

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.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

09.01.2023

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)

SCANNED
KPST
Peshawar

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 Ayaz 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 Tribunal 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

Rs-500/-
Appellant Deposited
Security & Process Fee
23/5/22



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____

442/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/03/2022	<p>The appeal of Dr. Rahim Ullah resubmitted today by Mr. Zartaj Anwar Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on <u>17.5.2022</u> NOTICE to the appellant/Counsel</p> <p style="text-align: right;">CHAIRMAN </p>
2-		

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 appellat 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 appellat 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. 21-3- /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zartaj Anwar Adv. Pesh.

*Re. Submitted of this Court
Please Put in the Court*

*Junaid Ullah
Roll no
28/3/22*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 442/2022

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

VERSUS

Govt: of Khyber Pakhtunkhwa through Chief Secretary Civil
Secretariat Peshawar and others..... (Respondents)

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Appellant

Through

Zartaj Anwar
ZARTAJ ANWAR

Advocate Supreme Court
Of Pakistan

Office FR , 3-4 Forth

Floor Bilour Plaza

Peshawar Cantt.

Cell: 0331-9399185

Email: Zartaj9@yahoo.com

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:

GROUND OF APPEAL:

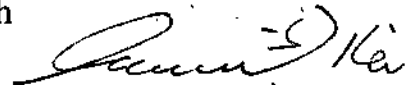
- A. That the appellant has not been treated in accordance with law. The respondents have not followed the Law and Rules governing promotion, thus the secured and guaranteed rights of the appellant have been violated.
- B. That the appellant has performed his duty with great zeal and devotion and to the entire satisfaction of his superiors without any complaint whatsoever regarding his performance.
- C. That 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

AFFIDAVIT

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.

Deponent

**IMMEDIATE
CONFIDENTIAL**

13/6/20 Approved 13/6



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

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

To

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.**

Dear Sir,

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 **Agenda Item No (19)** of the minutes/recommendations of the meeting of Provincial Selection Board held on **12.06.2020** 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,

[Signature] 29/6/2020
SECTION OFFICER (PSB)

Encl: As Above



GOVERNMENT OF
KHYBER PAKHTUNKHWA
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	Remarks
1.	Dr. Gohar Zaman		7.	Dr. Umar Khan.	
2.	Dr. Javed Iqbal.		8.	Dr. Ilbar Khan.	
3.	Dr. Qulub Khan		9.	Dr. Jan Mir Khan.	
4.	Dr. Fazal Muhammad		10.	Dr. Naseemullah.	
5.	Dr. Mashkoo Ali.		11.	Dr. Muhammad Rafique	
6.	Dr. Iqbal Rahim.	His promotion is subject to the clearance by the Medical Board.	12.	Dr. Gul Behram.	
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:-

S.#	Name of Officers	From	To
1.	Dr. Gohar Zaman	Director Headquarters (B-19), Directorate General (Extension), L&DD, Khyber Pakhtunkhwa, Peshawar (<i>in his own pay and scale</i>).	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 (<i>in his own pay and scale</i>).	Services placed at the disposal of FATA Secretariat, Peshawar, for his further posting as Agency Director Livestock (B-19), F.R D.I.Khan
4.	Dr. Fazal Muhammad	Senior Veterinary Officer (B-18), Civil Veterinary Hospital (CVH), Daggar, District Buner.	District Director Livestock (B-19), Buner.
5.	Dr. Mashkoo Ali.	Agency Director Livestock (B-19), Khyber Agency (<i>in his own pay and scale</i>).	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	To
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 (<i>in his own pay and scale</i>).	District Director Livestock (B-19), Tank.
8.	Dr. Itbar Khan.	District Director Livestock (B-19), Mardan (<i>in his own pay and scale</i>).	District Director Livestock (B-19), Mardan.
9.	Dr. Jan Mir Khan.	District Director Livestock (B-19), D.I.Khan (<i>in his own pay and scale</i>).	District Director Livestock (B-19), D.I.Khan.
10.	Dr. Naseemullah.	Executive District Officer (Agriculture) B-19, Lakki Marwat (<i>in his own pay and scale</i>).	Executive District Officer (Agriculture) B-19, Lakki Marwat.
11.	Dr. Muhammad Rafique	District Director Livestock (B-19), Mansehra (<i>in his own pay and scale</i>).	District Director Livestock (B-19), Mansehra.
12.	Dr. Gul Behram.	Agency Director Livestock (B-19), FR Bannu (<i>in his own pay and scale</i>).	Services placed at the disposal of FATA Secretariat, Peshawar, for his further posting as Agency Director Livestock (B-19), FR Bannu.
13.	Mr. Rahimullah	Executive District Officer (Agriculture) B-19, Dir Lower (<i>in his own pay and scale</i>).	Executive District Officer (Agriculture) B-19, Dir Lower.
14.	Dr. Muhammad Yousaf (B-18)	District Director Livestock (B-19), Buner (<i>in his own pay and scale</i>).	Senior Veterinary Officer (B-18), Civil Veterinary Hospital, Daggar, District Buner.

SECRETARY AGRICULTURE

ENDST: NO. & DATE EVEN:

Copy to the:

1. The Accountant General, Khyber Pakhtunkhwa, 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, Manshra, 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)

Annex B



**GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVES
DEPARTMENT**

Dated Peshawar the 8th July, 2020

NOTIFICATION

No. SO (LFC) AD-E-I (373)/2020/Promotion: C.1 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/-
**SECRETARY AGRICULTURE
KHYBER PAKHTUNKHWA.**

Endst: No. & date even.

Copy forwarded to.

1. 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 Pakhtunkhwa.

5. Master file.


**(AHMAD HUSSAIN)
SECTION OFFICER (LFC)**

Best Copy



**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.

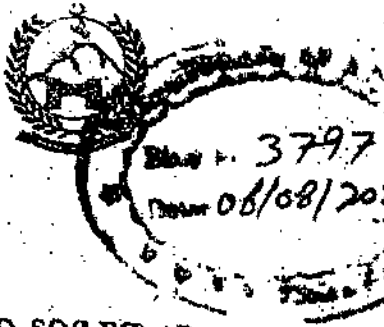
Sd/xx
**SECRETARY AGRICULTURE
KHYBER PAKHTUNKHWA.**

Encls: No. & date even.

Copy forwarded to.

1. 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 Pakhtunkhwa.
5. Master file.


**(AHMAD HUSSAIN)
SECTION OFFICER (LFC)**



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

Dated Peshawar the 28th July, 2020

NOTIFICATION


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, District 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.
- 5) P.S to Secretary Agriculture, Livestock, Fisheries & Cooperatives Department.
- 6) P.A to Deputy Secretary-II Agriculture, Livestock, Fisheries & Cooperative Department.
- 7) Master file.


**(AHMAD HUSSAIN)
SECTION OFFICER (LFC)**

Arifullah D



**OFFICE OF THE DISTRICT DIRECTOR LIVESTOCK
DIRLOWER AT TIMERGARA**

No. _____ /

Dated Timergara the ____ /11/2021



ddldirlower@gmail.com



Livestock Dir Lower



livestock_1



0945-9250107

To,

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

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

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.

**DISTRICT DIRECTOR LIVESTOCK
DIR LOWER AT TIMERGARA.**

No. 11871

Dated Dir Lower, the 24 /11/2021.

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


**DISTRICT DIRECTOR LIVESTOCK
DIR LOWER AT TIMERGARA.**

Dated 22th November, 2021

To


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

Subject: **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.

2. 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.
3. 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.
4. 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.
5. 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.

AGRICULTURE, LIVESTOCK AND COOPERATIVE DEPARTMENT

(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.

2. 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.	Dr. Malak Ayaz Wazir. <i>Alvina</i> Section Officer (PSB) Govt. 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.

13

Amirul F.

DN0-1788

Dated 15th March, 2022

To

17/3/22

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

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:

1. Dr. Malak Ayaz Wazir, BPS-19, Director, Cattle Breeding & Dairy Farm, Harichand.
2. Dr. Rahimullah, BPS-19, District Director Livestock, 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 positions.

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. RAHIMULLAH)
Ex-District Director
Livestock Dir Lower at
Timergara



14
GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK, FISHERIES &
COOPERATIVE DEPARTMENT

298
27/5/21

Dated Peshawar the May 25th, 2021

NOTIFICATION

NO. SO(LFC)AD/I-5/2020: In pursuance of Section-13A(1) of the Khyber Pakhtunkhwa 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. Rahimullah, District Director 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.

2. 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 equal 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.

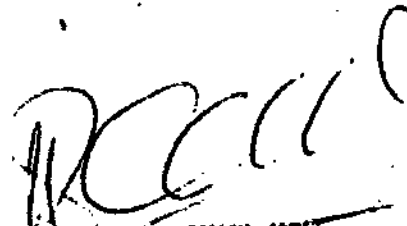
3. Notwithstanding the supersession of Notification mentioned in above Para, any leave encashment granted or LPR and other benefit, if any, availed there under, shall be deemed to be validly granted or availed.

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

Ends: Even No. & date:

Copy forwarded to:-

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


AHMED HUSSAIN

**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.

2 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.

Sd/-

**SECRETARY AGRICULTURE,
LIVESTOCK FISHERIES & COOP.
DEPARTMENT**

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 10PL Services Tribunal Peshawar
Dr. Rahim Ullah

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of 10PL and others

} Defendant
} Respondent
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

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

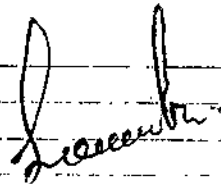
ZARTAJ ANWAR & IMRAN KHAN ADVOCATES, my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits, Compromises or 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 employ 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 hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____



Im. Khan
IMRAN KHAN
Advocate High Court
Mob. 0115-9091678

Zartaj Anwar
ZARTAJ ANWAR
Advocate High Courts

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3, Fourth Floor, Bighar Plaza, Sadda Road, Peshawar Cantt
Mobil: 0331-9399185
BC-10-9851
CNIC: 17301-16001515

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 442/ 2022

Dr. Rahim Ullah S/O Abdul Azeem

----- **APPELLANT**

VERSUS

Govt; of Khyber Pakhtunkhwa through Chief Secretary & Others

----- **RESPONDENTS**

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3-3/6/2022

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 442/ 2022

Dr. Rahim Ullah S/O Abdul Azeem

----- **APPELLANT**

VERSUS

Govt; of Khyber Pakhtunkhwa through Chief Secretary & Others

----- **RESPONDENTS**

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

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no locus standi 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

1. Correct to the extent that appellant was performing his duties on the post of Executive 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 C)**. 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.
 6. 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)**
 7. 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.

GROUND

- 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 apppellant 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 forwarded 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 appellants and the action taken by the PSB is quite legal, legitimate and within the lawful authority.

I. As mentioned in preceding 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 graciously be dismissed with cost being devoid of merit, please.

CHIEF SECRETARY
Government of Khyber Pakhtunkhwa
Peshawar

RESPONDENT NO.1

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

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

Annexure - A

A

59



GOVERNMENT OF
KHYBER PAKHTUNKHWA
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	Remarks
1.	Dr. Gohar Zaman		7.	Dr. Umar Khan.	
2.	Dr. Javed Iqbal.		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 subject to the clearance by the Medical Board.	12.	Dr. Gul Behram.	
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:-

S.#	Name of Officers	From	To
1.	Dr. Gohar Zaman	Director Headquarters (B-19), Directorate General (Extension), L&DD, 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
4.	Dr. Fazal Muhammad	Senior Veterinary Officer (B-18), Civil Veterinary Hospital (CVH), Daggar, District Buner.	District Director Livestock (B-19), Buner.
5.	Dr. Mashkoor Ali.	Agency Director 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	To
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 <i>(in his own pay and scale)</i> .	District Director Livestock (B-19), Tank.
8.	Dr. Itbar Khan.	District Director Livestock (B-19), Mardan <i>(in his own pay and scale)</i> .	District Director Livestock (B-19), Mardan.
9.	Dr. Jan Mir Khan.	District Director Livestock (B-19), D.I.Khan <i>(in his own pay and scale)</i> .	District Director Livestock (B-19), D.I.Khan.
10.	Dr. Naseemullah.	Executive District Officer (Agriculture) B-19, Lakki Marwat <i>(in his own pay and scale)</i> .	Executive District Officer (Agriculture) B-19, Lakki Marwat.
11.	Dr. Muhammad Rafique	District Director Livestock (B-19), Mansehra <i>(in his own pay and scale)</i> .	District Director Livestock (B-19), Mansehra.
12.	Dr. Gul Behram.	Agency Director Livestock (B-19), FR Bannu <i>(in his own pay and scale)</i> .	Services placed at the disposal of FATA Secretariat, Peshawar, for his further posting as Agency Director Livestock (B-19), FR Bannu.
13.	Mr. Rahimullah	Executive District Officer (Agriculture) B-19, Dir Lower <i>(in his own pay and scale)</i> .	Executive District Officer (Agriculture) B-19, Dir Lower.
14.	Dr. Muhammad Yousaf (B-18)	District Director Livestock (B-19), Buner <i>(in his own pay and scale)</i> .	Senior Veterinary Officer (B-18), Civil Veterinary Hospital, Daggar, District Buner.

SECRETARY AGRICULTURE

ENDST: NO. & DATE EVEN:

Copy to the:

1. The Accountant General, Khyber Pakhtunkhwa, 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, Manshra, 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)



Annex-(B)

1946
19/03/20

Dated Peshawar the 18th March, 2020

NOTIFICATION

No. SO(LFC)AD-II(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 & Dairy Development Department, Khyber Pakhtunkhwa (BS-21) shall stand retired from Govt. service on **02-11-2019** on attaining the age of superannuation as his date of birth is **03.11.1959**, 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
KHYBER PAKHTUNKHWA.**


Endst: No. & date even.

Copy For information and necessary action to:

1. Registrar Peshawar High Court, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa.
3. Director General (Extension) Livestock & Dairy Development Department, Khyber Pakhtunkhwa.
4. P.S to Minister for Agriculture, Livestock & Coop: Khyber Pakhtunkhwa.
5. P.S to Secretary, Agriculture Department, Khyber Pakhtunkhwa.
6. PA to Deputy Secretary-II, Agriculture Department, Khyber Pakhtunkhwa.
7. Officer Concerned
8. Master File.

Attested

Director General (Ext)
F.B.D.D, Khyber Pakhtunkhwa
Peshawar


(AHMAD HUSSAIN)
SECTION OFFICER (LFC)

Annexure

©

8

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

No.SQ(Policy)E&ADM-13/2019
Dated Peshawar, the 16th March, 2020

To
All Administrative Secretaries to
Government of Khyber Pakhtunkhwa

Annex II

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 Pakhtunkhwa Civil Servants (Amendment) Act, 2019 as ultra vires of the Constitution of Islamic Republic of Pakistan 1973 and directed that the incumbents who got retired in 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 in the 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. 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.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. P.S. to Secretary Establishment Department, Khyber Pakhtunkhwa.
6. PS to Secretary Law Department, Khyber Pakhtunkhwa.
7. PS to Secretary Finance Department, Khyber Pakhtunkhwa.

Section Officer (Policy)

16/3/2020

Annexure.

D

9



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

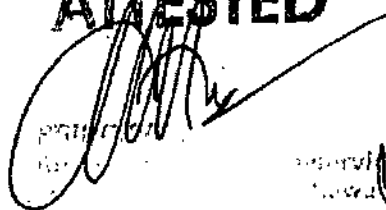
Endst No. & date of Even.

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 dated 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)

ATTESTED



WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Department		Livestock and Dairy Development Department (Extension Wing), Khyber Pakhtunkhwa		
1.	Nomenclature of the post/ Basic Scale.	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)		
2.	Service/Group/Cadre.	PROVINCIAL		
3.	Sanction Strength of the Cadre.	03		
4.		<u>Direct</u>	<u>Promotion</u>	<u>Transfer</u>
i.	Percentage of share	Nil	100 %	Nil
ii.	No. of posts allocated to each category.	Nil	03	Nil
iii.	Present occupancy position	Nil	01	Nil
iv.	No. of vacancies in each category	Nil	02	Nil
v.	How did the vacancy (ies) under promotion quota occurred and since when	Total of 03 posts BPS-20 exists in the Livestock & Dairy Development Department (Ext), Khyber Pakhtunkhwa, (Annex-I), out of the three total strength, one (01) posts of Director 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).		
vi.	Recruitment Rules	"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).		
vii.	Required length of service.	10 years service in BPS-18 and above or 17 years service in BPS-17 and above		
viii.	Whether to be promoted on regular basis or appointed on Acting charge basis?	On regular basis		
ix.	Mandatory training, if any	Nil		
x.	Minimum required score on E1	70		

Signature _____

Secretary,
Government of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperatives
Department
Agril: Livestock & Comp: Deptt.,
Govt: of KPK, Peshawar.

Date _____

Director General (Ext)
L&DD Khyber Pakhtunkhwa
Peshawar

111

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
S.No	Seniority number	Name of Officer with qualification	Date of Birth	Date of 1 st entry into Govt. Services	Date of appointment / Promotion to GS-17	Date of regular appointment / promotion to the present scale	Whether fulfill the prescribed length of service & Registered with PVMC	Quantified scores	Missing PEBs (if any)	Disciplinary proceedings (if any)	Case (if any) in any court of Law including NAB / Plea bargaining with NAB	Mandatory training for promotion	Publication	Present posting	Remarks
1	2	Dr. Malik Ayaz Wazir DVM, M.Sc (Hon's), MBA (HR), One Year Post Graduate diploma from Japan	10.5.1961	27.03.1986	27.03.1986	28.7.2009	Yes	55.06	Nil	Nil	Nil	N A	08	Director Cattle Breeding & Dairy Farm, Hafizabad, L&D. (BPS-19)	<p>The officer has a vast Technical and Administrative, Financial experience of ADP/RSDP Projects and donor funded area development projects in Khyber Pakhtunkhwa and FATA over 34 years. Brief professional profile is as under:</p> <p>1. Academic: Obtained the basic degree of Doctor of Veterinary Medicine (DVM) from University of Veterinary and Animal Sciences Lahore in the year 1979 to 1984.</p> <p>2. Awards Received: Best Project Manager award received from Honorable Chief Minister Khyber Pakhtunkhwa organized by Pakistan Veterinary Medical Association.</p> <p>3. Extra Qualification: a) Obtained M.Sc.(Hon's) degree in Clinical Medicine and Surgery from Agricultural University Faisalabad. b) Master of Business Administration in (Human Resources Management) c) One Year Post Graduate diploma from Yamaguchi University Japan</p> <p>4. Technical/ Professional Achievements: 1) Comparative evaluation of corn gluten meal and meat meal in broiler chicks. 2) Growth promoting effects on residues of vibrantiol, terramycin and penzolin in broiler chicks. 3) Prevalence of fasciolosis in sheep and Goat population of NWFP, and its response to treatment with Nitroxyli. 4) Report on the state of Animal Genetic resources of NWFP. 5) Journal of Animal Health and production (1992 & 93) 6) Journal of Animal Health and production (1992 & 93) 7. Act as external examiner for M.Sc./M.Phil./ DVM students of Veterinary faculties.</p> <p>6. Professional/Individual/strategic/management Trainings attended a) International (Japan, one year) (01) b) International training workshops/Seminar/conferences (04) c) Inland trainings (09) d) Inland workshops/Seminar/conference (05)</p> <p>7. Developmental Projects a) Provincial surveillance officer in a National Programme for control and prevention of Avian Influenza (Bird Flu) Project, MINFAL, MARC Islamabad. b) Project Director "Establishment of Mobil Veterinary Clinics in L&D, Khyber Pakhtunkhwa Project Director "Expansion of Mobil Veterinary Clinics in L&D, Khyber Pakhtunkhwa.</p>

For

(12)

S.No	Sanction Number	Name of Officer with qualification	Date of Birth	Date of entry into Govt Services	Date of appointment to BS-17	Date of regular appointment / promotion to the present scale	Whether under the prescribed length of service registered with P/MC	Quantified scores	Missing PERS (if any)	Disciplinary proceeding (if any)	Case (if any) in law including NAB / PWA baganuing with NAB	Whether mandatory testing for publication	Publication	Present	Remarks
2		Rahmullah M.Sc (Hons)	11.07.1960	01.05.1986	01.05.1986	16.11.2012	Yes	50.66	NR	NR	NR	NR	NR	NR	NR
3		Rahmullah M.Sc (Hons)	11.07.1960	01.05.1986	01.05.1986	16.11.2012	Yes	50.66	NR	NR	NR	NR	NR	NR	NR
4															
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16															

1. Academic:
Obtained the basic degree of B.Sc(Hons) University of Agriculture, Faisalabad in the year 1984.
2. Extra Qualifications:
a) Obtained M.Sc. (Hons) degree in Animal Husbandry Sydney University NSW Australia
3. Trainers attended:
a) International Trainings
b) International training workshops / Seminar / conferences (03)
c) Inland trainings
d) Inland workshop / Seminar / conference (04)
4. Developmental Projects:
a) Deputation to Dr District DEV Project
b) Deputation to Dr Area Support Project
5. Member of:
a) Life Member Pakistan Veterinary Medical Council
9. Administrative Experience:
Veterinary Officer (Health), (BS-17) Dr Upper
Veterinary Officer (A), (BS-17) Dr Lower
Assistant Director, L&D, Chinal
Sheep Development Inspector NWA
Veterinary Officer (Health), (BS-17) Dr Upper.
Livestock Economist L&D, Faisalabad.
SVO, L&D, Faisalabad.
Senior Inspector AH/IT, Faisalabad.
Executive District Officer (Agriculture) Dr Lower
Director CB&DF Haridwar.
Director, Planning L&D, KP, Faisalabad.
District Director Livestock, Dr Upper.
District Director Livestock, Dr Lower.
10. Remarks:
The officer has earned a very good reputation of being competent, capable, honest and hardworking. The officer is at seniority No.03 of the approved seniority list, Registered with P/MC. His score is 50.66 out of 70 on the efficiency index. He is eligible for promotion to the post of Director General / Director Breed Improvement & Farms Principal AH/IT in BS-20 in Livestock & Dairy Development Department (Extension Wng) on regular basis.

Director General (Ev)
L&D Khyber Pakhtunkhwa
Islamabad

Secretary
Government of Khyber Pakhtunkhwa
Agriculture, Livestock, Fisheries & Cooperatives Department, Faisalabad
District: Agriculture, Livestock & Coop. Dept.
Govt of K.P.K., Faisalabad.

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PANEL OF OFFICERS FOR CONSIDERATION

S. No.	Seniority Number	Name of Officer with qualification	Date of Birth	Date of 1 st entry into Govt. Service	Date of appointment/promotion to BS-17	Date of regular appointment/promotion to the present scale	Whether full the prescribed length of service registered with PVMC	Quarantined scores	Missing PERS (if any)	Disciplinary proceeding (if any)	Case (if any) in any court of law including NAB/ beating for Mandatorily	Mandatorily beating for promotion	Publication	Present posting	Remarks
1	22	Dr. Rafiqul DVM / M.Sc (Hons) BS-19	15.11.61	14.07.86	14.07.86	09.08.2017	Yes	50.82	Nil	Nil	Nil	Nil	Nil	District Director Livestock, Bannu	
2															
3															

1. Academic:
 Obtained the basic degree DVM/ University of Agriculture Bannu. Established in the year 1965.
2. Extra Qualification:
 Obtained M.Sc. (Hons) degree in University of Agriculture. Established in the year 2002.
3. Professional/ administrative management trainings attended:
 a) Inland trainings (13)
 d) Inland workshop / Seminar / conference (01)
4. Member of:
 a) Pakistan Veterinary Medical Council (5.02.2022)
5. Administrative Experience:
 • Veterinary Officer (Health), (BS-17) CVH, Bannu.
 • Assistant Director, L&D, BS-18 Bannu
 • District Director Livestock, Bannu
 • SVO, CVH, Bannu
 • District Director Livestock, D.I.Khan BS-19.
 • District Director Livestock, Bannu BS-19 till date.

10. Reputation:
 The officer has earned a very good reputation of being competent, capable, honest and hardworking. The officer is at seniority No.3 of the approved seniority list. Registered with PVMC. His score is 50.82 out of 70. He is eligible for promotion to the post of Director General / Director, Breeds Improvement & Farms/ Principal AHITI in BS-20 in Livestock & Dairy Development Department (Extension Wing) on regular basis.

Director General (Ext)
 Peshawar

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(138)

Director General (Ext)
 L&D Khyber Pakhtunkhwa
 Peshawar

d) Project Director Establishment and construction of 200-Civil Veterinary Dispensaries in L&D, Khyber Pakhtunkhwa.

e) Project Coordinator Barani Area Development Project (Phase-I) P&D Department Govt of NWFP, Peshawar.

1) District Project Director Barani Area Development Project (Phase-II) P&D Department Govt of NWFP, District Implementation Unit at Lakhikhanel and Baranul.

9) Act as Project Director for all ADP projects of L&D FATA.

8. Member of:

- Life Member of Pakistan Veterinary Medical Council.
- Life Member of Pakistan Veterinary Medical Association.
- Executive Committee Member of PVMC since 2015.

9. Administrative Experience:

- Veterinary Officer (Health), (BS-17) Civil Veterinary Hospital, Chitral 1986.
- Sheep Development Inspector (BS-17) NWA, Miranshah 1986.
- Veterinary Officer (Health), (BS-17) Civil Veterinary Hospital, Kaidu, District Bannu 1987.
- Veterinary Officer (Health), (BS-17) Civil Veterinary Hospital, Ghormala, Bannu 1988.
- Veterinary Officer (Health), (BS-17) Civil Veterinary Hospital, Kotka Bahubalan, FR, Bannu 1990.
- Assistant Director, Planning L&D, NWFP, Peshawar 1996.
- Project Coordinator, B&DP from 1996 to 1999.
- Assistant Director, L&D, Kohat 1999 to 2001.
- Assistant Director (FIQ), L&D, NWFP, 2001 to 2003.
- District Project Director, B&DP-II, 2003 to 2007.
- Epidemiologist/Director L&D, NWFP, 2008 to 2011.
- Director, Animal Health & Production, L&D, KP 2012 to 2015.
- Director, L&D, FATA, Peshawar, 01.08.2015 to 15.11.2019.
- Director, Cattle Breeding & Dairy Farm, Hardland 15.11.2019 till date.

10. Reputation:

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 55.06 out of 70 on the efficiency index.

He is eligible for promotion to the post of Director General / Director Breed Improvement & Farms/ Principal AH/TT in BS-20 in Livestock & Dairy Development Department (Extension Wing) on regular basis.

SECRETARY
 Government of Khyber Pakhtunkhwa,
 Agriculture, Livestock, Fisheries & Cooperatives Department, Peshawar

Date: **SECRETARY**

Asst: Livestock & Coop. Deptt.
Govt. of KPK, Peshawar.

(14)

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ITEM NO. (19)

AGRICULTURE, LIVESTOCK AND COOPERATIVE DEPARTMENT
(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.

2. 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.	Dr. Malak Ayaz Wazir. <i>Ali</i> Section Officer (PSB) Govt. 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.

Annexure - 6 (16)



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK & COOPERATIVES
DEPARTMENT

Dated Peshawar the 8th July, 2020

NOTIFICATION

No.SO (LFC) AD-E-I (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.

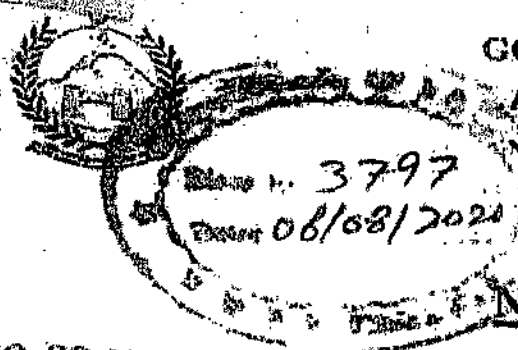
Copy forwarded to.

1. 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 Pakhtunkhwa.
5. Master file.


(AHMAD HUSSAIN)
SECTION OFFICER (LFC)

Annexure - (H)

17



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

Dated Peshawar the 28th July, 2020

NOTIFICATION


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. Rahimullah, District 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.
- 5) P.S to Secretary Agriculture, Livestock, Fisheries & Cooperatives Department.
- 6) P.A to Deputy Secretary-II Agriculture, Livestock, Fisheries & Cooperative Department.
- 7) Master file.


(AHMAD HUSSAIN)
SECTION OFFICER (LFC)



DIRECTORATE GENERAL (EXTENSION)
LIVESTOCK & DAIRY DEVELOPMENT
KHYBER PAKHTUNKHWA

Bacha Khan Chowk, Charsadda Road Peshawar. Email: dglddext@yahoo.com Tel: 091-9210276, 9210249, Fax: 091-9210285

No: 22057 DG L&DD (E)

Dated Peshawar the 27/12/2021.

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

Handwritten notes and signatures:
DS-4/80/Spec
28/12
A.S.(A)
Returned to D.D.
for submission
news/cen
12333
27/12/21

19

Dated 22th November, 2021

To

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

Subject: **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.

2. 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.
3. 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.
4. 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.
5. 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.