAN) Member (J) 17.05.2022 Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant at the outset of his arguments contended that this is a case of pro-forma promotion from BS-19 to BS20. The appellant retired from service on attaining the age of superannuation on 10.07.2020. However, there were two vacant posts in BS-20 at the time of his retirement i.e. Dr. Sher Muhammad Ex-DG (Extension) retired on 02.11.2019 and Dr. Syed Jehangir Shah Ex-Principal (AHITI) died on 01.04.2020. One post was filled by promoting Dr. Malik Ayag Wazir on **08**.07.2020 who was senior to the appellant whereas one post was still lying vacant but the due rights of promotion were negated to the appellant till he attained the age of superannuation. His departmental appeal to this effect submitted on 22,09.2021 was not responded within the statutory period whereafter the service fribunal approached on 21.03.2022.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 23.06.2022

> (Mian Muhammad) Member(E)

23rd June, 2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

Respondents have not submitted written reply/comments. Learned AAG seeks time for submission of written reply/comments. To come up for written reply/comments on 16,08.2022 before S.B.

> (Kalim Arshad Khan) Chairman

1

Form-A

FORM OF ORDER SHEET

Court of

442/2022

Case No.-S.No. Order or other proceedings with signature of judge Date of order proceedings 3 1 2 The appeal of Dr. Rahim Ullah resubmitted today by Mr. Zartaj 29/03/2022 1-Anwar Advocate, may be entered in the Institution Register and put up to Ċ the Worthy Chairman for proper order please. W REGISTRAR This case is entrusted to Single Bench at Peshawar for preliminary 2hearing to be put up there on 17.5.2022 \mathcal{L} appell CHAIRMAN : 🛺

The appeal of Dr. Rahim Ullah S/O Abdul Azim R/O Village Kerothangy P.O Shamshi Khan Timergara, District Lower Dir received today i.e. on 21.03.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days: ----

- 1. Copy of working papers mentioned in para-04 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- . 3. Copies of page 7 & 14 attached with the appeal are illegible which may be replaced by legible/better one.

No. 697 /S.T.

Dt. $\mathcal{H} = 3 - \frac{1}{2022}$

REGISTRAR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

Mr. Zartaj Anwar Adv. Pesh.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 442-12022

Dr. Rahim Ullah S/O Abdul Azim R/O Village Kerothangy P.O Shamshi Khan Timergra District Lower Dir...... (Appellant)

VERSUS

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S. No	Description of Documents	Annexure	Page
			No
<u>1</u>	Memo of Service Appeal Affectuit		1-4
2	Affidavit		4
3	Copy of the working papers	. A	5.7
4	Copy of the order dated 08.07.2020	B	. Q
. 5	Copy of the notification dated	С	
, <u>,</u>	28.07.2020	· · · ·	\boldsymbol{g}^{*}
6	Copy of the departmental	D	10-111
7	Copy of the PSB meeting held on	E	<u>, - :- , . (</u>
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Through

ZARTAJ ANWAR Advocate Supreme Court Of Pakistan Office FR, 3-4 Forth Floor Bilour Plaza Peshawar Cantt. Cell: 0331-9399185 Email:Zartaj9@yahoo.com

Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. /2022

Dr. Rahim Ullah S/O Abdul Azim R/O Village Kerothangy P.O Shamshi Khan Timergra District Lower Dir.

(Appellant)

VERSUS

- 1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2. Govt of Khyber Pakhtunkhwa through Secretary, Agriculture, Livestock and Cooperative Department Peshawar.
- 3. Director General, (Extension) Livestock & Dairy Development Department Khyber Pakhtunkhwa Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the acts and omission of the respondents by not allowing Proforma promotion to the appellant, against which the appellant filed his departmental appeal on 22.11.2021 which is not yet responded even after the laps of statutory period of 90 days.

Prayer in Writ Petition:

On acceptance of this appeal the appellant may kindly be considered for pro-forma promotion to BPS-20, the appellant may also be awarded all the arrears and back benefits as from dated when his colleague was promoted i.e. 08.07.2020, the inaction of the respondents by not allowing Pro-forma Promotion to the appellant to the post of BPS-20 is illegal, unlawful and without lawful authority, or any other remedy which this Hon; able Tribunal deem proper may also be allowed.

Respectfully Submitted:

- 1. That the appellant was performing his duties on the post of Executive District Director BPS-19 in the respondents department.
- 2. That the appellant performed his duty with great zeal and devotion without any complaint whatsoever regarding his performance.
- 3. That while serving in the said capacity, 2 post became vacant, 1 post of BPS-20 was vacated due to the retirement of Dr. Sher Muhammad Ex-Director General (Ext). L&DD Khyber Pakhtunkhwa Peshawar on 02.11.2019 and other post became vacant due to the sudden death of Dr. Syed Jehangir Shah. Ex Principal AHITI, Khyber Pakhtunkhwa Peshawar.
- 4. That the working paper of the 2 senior most officer BPS-19 was sent for their promotion to BPS-20 to the Provincial Selection Board, one Dr Malik Ayaz Wazir who was stood 1st in the seniority list and the other one was the appellant. (Copy of the working papers is attached as annexure A).
- 5. That upon which one namely Dr Malik Ayaz Wazir was promoted to BPS-20, vide office order dated 08.07.2020, but the present appellant was malafidely deprived from his due right of promotion to BPS-20 despite of the availability of post.(Copy of the order dated 08.07.2020 is attached as annexure B).
- 6. That being aggrieved from the acts and omission of the respondents by not promoting the petitioner to BPS-20 submitted several application but in vain and the appellant was retired in BPS-19 vide notification dated 28.07.2020 w.e.f 11.07.2020. (Copy of the notification dated 28.07.2020 is attached as annexure C).
- 7. That that the appellant submitted his departmental appeal/representation to the respondents department for his Pro-forma promotion to BPS-20 on 22.11.2021, which not yet responded even after the laps of statutory period of 90 days. (Copy of the departmental appeal is attached as annexure D).

8. That being aggrieved from the acts and omission of the respondents by not allowing the Pro-forma promotion to the appellant is illegal, unlawful and violative upon the rights of the appellant, the appellant filed this service appeal on the following grounds:

<u>GROUNDS OF APPEAL;</u>

- A. That the appellant has not been treated in accordance with law. The respondents have not followed the Law and Rules governing promotion, thus the secured and guaranteed rights of the appellant have been violated.
- B. That the appellant has performed his duty with great zeal and devotion and to the entire satisfaction of his superiors without any complaint whatsoever regarding his performance.
- C. That the despite of availability of 2 posts, one namely Dr. Malik Ayaz Wazir was promoted to BPS-20 but the appellant was not considered for promotion to BPS-20, which is illegal, unlawful, without lawful authority.
- D. That it was also held in the PSB meeting held on 12.06.2020, that two posts in BPS-20 are laying vacant due to the death and conditional retirement on 13.02.2019 but however the Board considered promotion against one post. (Copy of the PSB meeting held on 12.06.2020 is attached as annexure E).
- E. That despite of the availability of post the appellant was not promoted to BPS-20 which is illegal unlawful and against the law and the appellant has retired from his service on 10.07.2020 vide notification dated 28.07.2020.
- F. That the appellant after his retirement submitted his departmental appeal for Pro-forma Promotion to the post of BPS-20 but the same is not yet responded by the respondents.
- G. That the appellant also submitted application under the RTI Act to the department for providing the seniority list and working papers of the appellant but the respondents turn deaf ear till date. (Copy of the application is attached as annexure F).

- H. That the appellant has a spotless service career of 60 years and denying his due right of promotion to the appellant is illegal, unlawful and without lawful authority.
- I. That the appellant is superannuate on 10.07.2020 but still deprived of his promotion on account of the inaction of the respondents.
- J. That the appellant seeks the permission of this Honorable Tribunal to rely on additional grounds at the hearing of this appeal.

It is, therefore, prayed that on acceptance of this Service Appeal the Pro-forma promotion may kindly be allowed to the appellant with all consequential benefits.

Appellant

Through

&

ZARTAJ ANWAR Advocate Peshawar

IMRAN KHAN Advocate Peshawar

Deponent

<u>AFFIDAVIT</u>

I, Dr. Rahim Ullah S/O Abdul Azim R/O Village Kerothangy P.O Shamshi Khan Timergra District Lower Dir, do hereby solemnly affirm and declare that the contents of the above service Appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honorable Tribunal.

<u>IMMEDIATE</u> CONFIDENTIAL

国行業時間が開始時代の目的目的というという。

By P Arnihod Bet



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Dear Sir,

Encl: As Above

GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT

NO. SO(PSB)ED/1-6/2020/P-286 Dated Peshawar, the 29.06.2020

The Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department.

SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD HELD ON 12.06.2020.

> PROMOTION OF BS-19 OFFICERS OF LIVES STOCK AND DAIRY DEVELOPMENT DEPARTMENT (EXTENSION WING) TO BS-20.

I am directed to refer to Agriculture Department letter No. SO(LFC)/AD-E-I(373)/2020 dated 02.06.2020 on the subject and to forward herewith an extract of <u>Agenda Item No (19)</u> of the minutes/recommendations of the meeting of Provincial Selection Board held on <u>12.06.2020</u> as well as copy of approved summary wherein the Chief Minister being competent authority in terms of Rule 4 (1) (a) of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989 has approved the recommendation of the PSB, for further necessary action.

Yours faithfully,

29/6/2020 SECTION OFFICER (PSB)

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GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

Dated Peshawar the 16^{th} November, 2012.

NOTIFICATION:

NO.SO(L&F)AD-E-1(373)/2012: On recommendation of the Provincial Selection Board, the Competent Authority is pleased to approve promotion of the following Officers to BPS-19, of Livestock & Dairy Development Department (Extension Wing), Khyber Pakhtunkhwa, with immediate effect:

S#	Name of Officer	Remarks	S#	Name of Officer	Rema rks
1.	Dr. Gohar Zaman	· ·	7	Dr. Umar Khan.	1.1.13
2.	Dr. Javed lqbal.		8.	Dr. Itbar Khan.	
3.	Dr. Qulub Khan		9.	Dr. Jan Mir Khan.	
4.	Dr. Fazal Muhammad	-	10.	Dr. Naseemullah.	·· ···
5.	Dr. Mashkoor Ali.		11.	Dr. Muhammad Rafique	
6.	Dr. Iqbal Rahim.	His promotion is	12	Dr. Gul Behram.	-{
		subject to the			
-		clearance by the			· ·
. <u>.</u>		Medical Board.			-
7.	Dr.Saidullah Baz Khan.		13.	Mr. Rahimullah	

2. These officers will be on probation for a period of one year in terms of section 6(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1981.

3. Consequent upon their promotion, the following adjustments / postings are hereby ordered:-

<u>S.</u> #	Name of Officers	From	То
1.	Dr. Gohar Zaman	Director Headquarters (B-19), Directorate General (Extension), Lⅅ, Khyber Pakhtunkhwa, Peshawar (in his own pay and scale).	Director Headquarter (B- 19), Directorate General (Extension), Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar.
2.	Dr. Javed Iqbal.	Executive District Officer (Agriculture) B-19, Shangla (OPS)	Executive District Officer (Agriculture) B-19, Shangla
3.	Dr. Qulub Khan	Agency-Director Livestock (B-19), F.R, D.I.Khan (in his own pay and scale).	Services placed at the disposal of FATA Secretariat, Peshawar, for his further posting as Agency Director Livestock
4.	Dr. Fazal Muhammad	Senior Veterinary Officer (B- 18), Civil Veterinary Hospital (CVH), Daggar, District Buner.	(B-19), F.R.D.I.Khan District Director Livestock (B-19), Buner.
5.	Dr. Mashkoor Ali.		Services placed at the disposal of FATA Secretariat, Peshawar, for his further posting as Agency Director Livestock (B-19), Khyber Agency.

S.#	Name of Officers	From	То
6.	Dr. Saidullah Baz Khan	Senior Veterinary Officer (B- 18), Civil Veterinary Hospital Bara, Khyber Agency.	Services placed at the disposal of FATA Secretariat, Peshawar for his further posting as Agency Director Livestock (B-19), Orakzai Agency at Hangu.
7.	Dr. Umar Khan.	District Director Livestock (B-19), Tank (in his own pay and scale).	District Driector Livestock (B-19), Tank.
8.	Dr. Itbar Khan.	District Director Livestock (B-19), Mardan (in his own pay and scale).	District Director Livestock (B-19), Mardan.
9.	Dr. Jan Mir Khan.	District Director Livestock (B-19), D.I.Khan (in his own pay and scale).	District Director Livestock (B-19), D.I.Khan.
10.	Dr. Naseemullah.	Executive District Officer (Agriculture) B-19, Lakki Marwat (in his own pay and scale).	Executive District Officer (Agriculture) B-19, Lakki Marwat.
11.	Dr.Muhammad Rafique	District Director Livestock (B-19), Mansehra (in his own pay and scale).	District Director Livestock (B-19), Mansehra.
12.	Dr. Gul Behram.	Agency Director Livestock (B-19), FR Bannu (in his own pay and scale).	Services placed at the disposal of FATA Secretariat, Peshawar, for his further posting as Agency Director Lvicstock (B-19), FR Bannu.
13.	Mr. Rahimullah	Executive District Officer (Agriculture) B-19, Dir Lower (in his own pay and scale).	Executive District Officer (Agriculturc) B-19, Dir Lower.
14.	Dr.Muhammad Yousaf (B-18)	District Director Livestock (B-19), Buner (in his own pay and scale).	Senior Veterinary Officer (B-18), Civil Veterinary Hospital, Daggar, District Buner.

ENDST: NO. & DATE EVEN:

SECRETARY AGRICULTURE

Copy to the:

- 1. The Accountant General, Khyber Pakhutnkhwa, Peshawar.
- 2. Director General (Extension), Livestock and Dairy Development, Khyber Pakhtunkhwa Peshawar.
- 3. Districts/Agencies Account Officers, Peshawar, Shangla, FR D.I.Khan, Buner, Khyber Agency, Tank, Dir Upper, Dir Lower, Manschra, Lakki Marwat, Mardan, Bannu & D.I.Khan.
- 4. Officers concerned.
- 5. Personal files of the officers concerned.
- 6. P.S to Minister for Livestock, Khyber Pakhtunkhwa.
- 7. P.S to Secretary, Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa.
- 8. Master File.

(Dr. Mir Ahmad Khan) SECTION OFFICER (L&F)



GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE, LIVESTOCK & COOPERATIVES DEPARTMENT

Dated Peshawar the 8th July, 2020

Annizzi B

NOTIFICATION

1

No.SO (LFC) AD-E-I (373)/2020/Promotion: C.1 the recommendation of the Provinci Selection Board, the Competent Authority 13 pleased to promote Dr. Malak Ayaz Wazir, (BS-19), to the post of (BS-20) on regular basis, with immediate effect.

2. In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with Rule 15 of Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules. 1989, he will be on probation for a period of one year.

Posting/Transfer notification of the above mentioned promoted officer will superately issued.

> Sdax SECPETARY AGRICULTURE KHUBER PAKHTUNKHWA.

Endst: No. & date even.

Copy forwarded to.

5. Manter file.

- Los Director General (Ext), Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Pashawar, for necessary action with the request to submit adjustment/posting proposal of the promoted officer.
- 2. Officer concerned.
- 3. Section Officer (PSB), Establishment Department.
- 4. P.S. to Secretary, Agriculture, Livestock & Coop: Department, Khyber Pekhunkhwa

ALC: SAL ICER (LFC)

GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE, LIVESTOCK & COOPERATIVES DEPARTMENT

Dated Peshawar the 8th July, 2020

Betty Corg

NOTIFICATION

No.SO (LFC) AD-E-1 (373)/2020/Promotion: On the recommendation of the Provincial Selection Board, the Competent Authority is pleased to promote Dr. Malak Ayaz Wazir, (BS-19), to the post of (BS-20) on regular basis, with immediate effect.

2. In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with Rule 15 of Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules. 1989, he will be on probation for a period of one year.

3. Posting/Transfer notification of the above mentioned promoted officer will be separately issued.

Sd/xx SECRETARY AGRICULTURE KHYBER PAKHTUNKHWA.

Endst: No. & date even.

Copy forwarded to.

- 2 The Director General (Ext), Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar, for necessary action with the request to submit adjustment/posting proposal of the promoted officer.
- 2. Officer concerned.
- 3. Section Officer (PSB), Establishment Department.
- 4 P.S to Secretary, Agriculture, Livestock & Coop: Department, Khyber Pakhtinkhwa.

5. Master file.

(AHMAD HUSSALD) SECTION OFFICER (LFC)

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HARIER C GOVERNMENT OF KHYBER PAKHTUNKHWA URE, LIVESTOCK, FINHERIKA & OOPERATIVE DEPARTMENT Dated Peshawar the 28th July, 2020 FICATIO

NO. SO(LFC) AD-I(182)/PF/2020-

Without prejudice to the legal remedies available to Provincial Government and in pursuance of judgment of the Peshawar High Court dated 19-02-2020 in W.P. No. 5673-P/2019, Dr. Rabimullah, Distric: Director Livestock, (BS-19) Dir Lower stand retired from Government service on 10.07.2020 on attaining the age of superannuation, as his date of birth is 11:07.1960, subject to CPLA/Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court and any order contrary as and when issued by the apex Court of Pakistan.

SD/ SECRETARY AGRICULTURE. LIVESTOCK, FISHERIES & COOP DEPARTMENT

Endst No. & date of Even. Copy forwarded to the:-

- 1) Registrar Peshawar High Court.
- 2) District Account Officer, Dir Lower.
- 3) The Director General (Ext) Livestock & Dairy Development Department Khyber Pakhtunkhwa.
- 4) Officer Concerned.

Department. 7) Master file.

- 5) P.S to Secretary Agriculture, Livestock, Fisheries & Cooperatives Department. 6) P.A to Deputy Secretary-II Agriculture, Livestock, Fisherics & Cooperative
 - MAD HUSSAIN

SECTION OFFICER (LFC)

OFFICE OF THE DISTRICT DARECTOR LIVESTOCK			
No/ Dated Timergara the/11/2021			
ddidirlower@gmail.com			

To,

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

Subject: <u>APPEAL OF DR. RAHIMULLAH (BPS-19), LIVESTOCK & DAIRY DEV:</u> <u>DEPARTMENT (EXTENSION WING) FOR PROMOTION TO BPS-20.</u>

Memo:

Kindly find enclosed herewith an appeal in respect of Dr. Rahimullah (BPS-19) Ex-District Director Livestock Dir Lower, for further necessary action please.

Encl: As above.

No. 1187 1

Dated Dir Lower, the <u>24</u>/11/2021.

Copy of the above forwarded to Dr. Rahimullah Ex. District Director Livestock Dir Lower for information please.

DIS FRICT DIRÉ LIVESTOCK I DIR LOWER AT TIMERGARA.

DISTRICT DIRECTOR LIVESTOCK DIR LOWER AT TIMERGARA.

Availader D

Dated 22th November, 2021

The Secretary,

Peshawar.

Government of Khyber Pakhtunkhwa, Agriculture, Livestock, and Cooperatives, Deptt:.

Subject:

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5.

APPEAL OF DR. RAHIMULLAH, BS-19 EX-DISTRICT DIRECTOR, LIVESTOCK DIR LOWER FOR PROMOTION TO BS-20.

Respected Sir,

It is please stated that the undersigned joined Livestock & Dairy Development Department (Extension Wing), Khyber Pakhtunkhwa, on 1st May 1986 as Veterinary officer (Health) BS-17 and promoted to BS-18 in the year 2010 and Bs-19 in the year 2012 and worked at different positions in the department.

One post of BS-20 was vacated due to the retirement of Dr. Sher Muhammad, Ex-Director General, (Extension), L&DD, Khyber Pakhtunkhwa, Peshawar on 02.11.2019 but, the post was kept vacant due to enhancement of retirement age from 60 to 63-years by the Provincial Assembly Khyber Pakhtunkhwa.

The second post of BS-20 was vacated by **Dr. Syed Jehangir Shah**, Ex Principal AHITI, Khyber Pakhtunkhwa, Peshawar, died during service on 01.04.2020. The most senior officer **Dr. Malik Ayaz Wazir**, BS-19 was Promoted to the above BS-20 vacant post in PSB meeting held on 12.06.2020.

The undersigned was senior most in the Seniority list of BS-19 after the promotion Dr. Malik Ayaz Wazir and second post already vacant due to retirement of Dr. Sher Muhammad Ex-DG (L&DD) on 02.11.2019 but, I was not considered for promotion to BS-20 due to Court or Government decision about retirement age of 63-years.

It, is therefore, humbly requested that the undersigned was due for promotion on 13.06.2020 but, I was not considered for promotion to BS-20 and retired from service, hence, faced great financial losses for me. You are further requested to promot me to the post BS-20 before my retirement, please.

(DR. RAHIMULLAH) EX- DISTRICT DIRECTOR LIVESTOCK DIR LOWER.

То

ITEM NO. (19)

2.

(Meeting of PSB held on 12.06.2020)

SUBJECT:- PROMOTION OF BS-19 OFFICERS OF LIVESTOCK & DAIRY DEVELOPMENT (EXTENSION WING) TO BS-20.

Secretary Agriculture apprised the Board that two posts in BS-20 are lying vacant due to death and conditional retirement in wake of Peshawar High Court Judgment dated 19.02.2019. However the Board considered promotion against one post by excluding the post vacated by conditional retirement.

According to service rules the post is required to be filled as under:-

"By selection on merit from amongst Directors/Epidemiologist/Principal Veterinary Officer/Executive District Officers (Agri) / Training Coordinator (AHITI)/ Wool Analyst having ten years service in BPS-18 and above or seventeen years service in BS-17 and above and registered with Pakistan Veterinary Medical Council."

3. The service record of the officers included in the penal was discussed as follows: -

S. #	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1. G	Dr. Malak Ayaz Wazir. Alun Section (Jicer (PSB) Section (Sileer Pakhtunkhwa ovt: of Khyber Pakhtunkhwa Establishment Department	His date of birth is 10.05.1961. He joined government service on 27.03.1986 in BS-17. He was promoted to BS-19 on 28.07.2009. He is registered with Pakistan Veterinary Medical Council. He has completed prescribed length of service for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good. His quantified score is 55 and the Board awarded him 15 marks out of 30. The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year.

Pristan F.

Dated 15th March, 2022

0NO-17-88-12/3/22 To .

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

Subject:

PROVISION OF DOCUMENT i.e MINUTES OF THE PSB MEETING ALONGWITH LIST OF VACANT POSITIONS IN BPS-20 UNDER RTI ACT

13

Dear Sir,

It is stated that the department submitted the working papers of the following BPS-19 officers to the PSB, Khyber Pakhtunkhwa for promotion to BPS-20:

Dr. Malak Ayaz Wazir, BPS-19, Director, Cattle Breeding & 1. Dairy Farm, Harichand.

Dr. Rahimullah, BPS-19, District Director Livestock, 2. Dir Lower

The meeting of PSB was held on 12.06.2020, the undersigned needs minutes of the above PSB meeting alongwith list of vacant BPS-20 position\$.

It is therefore, requested that Minutes of PSB meeting alongwith list of vacant BPS-20 positions may kindly be provided under RTI, Act please.

Thanks in anticipation.

(DR. RAHIMULLÄH)

Ex-District Director Livestock Dir Lower at Timergara

GOVERNMENT OF KHYBER PAF TTUNKHWA AGRICULTURE, L'VESTOCK, FISHERIES & COOPERATE & DEPARTMENT

Dated Peshawar the May 25th, 2024

7/0/24

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NOTIFICATION

NO.: OL.FCIAD/1-5/2020;

In pursuance of Section-13A(1) of the Khyber Pakhumkhwa, Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), and in supersession of Notification No.SO(LFC)AD-I(182)/PF/2020 dated 28/07/2020. Dr. Rahimultah, District Director Livestock, (85-19) Dir Lower stands retired from Government Service with effect from 10-07-2020 on attaining Sixticth (60th) year of age, as his date of birth 15 11-07-1960.

2. In terms of Ruls-20 (1) of the Khyber akhtunkhwa Civil Servant Revised Leave Rules, 1981 as amended vide Government of Klyther Pakhtankhwa Finance Department (Regulation Wing) Notification No. SO(FR)5-92/2005/Vol.V dated 13/12/2012, sanction is betchy accorded to the encashment of leave equal to 365-days pay in lieu of f.eave Preparatory to Retirement in favoru of Dr. Rahimallah, District Director Livestock, (BS-19) Dir Lower with effect from 12-07-2019 to 10-07-2020.

Notwithstanding the supersession of Notification mentioned in above Para, any 3 leave encashment granted or LPR and other benefit, if any, availed there under, shall be deemed to be validly granted or availed.

SD/-SECRETARY AGRICULTURE. **IVESTOCK, FISHERIES & COOP:** DEPARTMENT

liméd hussaim

Endstt: Even No. & date:

Conv rotwarded tor-

- The Director General (Extension) Livestock & Dairy Development Department, Khyber Pakhtankhwa
- District Account Officer, Dir at Timargar
- Ex-Officer Concerned. ٦.
- PS to Secretary, Agriculture, Livestock, & Cooperative Department, Khyber Pakhunkhwa,
- 5. Master File.

GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURAL LIVESTOCK FISHERIES & COOPERATIVE DEPARTMENT

Dated Peshawar the May 25th, 2021

NOTIFICATION

No.SO(LFC)AD/1-5/2020: in pursuance of Section-13A(1) of the Khyber Pakhtunkhwa, Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973) and in supersession of Notification No.SO(LFC)AD-1(182)PF/2020 dated 28.07.2020 Dr. Rahimullah, District Livestock (BS-19) Dir Lower stands retired from Government Service with effect from 10.07.2020 on attaining sixtieth (60th) year of age, as his date of birth is 11.07.1960.

In terms of Rule-20 (1) of the Khyber Pakhtunkhwa Civil Servant revised Leave rules, 1981 as amended vide Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) Notification No.SO(FR)5-92/2005/Vol.V dated 13.12.2012, sanction is hereby accorded to the encashment of leave qual to 365-Days pay in lieu of Leave Preparatory to retirement in favour of Dr. Rahimullah, District Director Livestock, (BS-19) Dir Lower with effect from 12.07.2019 to 10.07.2020.

Notwithstanding the supersession of Notification mentioned in above Para any leave encashment granted or LPR and other benefit, if any, availed there under, shall be deemed to be validly granted or availed.

SECRETARY AGRICULTURE, LIVESTOCK FISHERIES & COOP. DEPARTMENT

-Sd/-

Endst. Even No. & Datè.

Copy of forwarded to:

- 1. The District General (Extension) Livestock & Dairy Development Department, Khyber Pakhtunkhwa.
- 2. District Account Officer, Dir at Timergara
- 3. Ex-Officer Concerned.
- 4. PS to Secretary, Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa
- 5. Master File

POWER OF ATTORNEY in the Court of KRIL Service Torbeal Dr. Rahrin Ullerh	Resho
Do Rahin Welloch	}Plaintiff
VERSUS	_ }Appellant }Petitioner }Complainant
Gant of 10/1 and other	_ } Defendant }Respondent
Appeal/Revision/Suit/Application/Petition/Case Noof	Accused

I/W. the undersigned, do hereby nominate and appoint

ZARTAJ ANWAR & IMRAN KHAN ADVOCATES, my true and lawful attorney, for me in my same and on my behalf to appear at ________ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromisesor other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employee any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have	e hereto signed at	ſ	
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Executant/Executants	······································	V	Wh-
Accepted subject to the terms regarding f	èe	7	love

MRAN KHAN Advocate High Court Mob. 0.115-90/2004/8

ZARTAJ ANWAR Advocate High Courts Advocates, Legal, Advisors, Service & LABOUR LAW CONSULTANT FR-3, Fourth Floor, Bibbar Piaza, Sadda: Road, Peshawar Caut Mobile-0331-0309185 BC-10-9851 CNIC: 17301-1610451-5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 442/ 2022

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G,

Dr. Rahim Ullah S/O Abdul Azeem

------ APPELLANT

VERSUS

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Govt; of Khyber Pakhtunkhwa through Chief Secretary & Others

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BEFORE THE	KHYBER PAKHT	UNKHWA SER <u>VICE</u>	TRIBUNAL PESHAWAR

APPEAL NO. 442/ 2022

Dr. Rahim Ullah S/O Abdul Azeem

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 APPEL	LAN I

RESPONDENTS

VERSUS

Govt; of Khyber Pakhtunkhwa through Chief Secetary & Others

-316/2000

Para-wise comments on behalf of the Respondent No. 1, 2 & 3.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- 1. That the Appellant has got no locus standai to file the instant appeal.
- 2. That the appeal is wrong and based on illegal and unlawful presumptions.
- 3. That the Appellant is estopped by his own conduct to file the instant appeal.
- 4. That the appeal is not maintainable in present form.
- 5. That the appeal is time barred.

FACTS

- Correct to the extent that appellant was performing his duties on the post of Exective District Officer (BPS-19), Dir Lower in the Department since 16-11-2012. (Annexure A)
- 2. Pertains to record.
- 3. Correct to the extent that two posts of BPS-20 were lying vacant in the Directorate General (Extension), Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar. It is pertinent to mention that one post was vacated due to the retirement of Ex- Director General, Dr. Sher Muhammad (BPS-20) on 02-11-2019. However, due to the pending issue of 60/63 years age, the retirement was notified conditionally on 18-03-2020 (Annexure B) after the issuance of notification from Khyber Pakhtunkhwa, Establishment Department on 16-03-2020 (Annexure G). The other post was vacated due to the death of Dr. Syed Jahangir Shah (BPS-20) on 01-04- 2020. (Annexure D)
- 4. Correct to the extent that case for the promotion of three senior most officers including the appellant (serial no. 2) were placed before the Provincial Selection Board (PSB) against the vacant posts (Annexure- E). However, the PSB considered promotion against one post by excluding the other post vacated by

Dr. Sher Muhammad as he was retired from service conditionally subject to the fate of CPLA related to the 60/63 age retirement issue pending at the August Supreme Court of Pakistan (Annexure- F). Consequently, the senior most officer Dr. Malik Ayaz Wazir (serial no. 1) was considered for promotion as per rules. (Annexure- G)

- 5. Correct to the extent that senior most officer, Dr. Malik Ayaz Wazir was promoted to BPS- 20 on the recommendation of Provincial Selection Board as per rules against the clear vacancy, while appellant was not considered due to non availability of clear vacancy, which was mandatory under the rules.
- Incorrect. As stated in above Para, the appellant could not be considered for promotion due to non availability of clear vacancy, which was mandatory under the rules and accordingly the appellant retired from service on 10-07- 2020, vide notification no. SO (LFC) AD-1(182)/PF/2020 dated 28-07-2020. (Annexure- H)
- Correct to the extent that the departmental appeal/ representation was addressed to-Respondent no. 2, which was not the appellate authority. Therefore, Appellant's representation was not entertained and refused accordingly. (Annexure- I)
- 8. Incorrect. The Respondents have acted in accordance with the rules provided under the law.

GROUNDS

- A. Incorrect and not admitted. The appellant has been treated in accordance with law. The right of the appellant has not been violated and the Respondents have acted in accordance with the service promotion rules.
- B. Correct to the extent that Appellant was bound to perform his duty in accordance with the terms and conditions of his post.
- C. Incorrect and not admitted. The act of non consideration of appellant for promotion is quite legal and under the rules as no clear vacant post was available, at that time. Furthermore, CPLA related to the 60/63 age retirement issue was pending at the August Supreme Court of Pakistan.
- D. Correct to the extent that the case of appellant was not considered for promotion as the post was vacated by the officer through conditional retirement as reflected in PSB minutes of meeting. Furthermore, the case of 60/63 years age was also pending at the August Supreme Court of Pakistan. Hence his plea for promotion is not justified.
- E. As mentioned in preceeding paras.
- F. The applellant has initially submitted his appeal to wrong forum just to avail relief for filing the instant appeal.
- G. Incorrect and not admitted. The appellant was aware of his seniority position. Furthermore, Respondent No. 2 & 3 forwaded the case of the appellant to the

PSB but his case was not entertained by the competent forum for promotion as no clear cut vacancy was available at that time.

- H. Incorrect and not admitted. The Respondents have not violated the rights of appellant and the action taken by the PSB is quite legal, legitimate and within the lawful authority.
- I. As mentioned in preceeding paras.
- J. The Respondents seek permission to raise additional grounds during the course of arguments.

In view of the above, it is humbly prayed that the instant appeal may gracially be dismissed with cost being devoid of merit, please.

Government of Khyber Pakhtunkhwa Peshawar

RESPONDENT NO.1

SECRETARY Agriculture, Livestock & Cooperative Department, Khyber Pakhtunkhwa RESPONDENT NO.2

DIRECTOR GENERAL (ÉXTENSION) Livestock & Dairy Development Department, Khyber Pakhtunkhwa RESPONDENT NO.3

<u>ab</u>

nexü £ 0



GOVERNMENT OF Khyber Pakhtunkiiwa Agriculture Livestock & Cooperative Department

Dated Peshawar the 16th November, 2012.

NOTIFICATION:

NO.SO(L&F)AD-E-1(373)/2012: On recommendation of the Provincial Selection Board, the Competent Authority is pleased to approve promotion of the following Officers to BPS-19, of Livestock & Dairy Development Department (Extension Wing), Khyber Pakhtunkhwa, with immediate effect:

S#	Name of Officer	Remarks	S#	Name of Officer	Rema rks
۱	Dr. Gohar Zaman		7.	Dr. Umar Khan,	
2.	Dr. Javed Iqbal.		8.	Dr. Itbar Khan.	·
3, .	Dr. Qulub Khan		9.	Dr. Jan Mir Khan.	<u> </u>
١.	Dr. Fazal Muhammad		10.	Dr. Nascemullah.	
5.	Dr. Mashkoor Ali.	· · ·	11.	Dr. Muhammad Rafique	
5.	Dr. Iqbal Rahim.	His promotion is subject to the clearance by the Medical Board.	12.	Dr. Gul Behram	
'.	Dr.Saidullah Baz Khan.		13.	Mr. Rahimullah	

2. These officers will be on probation for a period of one year in terms of section 6(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1981.

3. Consequent upon their promotion, the following adjustments / postings are hereby ordered:-

<u>S.#</u>	Name of Officers	From	То
I. ·	Dr. Gohar Zaman	Director Headquarters (B-19), Directorate General (Extension), Lⅅ, Khyber Pakhtunkhwa, Peshawar (in his own pay and scale).	Director Headquarter (B- 19), Directorate General (Extension), Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar.
2.	Dr. Javed Iqbal.	Executive District Officer (Agriculture) B-19, Shangla (OPS)	Executive District Officer (Agriculture) B-19, Shangla
3;	Dr. Qulub Khan	Agency Director Livestock (B-19), F.R, D.I.Khan (in his own pay and scale).	Services placed at the disposal of FATA Secretariat, Peshawar, for his further posting as Agency Director Livestock (B-19), F.R D.I.Khan
ŀ.	Dr. Fazal Muhammad	Senior Veterinary Officer (B- 18), Civil Veterinary Hospital (CVH), Daggar, District Buner.	District Director Livestock (B-19), Buner.
	Dr. Mashkoor Ali.	Agency Dicctor Livestock (B-19), Khyber Agency (in his own pay and scale).	Services placed at the disposal of FATA Secretariat, Peshawar, for his further posting as Agency Director Livestock (B+19), Khyber Agency.

S.#	Name of Officers	From	То
6.	Dr. Saidullah Baz Khan	Senior Veterinary Officer (B- 18), Civil Veterinary Hospital Bara, Khyber Agency.	Services placed at the disposal of FATA Secretariat, Peshawar for his further posting as Agency Director Livestock (B-19), Orakzai Agency at
. 7.	Dr. Umar Khan.	District Director Livestock (B-19), Tank (in his own pay and scale).	Hangu. District Dricctor Livestock (B-19), Tank.
8.	Dr. Itbar Khan.	District Director Livestock (B-19), Mardan (in his own pay and scale).	District Director Livestock (B-19), Mardan.
9.	Dr. Jan Mir Khan.	District Director Livestock (B-19), D.I.Khan (in his own pay and scale).	District Director Livestock (B-19), D.I.Khan.
10.	Dr. Naseemullah.	Executive District Officer (Agriculture) B-19, Lakki Marwat (in his own pay and scale).	Executive District Officer (Agriculture) B-19, Lakki Marwat.
11.	Dr.Muhammad Rafique	District Director Livestock (B-19), Mansehra (in his own pay and scale).	District Director Livestock (B-19), Manschra.
12.	Dr. Gul Behram.	Agency Director Livestock (B-19), FR Bannu (in his own pay and scale).	Services placed at the disposal of FATA Secretariat, Peshawar, for his further posting as Agency Director Lvicstock (B-19), FR Bannu.
13.	Mr. Rahimullah	Executive District Officer (Agriculture) B-19, Dir Lower (in his own pay and scale).	Executive District Officer (Agriculture) B-19, Dir Lower.
14.	Dr.Muhammad Yousaf (B-18)	District Director Livestock (B-19), Buner (in his own pay and scale).	Senior Veterinary Officer (B-18), Civil Veterinary Hospital, Daggar, District Buner.

ENDST: NO. & DATE EVEN:

· Copy to the:

لأترسهم

- 1. The Accountant General, Khyber Pakhutnkhwa, Peshawar.
- 2. Director General (Extension), Livestock and Dairy Development, Khyber Pakhtunkhwa Peshawar.
- Districts/Agencies Account Officers, Peshawar, Shangla, FR D.I.Khan, 3. Buner, Khyber Agency, Tank, Dir Upper, Dir Lower, Manschra, Lakki Marwat, Mardan, Bannu & D.I.Khan.
- 4, Officers concerned,
- 5. Personal files of the officers concerned.
- ·6. P.S to Minister for Livestock, Khyber Pakhtunkhwa.
- 7 P.S to Secretary, Agriculture, Livestock & Copperative Department, Khyber Pakhtunkhwa.
- . 8. Master File.

(Dr. Mir Ahmad Khan) SECTION OFFICER (L&F)

SECRETARY AGRICULTURE

Dated Peshawar the 18th March; 2020

DEPARTMENT

ULI DEK LAKHER

AGRICULTURE LIVESTOCK & COOPER

NOTIFICATION

No.SO(EFC)AD-I(162)/PF/2020: Without prejudice to the legal remedies available to Provincial Government and in pursuance of judgment of the Peshawar High Court dated 19-02-2020 in W.P. No.5673:P/2019, Dr. Sher Muhammad, Director General (Extension), Livestock & Diary Development Department, Khyber Pakhtunkhwa (BS-21) shall stand retired from Govt. service on <u>02-11/2019</u> on attaining the age of superannuation, as his date of birth is <u>03.11/1959</u>, subject to CPLA/Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court and any order contrary as and when issued by the apex Court of Pakistan.

ner.

SECRETARY AGRICULTURE KHYBER PAKHTUNKHWA.

SD/-

Endst: No. & date even.

py For information and necessary action to:

1 Registrar Peshawar High Court, Peshawar. 2. Accountant General Kilyber Pakhtunkhwa.

Director General (Extension) Livestock & Diary Development Department, Khyber Pakhtunkhwa.

4. P.S to Minister for Agaiculture, Livestock & Coop: Khyber, Pakhtunkhwa.

 P.S to Secretary, Agriculture Department, Khyber Pakhtunkhwa.
 PA to Deputy Secretary II, Agriculture Department, Khyber Pakhtunkhwa.

7. Officer Concerned 8. Master File

Attested

(AHMAD HUSSAIN) SECTION OFFICER ILPC

Director General (Bxt) 580D, Kirsher Pathauthiwa Peshawat

GOVT. OF KHYBER PAKHTUNKHWA ESTABLISHMENT & ADMN: DEPARTMENT (REGULATION WING)

nexure.

No.SO(Policy)E&AD/1-13/2019 Dated Peshnwar, the 16" March, 2020

A: nex I

All Administrative Secretaries to Government of Khyber Pakhunkhwa

SUBJECT: CIVIL SERVANTS AMENDMENT ACT. 2019 Dear Sir.

I am directed to refer to the subject noted above and to state that Peshawar High Court Peshawar in its judgment dated 19:2.2020 passed in WP No.5673-P/2019 titled "Malik Zaheer-ur-Din & Others Vs Government of Khyber Pakhtunkhwa" declared the Khyber Paklitunkinwa Civil Servants (Amendment) Act, 2019 as ultra vires of the Constitution of Islamic Republic of Pokistan, 1973 and directed that the incumbents who got retired at their actual date of retirement in reference to 60 years would stand retired from that date. Their pensionary benefits would be calculated till that date, however, under the law of locus poenitentiae the salaries so received thereafter would not be recovered, as they have worked during the said period.

2. I am further directed to state that immediate necessary action may be taken inthe light of above referred judgment of the Peshawar High Court and retirement cases of officers/officials of your respective departments may be processed w.e.f. 31.07.2019 subject to final outcome of the CPLA in the Supreme Court of Pakistan, Processing and calculation of pension may be finalized in the light of dates provided for in the above mentioned judgment.

3.

To

Matter may be treated as most urgent.

Yours faithfully

Section Officer (Policy)

- Copy to:
 - 1. The Registrar, Peshawar High Court, Peshawar,
 - 2. The Accountant General, Khyber Pakhtunkhwa

 - PS to Chief Secretary, Khyber Pakhtunkhwa
 PS to Principal Secretary to Chief Minister Knyber Bakhtunkhwa.
 - 5. P.S. to Secretary Establishment Department Lich an Pakhtunkhwa. 6. PS to Secretary Law Department, Khyber Promunant
 - 7. PS to Secretary Finance Department, Khylod B. Waldithaw

7/6/22, 4:17 PM

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C)

GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE, LIVESTOCK, FISHERIES & COOPERATIVE DEPARTMENT

Dated Peshawar the May 14th, 2020

NOTIFICATION

NO.SO(LFC)AD-I(208)/PF/2016:- In pursuance of the Judgment of the Peshawar High Court Peshawar, the Competent Authority is pleased to retire Dr. Syed Jehangir Shah (Late), Principal Animal Husbandry In-Service Training Institute, Peshawar (BS-20) w.e.f 01-04-2020 upon his death.

These orders are subject to revision in light of the outcome of the CPLA already filed by the Provincial Government of Khyber Pakhtunkhwa pending decision of the Supreme Court of Pakistan.

SD-Secretary Agriculture, Livestock, Fisheries & Coop: Department

Endst No. & date of Even. Copy forwarded to the:-

- 1) The Assistant Account Officer O/o Accountant General, Khyber-Pakhtunkhwa, Peshawar.
- 2) The Director General (Extension) Livestock & Dairy Development Department Khyber
- Pakhtunkhwa, Peshawar w/r to letter No.5824 dared 24-04-2020.
- 3) Officer Concerned.
- 4) P.S to Secretary Agriculture, Livestock, Fisheries & Cooperatives Department.
- 5) P.A to Deputy Secretary-II Agriculture, Livestock, Fisheries & Cooperative Department.
- 6) Master file.

(AHMAD HUSSAIN)

SECTION OFFICER (LFC

FD

nnexure



WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Department

1.

Nomenclature of the post/ Basic Scale.

Livestock and Dairy Development Department (Extension Wing), Khyber Pakhtunkhwa

Director General, Livestock and Dairy Development Department, Khyber Pakhtunkhwa/ Principal, Animal Husbandry Inservice Training Institute (AHITI), Khyber Pakhtunkhwa/ Director, Breed Improvement and Farms (BPS-20) PROVINCIAL

- 2 Service/Group/Cadre.
- 3 Sanction Strength of the Cadre.

03

	-	<u>Direct</u>	Promotion	Transfer
i.	Percentage of share	Nil	100 %	Nil
ii.	No. of posts allocated to each category.	. Nil	03	Nil
ili.	Present occupancy position	Nil	01	Nil
įv.	No. of vacancies in each category	Nil	02	Nil

How did the vacancy (ies) under promotion quota occurred and since when

Recruitment Rules

Total of 03 posts BPS-20 exists in the Livestock & Development Department (Ext), Dairy Khyber Pakhtunkhwa, (Annex-I), out of the three total strenath. one (01) posts of Director ¹² Breed Improvement & Farms is filled, and one (01) post of Director General L&DD, KP is pending for the August Supreme Court of Pakistan decision regarding CPLA against the judgment dated 19.02.2020 passed in WP No.5673-P/2019 of the Peshawar High Court Peshawar (Annex-II), while one post of Principal, Animal Husbandry In-Service Training Institute, Peshawar is lying vacant due to natural death of (late) Syed Jehangir Shah (Annex-III).

"By selection on merit from amongst Directors/ Epidemiologists/ Principal Veterinary Officers/ Executive District Officers (Agri)/ Training Coordinator AHITI/ Wool Analyst having 10 years service in BPS-18 and above or having seventeen years service in BPS-17 and above and registered with Pakistan Veterinary Medical Council" as per Notification No.SO (L&DD)AD-E-1(236) / 2008 / Ext, dated 08.7.2009 (Annex-IV).

10 years service in BPS-18 and above or 17 years service in BPS-17 and above

On regular basis

Acting charge basis? Mandatory training, if any

Minimum required score on E1

Required length of service.

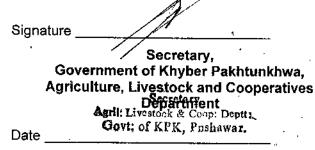
Whether to be promoted on

regular basis or appointed on

Govern (Exi) There LADE Mayber Pakhtunkhwa Peshawar

Nil

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U ÿ -<u>1</u> L&DD Khyber Peklimakhwa f Divector General (Exf) Pesitawar 2 , :P., The officer has earned a very good reputation of being competent, capable, honest and hardworking. The officer is at seniority No.01.of the approved seniority list, Registered with PVMC. His score is <u>55.06</u> cut of 70 on the efficiency index. General / Director Breed Improvement & Farms' Principal AHITI in BS-20 in Livesbock & Dairy Development Department c) Executive - Constitutee Member of PVMC since 2015. b) Life Member of Pakistan Veterinary Medical Association Member of: a) Life Member of Pakistan Veterinary Medical Council. Extension Wing) on regular basis. 10. Reputation: . Administrative Experience: Sheep Development Inspector (BS-17) NWA, Miranshah Veterinary Officer (Health), Assistant Director, Planning L&DD, NWFP, Peshawar 1986 15.11_2019 锴 date. Director, Cattle Breeding & Dairy Farm, Harichand. 2015 Epidemiologist/Director L&DD, NWFP, 2008 to 2011. Veterinary Officer (Health), (BS-17) Civil Veterinary Hospital, Kołka Habibulah, FR, Bannu 1990. Vetarinary Officer (Heatth), (BS-17) Civil Veterinary Hospital, Ghorimala, Bannu 1988. Hospital, Kakki, District Bannu 1987. Hospital, Chital 1986 Director, L&DD, FATA, Peshawar, Assistant Director (HQ), L&DD, NWFP, 2001 to 2003 Assistant Director, L&DD, Kohat 1999 to 2001. Project Coordinator, BADP from 1996 to 1999 15.11.2019. Director, Animal Health & Production, L&DD, KP 2012 to Jistrict Project Director, BADP-II, 2003 to 2007. 996 Veterinary Officer (Health), (BS-17) Civil Veterinary Act as Project Director for all ADP projects of He is eligible for promotion to the post of Director of 200-Civil Veterinary Dispensaries in L&DD, L&DO FATA. NWFP, Peshawar. ^oroject (Phase-II) P&D Department, Govi: of VWFP, District Implementation Unit at Vistrict Project Director "Barani Area Development (Tryber Pakhtunkhwa. Project Director "Establishment and construction roject (Phase-I) P&D Department Govt of addiManwat and Bannu. roject Coordinator "Barani Area Development SECRETARY, Government of Knyber Pakhtunkhwa, Agriculture, Uwestox, Fisheries & Cooperatives Department, Poshawar (BS-17) Civil Veterinary Agril: Livestock & Coop: Deptt: Dated: Govt: of KPK, Poshawar. 01.08.2015 to Secretary

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ITEM NO. (19)

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ACRICOLLEORIE DIVIDSIO DIVITIVASIC

(Meeting of PSB held on 12.06.2020)

OFFICERS OF LIVESTOCK DAIRY <u>BS-19</u> PROMOTION OF SUBJECT:-DEVELOPMENT (EXTENSION WING) TO BS-20.

Secretary Agriculture apprised the Board that two posts in BS-20 are lying vacant due to death and conditional retirement in wake of Peshawar High Court Judgment dated 19.02.2019. However the Board considered promotion against one post by excluding the post vacated by conditional retirement.

According to service rules the post is required to be filled as under:-

amongst from merit selection on "By Directors/Epidemiologist/Principal Veterinary Officer/Executive District Officers (Agri) / Training Coordinator (AHITI)/ Wool Analyst having ten years service in BPS-18 and above or seventeen years service in BS-17 and above and registered with Pakistan Veterinary Medical Council."

REALING

The service record of the officers included in the penal was discussed as follows: -1

S. #	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Dr. Malak Ayaz Wazir. Allun Section Chicer (PSB) Section Chicer (PSB) Se	His date of birth is 10.05.1951. He joined government service on 27.03.1986 in BS-17. He was promoted to BS-19 on 28.07.2009. He is registered with Pakistan Veterinary Medical Council. He has completed prescribed length of service for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good. His quantified score is 55 and the Board awarded him 15 marks out of 30. The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year.

MAEXUNE



GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE, LIVESTOCK & COOPERATIVES DEPARTMENT

Dated Peshawar the 8th July, 2020

NOTIFICATION

No.SO (LFC) AD-E-1 (373)/2020/Promotion: On the recommendation of the provincial Selection Board, the Competent Authority is pleased to promote Dr. Malak Ayaz Wazir, (BS-19), to the post of (BS-20) on regular basis, with immediate effect.

2. In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with Rule 15 of Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules. 1989, he will be on probation for a period of one year.

3. Posting/Transfer notification of the above mentioned promoted officer will be separately issued.

Sdixx SECRETARY AGRICULTURE KHYBER PAKHTUNKHWA.

Endst: No. & date even.

Copy forwarded to.

- 2. The Director General (Ext), Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar, for necessary action with the request to submit adjustment/posting proposal of the promoted officer.
- 2. Officer concerned.
- 3. Section Officer (PSB), Establishment Department.
- 4. P.S to Secretary, Agriculture, Livestock & Coop: Department, Khyber Pakhtlinkhwa

5. Master file.

DHUSSAIN SECTION OFFICER (LFC)

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tnnexune -COVERNMENT OF KHYBER PAKHTUNKHWA ACRAMENTURE, LIVESTOCK, FISHERIES & COOPERATIVE DEPARTMENT Dated Peshawar the 28th July, 2020 **IOTIFICATION**

NO. SO(LFC) AD-I(182)/PF/2020-Without projudice to the legal remedies available to Provincial Government and in pursuance of judgment of the Peshawar High Court dated 19-02-2020 in W.P. No. 5673-P/2019, <u>Dr. Rahlmullah</u>, District Director Livestock, (BS-19) Dir Lower stand retired from Government service on <u>10.07,2020</u> on attaining the age of superannuation, as his date of birth is <u>11.07.1960</u>, subject to CPLA/Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court and any order contrary as and when issued by the apex Court of Pakistan.

SD/-SECRETARY AGRICULTURE, LIVESTOCK, FISHERIES & COOP: DEPARTMENT

Endst No. & date of Even. Copy forwarded to the:-

- 1) Registrar Peshawar High Court.
 - 2) District Account Officer, Dir Lower.
 - 3) The Director General (Ext) Livestock & Dairy Development Department Khyber Pakhtunkhwa.
 - 4) Officer Concerned.
 - 5) P.S to Secretary Agriculture, Livestock, Risheries & Cooperatives Depastment.
 - 6) P.A to Deputy Secretary-II Agriculture, Livestock, Fisherics & Cooperative Department.
 - 7) Master file.

(AHMAD HUSSAIN SECTION-BEFICER (LFC)

nnexure DIRECTORATE GENERAL (EXTENSION) LIVESTOCK & DAIRY DEVELOPMENT KHYBER PAKHTUNKHWA Bacha Khan Chowk, Charsadda Road Peshawar. Emeil: dglddexl@yehoo.comTel: 091-9210276, 9210249, Fax: 091-9210285 No: 22-057 DG L&DD (E) Dated Peshawar the 2/12/2021. To. - The Secretary, Government of Khyber Pakhtunkhwa, Agriculture, Livestock, and Cooperatives, Deptt:. Peshawar. Attention: Section Officer (LFC) Subject: APPEAL OF DR. RAHIMULLAH, BS-19 EX-DISTRICT DIRECTOR. LIVESTOCK DIR LOWER FOR PROMOTION TO BS-20. Memo: Reference subject cited above and enclosed herewith an appeal of Dr. Rahimullah, Ex- District Director Livestock, Dir Lower, regarding promotion to the post of BS-20. Encl: as above. (Dr. ALAMZEB) DIRECTOR GENERAL No: DG L&DD (E) Dated Peshawar the /12/2021. Copy of the above is forwarded for information to: 1. The District Director Livestock, Dir Lower w/r to his letter No. 1186 dated 24.11.2021 for information, please. DIRECTOR GENERAL Deturned to Jes propriesteri Vileus 2ala-

The Secretary,

Government of Khyber Pakhtunkhwa, Agriculture, Livestock, and Cooperatives, Deptt:. Peshawar.

Subject: <u>APPEAL OF DR. RAHIMULLAH, BS-19 EX-DISTRICT DIRECTOR</u>, LIVESTOCK DIR LOWER FOR PROMOTION TO BS-20.

Respected Sir,

It is please stated that the undersigned joined Livestock & Dairy Development Department (Extension Wing), Khyber Pakhtunkhwa, on 1st May 1986 as Veterinary officer (Health) BS-17 and promoted to BS-18 in the year 2010 and Bs-19 in the year 2012 and worked at different positions in the department.

One post of BS-20 was vacated due to the retirement of Dr. Sher Muhammad, Ex-Director General, (Extension), L&DD, Khyber Pakhtunkhwa, Peshawar on 02.11.2019 but, the post was kept vacant due to enhancement of retirement age from 60 to 63-years by the Provincial Assembly Khyber Pakhtunkhwa.

The second post of BS-20 was vacated by Dr. Syed Jehangir Shah, Ex Principal AHITI, Khyber Pakhtunkhwa, Peshawar, died during service on 01.04.2020. The most senior officer Dr. Malik Ayaz Wazir, BS-19 was Promoted to the above BS-20 vacant post in PSB meeting held on 12.06.2020.

The undersigned was senior most in the Seniority list of BS-19 after the promotion Dr. Malik Ayaz Wazir and second post already vacant due to retirement of Dr. Sher Muhammad Ex-DG (L&DD) on 02.11.2019 but, I was not considered for promotion to BS-20 due to Court or Government decision about retirement age of 63-years.

It, is therefore, humbly requested that the undersigned was due for promotion on 13.06.2020 but, I was not considered for promotion to BS-20 and retired from service, hence, faced great financial losses for me. You are further requested to promot me to the post BS-20 before my retirement, please.

(DR. RAHIMULLAH) EX- DISTRICT DIRECTOR LIVESTOCK DIR LOWER.

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