

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.**

Service Appeal No. 3083/2021

Date of Institution ... 23.02.2021

Date of Decision... 09.05.2023

Akbar Ali Khan, Ex-Office Assistant (BPS-16), Office of the Directorate General,  
on Farm Water Management, Khyber Pakhtunkhwa, Peshawar.

... (Appellant)

**VERSUS**

The Chief Secretary, Civil Secretariat Peshawar, Government of Khyber  
Pakhtunkhwa and 04 others.

... (Respondents)

SYED NOMAN ALI BUKHARI,  
Advocate

--- For appellant.

MR. ASIF MASOOD ALI SHAH,  
Deputy District Attorney

--- For respondents.

MR. SALAH-UD-DIN  
MR. MUHAMMAD AKBAR KHAN

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

**JUDGMENT:**

SALAH-UD-DIN, MEMBER:- Precise averments alleged by the  
appellant in his appeal are that he was appointed as Junior Clerk in the  
respondent-respondent on 18.12.1980 and was promoted to the post of  
Assistant (BPS-16) on 01.02.2008; that final seniority list of Office  
Assistants (BPS-16) as it stood on 31.12.2019 was notified vide  
Notification dated 23.01.2020 wherein the name of the appellant was at  
serial No. 2; that Office Assistant namely Abdul Mateen, who was at  
serial No. 1 of the seniority list stood retired on 22.09.2020 and the

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appellant became senior most Office Assistant; that posts of Amir Nawaz Superintendent (BPS-17) as well as Muhammad Ramazan Superintendent (BPS-17) became vacant on their retirement on 22.09.2020 and 12.10.2020 respectively; that they had submitted affidavits that they opt for full retirement/pensionary benefits on attaining the age of superannuation (60 years) and would not claim any right to continue their service in case of acceptance of CPLA filed against the judgment dated 19.02.2020 passed by Honourable Peshawar High Court, Peshawar, whereby Khyber Pakhtunkhwa Civil Servants Amendment Act, 2019 was declared ultra vires of the Constitution of Islamic Republic of Pakistan, 1973 and was set-aside; that the appellant before his retirement on 31.12.2020 had filed departmental appeal, whereby request was made for convening the meeting of Departmental Promotion Committee so that the appellant could be considered for promotion from BPS-16 to BPS-17, however the same was not responded within the statutory period, hence the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, respondents were summoned, who put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

3. Learned counsel for the appellant has addressed his arguments supporting the grounds agitated by the appellant in his service appeal. On the other hand, learned Deputy District Attorney for the

respondents has controverted the arguments of learned counsel for the appellant and has supported the comments submitted by the respondents.

4. We have heard the arguments of learned counsel for the parties and have perused the record.

5. A perusal of the record would show that according to seniority list of Office Assistants (BPS-16) of on Farm and Water Management Department Khyber Pakhtunkhwa as it stood on 31.12.2019 and notified vide Notification dated 23.01.2020, the appellant was at serial No. 2 of the seniority list, while one Abdul Mateen was at serial No. 1. Vide office order dated 05.10.2020, the afore-mentioned Office Assistant, namely Abdul Mateen stood retired with effect from 22.09.2020 on attaining the age of 60 years and thus the appellant became senior most Office Assistant (BPS-16). Through Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2019 (Khyber Pakhtunkhwa Act No. XXX of 2019) published in the gazette dated 31.07.2019, the age of retirement of Civil Servants was increased from 60 years to 63 years. The same was challenged before the august Peshawar High Court, Peshawar through Writ Petition No. 5673-P/2019 as well as other Writ Petitions, which were allowed vide judgment dated 19.02.2020 and Act No. XXX of 2019 was declared as ultra vires of Constitution of Islamic Republic of Pakistan, 1973 and was thus set-aside. The afore-mentioned judgment of Hon'ble Peshawar High Court, Peshawar was challenged through filing of CPLAs before the worthy apex court, which were disposed of

vide order dated 07.01.2021 by setting-aside the judgment dated 19.02.2020 passed by the august Peshawar High Court, Peshawar and the matter was remitted back for its decision afresh in accordance with law through a reasoned judgment after giving opportunity of hearing to all the parties. In the meanwhile, Provincial Government passed Khyber Pakhtunkhwa Civil Servants (Amendment) Ordinance, 2021, whereby the issue of age of retirement was settled down.

6. It is an admitted fact that prior to the retirement of the appellant on 31.12.2020, 02 posts of Superintendents (BPS-17) were lying vacant due to retirement of Mr. Amir Nawaz and Muhammad Ramazan. It is also an admitted fact that the appellant was senior most Office Assistant due to retirement of Abdul Mateen Office Assistant (BPS-16) with effect from 22.09.2020. Available on the record are undertakings submitted by afore-mentioned Superintendents (retired) namely Amir Nawaz and Muhammad Ramazan as well as Office Assistant retired namely Abdul Mateen, wherein they had categorically mentioned that they opt for full retirement/pensionary benefits on attaining the age of superannuation (60 years) and that they shall not claim any benefits in case of acceptance of CPLA of the Provincial Government filed against the decision of the august Peshawar High Court, Peshawar rendered in Writ Petition No. 5673-P/2019 as well as other Writ Petitions. What could be gathered from the comments of the respondents, is that the only reason for not convening the meeting of Departmental Promotion Committee was that the issue of age of retirement of civil servants was


pending adjudication before the worthy apex court. The Notification regarding retirement of Superintendent namely Amir Nawaz and Muhammad Ramazan as well as Office Assistant namely Abdul Mateen would show that they stood retired on attaining the age of superannuation i.e 60 years. They had also submitted undertakings, wherein they had categorically mentioned that they shall not claim any benefits in case of decision of the worthy apex court in favour of the Provincial Government in CPLAs filed against the judgment dated 19.02.2020 of Writ Petition No. 5673-P/2019 as well as other connected Writ Petitions. In such a situation, the meeting of Departmental Promotion Committee was required to have been convened and if the appellant was found entitled to promotion to BPS-17, his promotion could have been made subject to outcome of concerned CPLA pending in the august Supreme Court of Pakistan. August Supreme Court of Pakistan in its judgment reported as 2023 PLC (C.S.) 336 has held as below:-


*“6. If a person is not considered due to any administrative slip-up, error or delay when the right to be considered for promotion is matured and without such consideration, he reaches to the age of superannuation before the promotion, then obviously the avenue or pathway of proforma promotion comes into field for his rescue. If he lost his promotion on account of any administrative oversight or delay in the meeting of DPC or Selection Board despite having fitness, eligibility and seniority, then in all fairness, he has a legitimate expectation for proforma promotion with consequential benefits. The provision for proforma promotion is not alien or unfamiliar to the civil servant structure but it is already embedded in Fundamental Rule 17, wherein it is lucidly enumerated that the appointing authority may, if satisfied that a civil servant who was entitled to be promoted from a particulate date was, for no*

*fault of his own, wrongfully prevented from rendering service to the Federation in the higher post, direct that such civil servant shall be paid to arrears of pay and allowances of such higher post through proforma promotion or up-gradation arising from the antedated fixation of his seniority. We often noted that unjustified delay in proforma promotion cases trigger severe hardship and difficulty for the civil servants and also creates multiplicity of litigation. It would be in the fitness of things that the competent authority should fix a timeline with strict observance for the designated committees of proforma promotions in order to ensure rational decisions on the matters expeditiously with its swift implementation, rather than dragging or procrastinating all such issues inordinately or without any rhyme or reasons which ultimately compels the retired employees to knock the doors of Courts of law for their withheld legitimate rights which could otherwise be granted to them in terms of applicable rules of service without protracted litigation or Court's intervention."*

7. In view of the above discussion, the appeal in hand is allowed and it is directed that the case of the appellant be placed before the Departmental Promotion Committee for consideration for pro-forma/notional promotion to the post of post of Superintendent (BS-17) from the due date within a period of 03 months of receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
09.05.2023

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

  
(MUHAMMAD AKBAR KHAN)  
MEMBER (EXECUTIVE)

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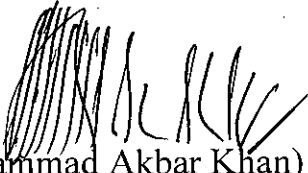
ORDER  
09.05.2023


Appellant alongwith his counsel present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed and it is directed that the case of the appellant be placed before the Departmental Promotion Committee for consideration for pro-forma/notional promotion to the post of Superintendent (BS-17) from the due date within a period of 03 months of receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

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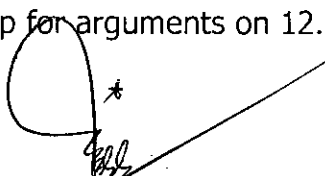
  
(Muhammad Akbar Khan)  
Member (Judicial)

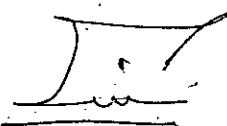
  
(Salah-Ud-Din)  
Member (Judicial)

22.09.2022

Learned counsel for the appellant present. Mr. Tayyab Gül, Superintendent alongwith Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments on 12.12.2022 before the D.B.

  
(Mian Muhammad)  
Member (E)


  
(Salah-Ud-Din)  
Member (J)

12.12.2022

Learned counsel for the appellant present.

Mr. Muhammad Jan, District Attorney alongwith Tayyab Gul, Superintendent for the respondents.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 01.03.2023 before the D.B.


  
(FAREEHA PAUL)  
Member(E)


  
(ROZINA REHMAN)  
Member (J)

1<sup>st</sup> Mar, 2023

Appellant in person present. Mr. Umair Azam, Additional Advocate General for respondents present.

Counsel are on strike. The case is adjourned. To come up for arguments on 09.05.2023 before D.B. PP given to the parties.

  
(Rozina Rehman)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

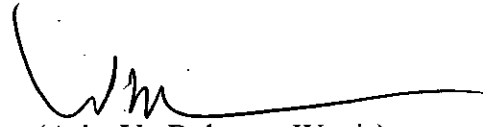
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19.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Tayyab Gul Superintendent for respondents present and submitted reply/comments which are placed on file and copy of the same is handed over to the learned counsel for the appellant. To come up for rejoinder if any, and arguments before the D.B on 12.05.2022.



(Atiq-Ur-Rehman Wazir)  
Member (E)

12-5-22

*Proper DB not available the case is  
adjourned on 27-7-22*

*of  
Rudra*

27<sup>th</sup> July 2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Tayyab Gul, Superintendent for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 22.09.2022 before the D.B.



(Salah-Ud-Din)  
Member (J)



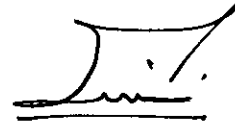
(Kalim Arshad Khan)  
Chairman

25.08.2021

Appellant alongwith her counsel Ms. Uzma Syed, Advocate, present. Preliminary arguments heard.

Points raised need consideration, therefore, the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, whereafter notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 24.11.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

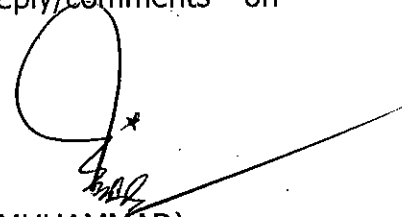


(SALAH-UD-DIN)  
MEMBER (J)

24.11.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Tayyab Gul, Supdt for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks time to submit the same on the next date. Adjourned. To come up for written reply/comments on 19.01.2022 before S.B.



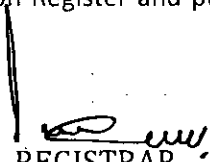


(MIAN MUHAMMAD)  
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 3083 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/02/2021	<p>The appeal of Mr. Akbar Ali presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/05/21</u></p> <p> CHAIRMAN</p>
	07.05.2021	<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 25.08.2021 for the same as before.</p> <p> Reader</p>

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2021


Akbar Ali Khan V/S On Farm Water Management Deptt. etc.

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1.	Memo of appeal	-----	01-05
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3.	Copy of Retirement Notifications & Affidavit of Mr. Amir Nawaz	---B---	11-13
4.	Copy of Retirement Notifications & Affidavit of Mr. Muhammad Ramazan	---C---	14-16
5.	Copy of Retirement Office Order & Undertaking	---D---	17-19
6.	Copy of Departmental Appeal dated 02.11.2020 diary dated 03.11.2020	---E---	20
7.	Copy of Service Rules/Service Structure	---F---	21-25
8.	Vakalat Nama	-----	26

  
APPELLANT  
Akbar ALi

THROUGH

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT,

&

(SHAHKAR KHAN YOUSAFZAI)  
ADVOCATE PESHAWAR.

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR.**

(1)

SERVICE APPEAL NO. 3083 /2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 3139

Dated 23/2/2021

Akbar Ali Khan, Ex-Office Assistant (BPS-16),  
Office of the Director General, On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar.

(APPELLANT)

VERSUS

1. The Chief Secretary, Civil Secretariat Peshawar, Government of Khyber Pakhtunkhwa.
2. The Secretary Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. The Director General, On Farm Water Management, Khyber Pakhtunkhwa, Peshawar.
5. The District Accounts Officer, Peshawar.

(Respondents)

Filed-to-day

Registrar

23/2/2021

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**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974  
FOR DIRECTING THE RESPONDENT  
DEPARTMENT TO CONSIDER THE APPELLANT  
FOR PROFORMA PROMOTION FROM BPS-16 TO  
BPS-17 AND AGAINST NOT TAKING ACTION ON  
ON THE DEPARTMENTAL APPEAL DATED  
02.11.2020 AND DIARY DATED ON 03.11.2020  
WITHIN THE STATUTORY PERIOD OF NINETY  
DAYS.**

PRAYER:

**THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO CONSIDER THE APPELLANT FOR PROFORMA PROMOTION FROM BPS-16 TO BPS-17 FROM HIS DUE DATE 23.09.2020 WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.**

RESPECTFULLY SHEWETH:

**FACTS:**

1. That the appellant was appointed as junior clerk on 18.12.1980 in the respondent department. That the appellant had throughout good service record and had performed his duties up to the entire satisfaction of his superiors.
2. That the appellant had his promotions in accordance to his seniority in the department and lastly, he was promoted to the post Office Assistant (BPS-16) on 01.02.2008.
3. That on 23.01.2020 a Final Seniority List was notified in which the appellant was at serial no. 2. **(Copy of Final Seniority List dated 23.01.2020 is attached as Annexure - "A").**
4. That two (02) posts of Superintendent (BPS-17) got vacant due to the retirement of Mr. Amir Nawaz Superintendent (BPS-17) on 22.09.2020 and Mr. Muhammad Ramazan Superintendent (BPS-17) on 12.10.2020 and they also submitted affidavits on Judicial Stamp Papers that they opt for full retirement/pensionary benefits on attaining the age of superannuation (60 yrs) and that they will not claim any right to continue their services in case of any benefit accruing from the decision of the Supreme Court of Pakistan if decided in favour of the provincial government in CPLA against the decision of the Peshawar High Court in Writ no. 5673-P/2019 and other similar petitions clubbed together by the Peshawar High Court, Peshawar. **(Copy of Retirement Notifications & Affidavits of Mr. Amir Nawaz and Mr. Muhammad Ramazan are attached as Annexure - "B" & "C").**

5. That on the retirement of Abdul Matin Office Assistant on 22.09.2020 who was on serial no.1 of the attached final seniority list makes the appellant on top of the seniority list i.e serial no.1. **(Copy of Retirement Office Order & Undertaking are attached as Annexure - "D")**.
6. That the appellant before his retirement on 31.12.2020 filed departmental appeal on 02.11.2020 diary dated on 03.11.2020 requesting the department to convene the departmental promotion meeting so that the appellant could be promoted from BPS-16 to BPS-17 before his retirement. But the same was not responded within the statutory period of 90 days. **(Copy of Departmental Appeal dated 02.11.2020 diary dated 03.11.2020 and Service Rules/Service Structure are attached as Annexure - "E" & "F Copy of Retirement Office & Undertaking")**.
7. That now the appellant comes to this august tribunal for the redressal of his grievances on the following grounds amongst others.

**GROUND:**

- A) That the appellant was entitled to promotion w.e.f. 23.09.2020 but he was deprived from his due promotion due to the inaction of the department.
- B) That the appellant was deprived from his right of promotion in an arbitrary manner which is the violation of Article 2, 4 and 25 of the Constitution of Pakistan.
- C) That the Honourable Supreme Court of Pakistan has held in many cases that in absence of any stoppage of promotion order by the government/competent authority, the civil servant is entitled from the date of availability of post. Thus, the appellant is entitled to proforma promotion with effect from his due date.
- D) That as there is no any order regarding the stoppage of promotion of appellant, therefore, the appellant has legal vested rights to be considered for promotion from the date when post is available for him in his quota. **(97-SCMR-1997-515)**.
- E) That according to Superior Court Judgment reported as ***1997 SCMR 515*** in which it is held that delay in making promotion had entirely

due to reason that officer of that department not carry out fairly simple exercise with reasonable period so the appellant is entitled to the promotion from due date.

- F) That the Honorable Apex Court is also given the verdict that every civil servants is the legal right to be dealt with in-accordance with the law and rules under the which is legal service rights are protected. Thus the appellant has legal and genuine claim.
- G) That it is, well settled principle of justice that no one should be suffered from the arbitrary acts of public functionaries and the public functionaries are required to act in accordance with rules and law with fair means. But in case of appellant such principle has been violated.
- H) That the respondents did not promote the appellant and caused financially as well as service career loss , willfully to appellant which is against the law in vogue.
- I) That inaction and omission of respondent department, not to consider the appellant for promotion is against the spirit of section-9 of Civil Servants Act,1973 and service rights duly protected under the Civil Servants laws.
- J) That the apex Court has already clearly held in case of Anita Turab (PLD-2013 Supreme Court Page No. 195) that matter of tenure, appointment, posting, transfer and promotion, of service could not be dealt with in an arbitrary manner but could only be sustained if it was in-accordance with law. Whenever there was statutory provision or rules or regulation of government the matter of appointment of Civil Servants that must be followed honestly and scrupulously and discretionary must be exercised and structured, transparent and reasonable manner, thus the verdict of the Honorable Supreme Court fully favours the appellant's case.
- K) That the same nature case the Hon'ble Tribunal accepted the appeal no 731/2015 and grant notional promotion, so the case of the appellant is also same nature and may be treated the same and may be grant notional promotion to the appellant from his due date. **Copy of judgment is attached as annexure -G.**
- L) That the appellant was not treated according to law, rules and norms of justice and thus, deprived from his due right of promotion.



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M) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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



**APPELLANT**

Akbar ALi

THROUGH



**(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT,**

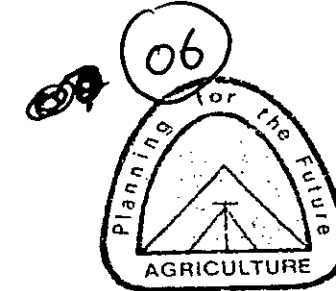
&

**(SHAHKAR KHAN YOUSAFZAI)  
ADVOCATE PESHAWAR.**



DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR

1A



FINAL SENIORITY LIST OF OFFICE ASSISTANT (BS-16) OF ON FARM WATER MANAGEMENT DEPARTMENT KHYBER  
PAKHTUNKHWA AS ON 31/12/2019

Notification

No. 219 /DG OFWM/Estt: dated Peshawar the 23/01 /2020

In pursuance of Section-8(1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules 1989, final Seniority List of Office Assistant of On Farm Water Management as stood on 31/12/2019 is Notified / Circulated.

S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting	Remarks
				Date	BPS	Methods of recruitment		
1	Abdul Mateen Matric	23/09/1960 Nowshera	03/11/1980 Junior Clerk	01/02/2008	16	Promotion	Office Assistant O/O the District Officer OFWM Nowshera	-
2	Akbar Ali F.A	01/01/1961 Nowshera	18/12/1980 Junior Clerk	01/02/2008	16	Promotion	Office Assistant O/O the DG OFWM Khyber Pakhtunkha, Peshawar	-
3	Tayyab Gul M.A	12/12/1962 Nowshera	18/12/1980 Junior Clerk	01/02/2008	16	Promotion	Office Assistant O/O the DG OFWM Khyber Pakhtunkha, Peshawar	-

S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting	Remarks
				Date	BPS	Methods of recruitment		
4	Shakirullah F.A	10/2/1962 Peshawar	07/05/1981 Junior Clerk	01/06/2009	16	Promotion	Office Assistant O/O the District Officer OFWM Malakand at Batkhela	-
5	Muhammad Saleem Matric	04/05/1963 Mansehra	11/07/1981 Junior Clerk	31/12/2012	16	Promotion	Office Assistant O/O the District Director OFWM Mansehra	-
6	Maqbol Hussain Matric	17/2/1961 Nowshera	26/07/1981 Junior Clerk	31/12/2012	16	Promotion	Office Assistant O/O the Director General OFWM Khyber Pakhtunkha, Peshawar	-
7	Adnanullah MBA	05/03/1976 Bannu	01/01/2005 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Officer OFWM Bannu	-
8	Muhammad Iqbal BA	10/10/1978 Lakki Marwat	25/01/2005 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Director OFWM Lakki Marwat	-
9	Mufti Mehmood B.A	12/12/1978 Kohistan	17/10/2008 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Officer OFWM Kohistan	-
10	Sher Baz Mazari M.Com	06/04/1978 Chitral	01/01/2009 District Govt 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Officer OFWM Chitral	-

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S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting	Remarks
				Date	BPS	Methods of recruitment		
11	Imran Khan M.Sc	04/01/1985 Dir Lower	18/11/2009 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Director OFWM Dir Lower	-
12	Inayatullah BBA (Hon) LLB	01/02/1985 Shangla	26/03/2011 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Director OFWM Swat	-
13	Amin-Ur-Rehman M.Sc Computer Science	01/02/1987 Dir Upper	23-07-2011 District Govt. 01/01/2013 Provincial Govt.	01/01/2013 on segregation of district setup and realigning the same with the Admn. Agriculture department.	16	By initial recruitment	Office Assistant O/O the District Officer OFWM Dir Upper	-
14	Hazrat Gul Matric	24/1/1964 Peshawar	23/11/1981 Junior Clerk	28/01/2016	16	Promotion	Office Assistant O/O the District Director OFWM Charsadda	-
15	Mushtaq Ahmad Matric	4/2/1961 Nowshera	12/11/1980 as Greaser 10/6/1982 Junior Clerk	28/01/2016	16	By Promotion	Office Assistant O/O the District Director OFWM Mardan	-
16	Muhammad Riaz Matric	12/5/1964 Mansehra	14/11/1982 Junior Clerk	28/01/2016	16	By Promotion	Office Assistant O/O the District Director OFWM Haripur	-
17	Aurang Zeb F.A	1/4/1965 Mansehra	04-02-1983 Junior Clerk	23/05/2016	16	By Promotion	Office Assistant O/O the District Officer OFWM Abbottabad	-

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18

09

S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting	Remarks
				Date	BPS	Methods of recruitment		
18	Mr. Sanaullah BS Environmental Sciences	26/04/1987 Charsadda	21/08/2017	21/08/2017	16	By initial recruitment	Working against the post of Administrative Officer in o/o Director General OFWM Khyber Pakhtunkhwa, Peshawar	-
19	Umer Khan F.A	24/4/1964 Lakki Marwat	17/12/1983 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM Kohat	-
20	Aala Khan Matric	14/04/1960 Lakki Marwat	4/3/1985 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the Director HRD OFWM T.C Dikhan	-
21	Rahat Gul Matric	1/4/1967 Nowshera	31/7/1985 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM Buner	-
22	Tajamal Hussain Matric	15/10/1966 Nowshera	8/1/1985 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM Swabi	-
23	Allah Noor Matric	10/4/1962 Bannu	18/12/1980 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Officer OFWM Hangu	-
24	Ghulam Akbar Matric with Diploma in Commerce	8/5/1963 D.I.Khan	20/7/1986 Junior Clerk	28/05/2018	16	By Promotion	Office Assistant O/O the District Director OFWM Dikhan	-
25	Mumtaz Ahmad M.A (urdu)	15/3/1968 D.I.Khan	21/7/1986 Junior Clerk	30/09/2019	16	By Promotion	Office Assistant O/O the District Director OFWM Tank	-
26	Ibrar Hussain M.A	1/5/1962 Nowshera	4/8/1987 Junior Clerk	30/09/2019	16	By Promotion	Senior Clerk O/O the District Officer OFWM Battagram	-

*[Handwritten signature]*

**ATTACHED**

S.No	Name of officer with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present posting	Remarks
				Date	BPS	Methods of recruitment		
27	Farhad Ali F.A	10/3/1967 Mardan	08/06/1989 Junior Clerk	30/09/2019	16	By Promotion	Office Assistant O/O the District Officer OFWM Shangla	-
28	Bashir Ahmad B.A	26/11/1968 Peshawar	21/10/1989 Junior Clerk	30/09/2019	16	By Promotion	Office Assistant O/O the Director General OFWM Khyber Pakhtunkhwa Peshawar	-

Certified that the above list is final, circulated and undisputed.

Encls: No. and date even

- 1 Director (HRD) OFWM Training Center DIKhan.
- 2 All District Directors OFWM in Khyber Pakhtunkhwa.
- 3 All District Officers OFWM In Khyber Pakhtunkhwa. For Information.

**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

**ATTACHED**

B  
13

To be substituted with this Department's Notification of Even number dated  
19.03.2020



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

Dated Peshawar, the October 5<sup>th</sup>, 2020

**NOTIFICATION**

**NO. SOE(AD)9-5/2020/OFWM: 386** 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 WP No. 5673-P/2019, Mr. Amir Nawaz, Superintendent (BPS-17) O/o Director HRD Training Centre D.I Khan shall stand retired from Government service on 04.10.2019 (A.N) on attaining the age of superannuation, as his date of birth is 05.10.1959, subject to CPLA/Appeal of the Provincial Government against aforementioned judgement of Peshawar High Court and any order contrary as and when issued by the apex Court of Pakistan.

Sd/-  
**SECRETARY AGRICULTURE**

**Endst. of Even No. & Date.**

Copy forwarded for information and necessary action to:

1. The Registrar, Peshawar High Court, Peshawar.
2. The Director General, On Farm Water Management, Khyber Pakhtunkhwa Peshawar.
3. The District Director On Farm Water Management, D.I Khan.
4. The District Accounts Officer, D.I Khan.
5. P.S to Secretary Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar.
6. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
7. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
8. Officer concerned.
9. Master File.

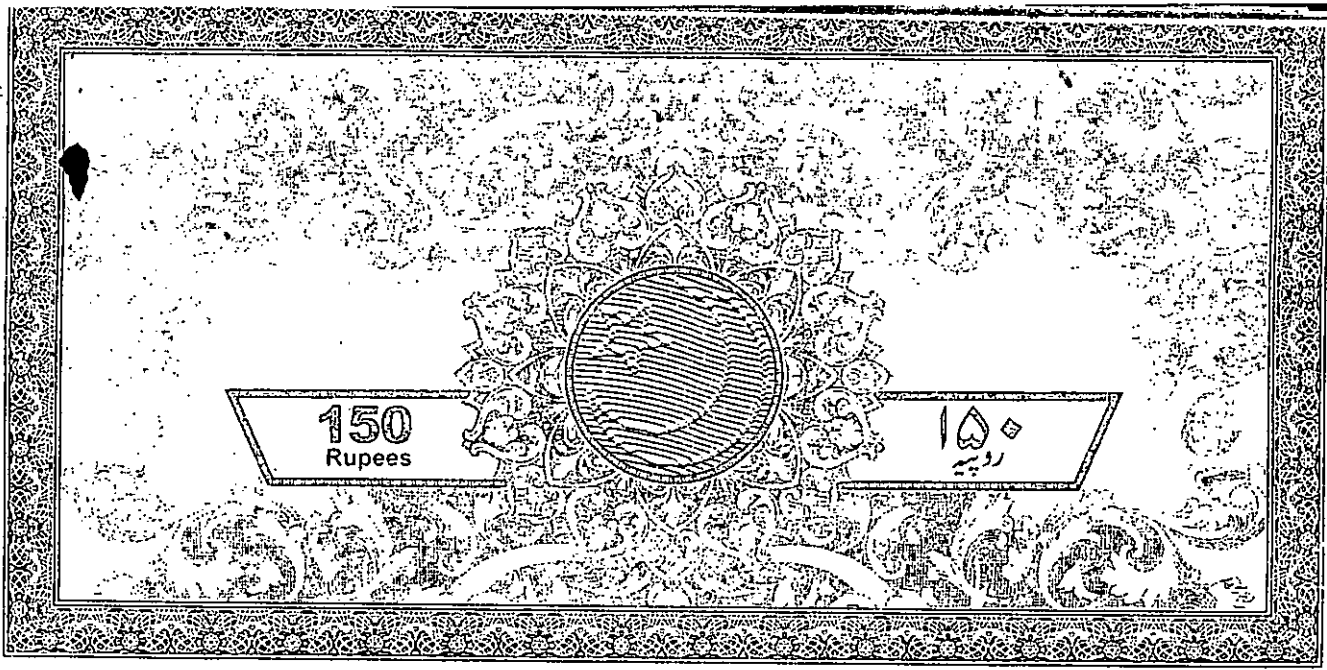
SECTION OFFICER-ESTT:

AC (ESTT. 1)  
ATTACHED

Diary No. 567

Dated 08-10-2020

Director General OFWM,  
Khyber Pakhtunkhwa, Peshawar



38  
1  
19

### UNDERTAKING

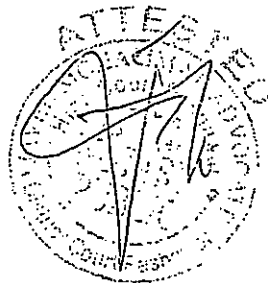
I, Amir Nawaz s/o Badshah Khan CNIC No. 11201-0385921-3 hereby opt for full retirement / pensionary benefits on attaining the age of superannuation (60) years. I shall not claim any benefit of Supreme Court decision if decided in favour of Provincial Government in CPLA against decision of Peshawar High Court in Writ Petition No. 5673-P/2019 and other similar petitions clubbed together by Peshawar High Court Peshawar.

Name: Amir Nawaz

Signature \_\_\_\_\_

F/Husband Name Badshah Khan

Designation: Superintendent (BS-17)



22 SEP 2020

ATTACHED



**PENSION ROLL DATA SHEET  
NOT A PAYMENT ADVICE**

13

Date of issue : 20.10.2020  
 PPO Type : FRESH  
 PPO Number : 00198091-01  
 Pensioner ID : 00198091  
 Pension Register No:  
 Pensioner's Name : **AMIR NAWAZ KHAN**  
 Father / Husband name : **BADSHAH KHAN**  
 Designation: SUPERINTENDENT  
 NIC No.: 1120103859213  
 Grade / Scale : 17  
 Department.Min: TRAINING CENTRE OF FWM  
 Pensioner's Type: SELF  
 Pension Type: SUPERANNUATION  
 Date of Birth : 05.10.1959  
 Date of appointment: 02.04.1979  
 Date of retirement: 04.10.2019  
 Date of Death:  
 Date of commence : 01.10.2020  
 Date of Restoration :  
 Accounts office ID : DI  
 Accounts office Name : D.I.Khan  
 Federal / Province : Khyber Pakhtunkhwa  
 Length of Qualifying Service : 40 years, 6 months, 2 days  
 No. and Date of sanction of pension / Letter No. :  
 and the date of the other Audit and Accounts officer authorising  
 the Pension/Gratuity/Commutation  
 Permanent Address:

Note :  
 Age : 60 years  
 Last Drawn pay/Emoluments(Rs.): 53370.00  
 Gross Pension(Rs.) : 37359.00  
 1/4th Surrendered Portion (Rs.) :  
 Commuted Portion(Rs.) : 13075.65  
 Net Pension (Rs.) : 24283.35  
 Net Family Pension (Rs.) : 0.00  
 Amount of Commutation(Rs.) : 1941248.00  
 With Held Amount (Rs.) : 0.00  
 Life Time Arrears (Rs.) : 0.00  
 Arrears Of Pension (Rs.) : 0.00  
 Special Additional Pension (Rs.) : 0.00  
 Commutation Percentage : 35.00  
 Commutation Table value : 12.37  
 Recovery on A/C of  
 Debitable to Govt : Khyber Pakhtunkhwa

**PROPOSED PENSION STATE**

**Payment details**

Wage Type	Wage Type Text	Amount
0100	Monthly Pension - Self	24283.35
0101	Pension Increases - Self	20691.51
1599	Medical Allow - Pensioner	4856.67
1600	Med: All. 2015 Pensioner	1214.17
5901	Arrears of Pension	357329.00

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL.2011	15.00 %	3642.50	05.10.2019
2	JUL.2015	10.00 %	2792.59	05.10.2019
3	JUL.2016	10.00 %	3071.84	05.10.2019
4	JUL.2017	10.00 %	3379.03	05.10.2019
5	JUL.2018	10.00 %	3716.93	05.10.2019
6	JUL.2019	10.00 %	4088.62	05.10.2019
7	0.	Rs. 0.00	0.00	
8				
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23				
24				
25				
26				
27				

*Handwritten notes:*  
 5/10/2019 = 581495  
 4/10/2019 to 31/10/2019 = 46458  
 605983

**Bank Details**

Bank Account Number : 3276-7  
 Bank Branch : SHEIKH YOUSAF D.I.KHAN  
 SHEIKH YOUSAF D.I.KHAN  
 Payment Mode : NATIONAL BANK OF PAKISTAN

ACCOUNTS OFFICER  
(Pension)

Document Printed on 20.10.2020 by 396534

Director  
 Human Resource Development  
 On Farm Water Management  
 Training Centre D.I.Khan

**ATTENDED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK FISHERIES &  
COOPERATIVE DEPARTMENT

C (19)

Dated Peshawar the October, 1<sup>st</sup>, 2020

**NOTIFICATION**

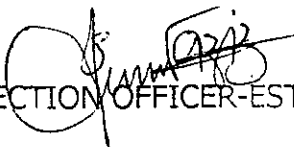
**NO. SOE(AD)6-106/WM/2020/New-3: 340** In continuation of this Department's Notification of even number dated 25.09.2020, sanction is hereby accorded to the grant of leave encashment of 365 days pay in lieu of LPR w.e.f 13.10.2019 to 11.10.2020, in respect of Mr. Muhammad Ramzan, Superintendent (BS-17) office of the Director (HRD) On Farm Water Management Training Centre, D.I Khan under Rule 20 of Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, subject to CPLA/ Appeal of the Provincial Government against the judgement of Peshawar High Court dated 19.02.2020 in WP No. 5673-P/2019 and any order contrary as and when issued by the apex Court of Pakistan.

Sd/-  
**SECRETARY AGRICULTURE**

**Endst. of even No. & Date.**

Copy forwarded for information and necessary action to:

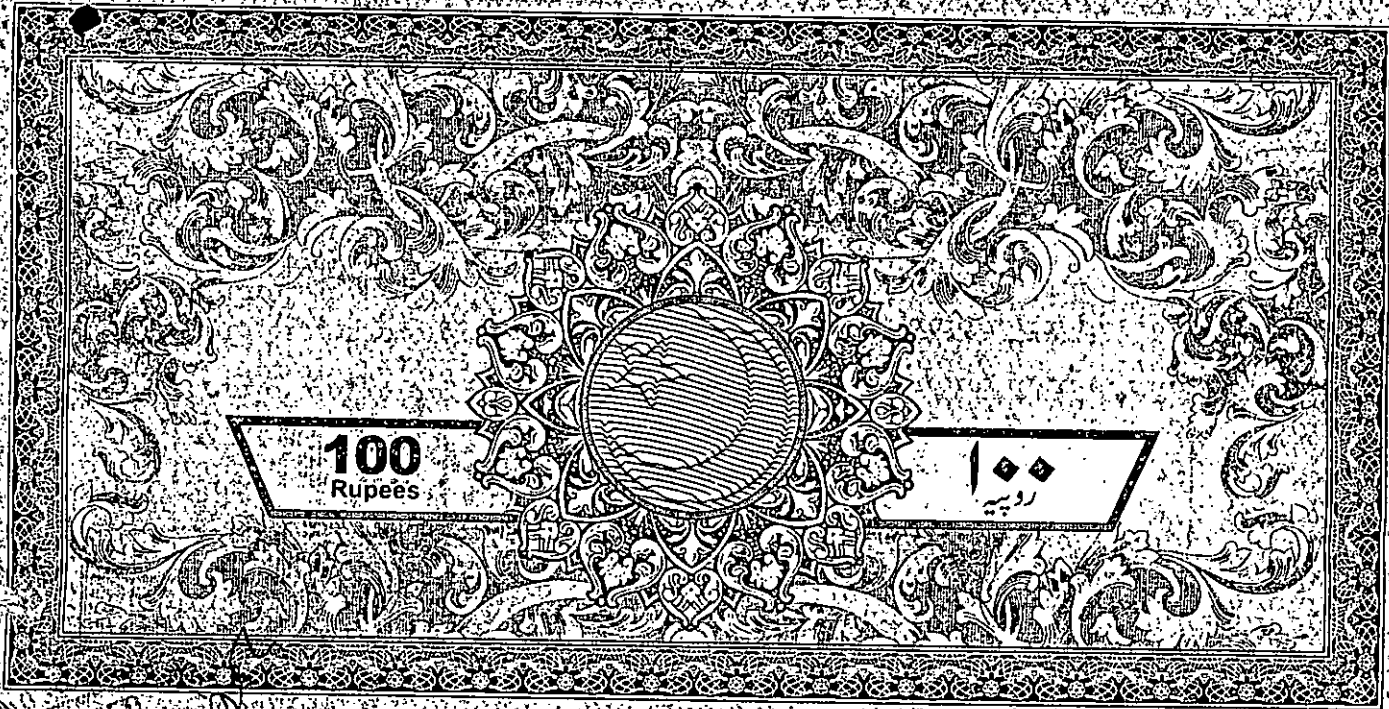
1. The Registrar, Peshawar High Court, Peshawar.
2. The Director General, On Farm Water Management, Khyber Pakhtunkhwa Peshawar.
3. The Senior Director, (HRD) On Farm Water Management Training Centre, D.I Khan.
4. The District Accounts Officer, D.I Khan.
5. P.S to Secretary Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar.
6. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
7. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
8. Officer concerned.
9. Master File.

  
SECTION OFFICER-ESTT:

AO (ESTT)

Diary No. 536  
Dated 6/10/20  
O/o Director General of Water  
Khyber Pakhtunkhwa Peshawar

ATTENDED



### UNDERTAKING

I Muhammad Ramzan S/O Haq Nawaz hereby Opt for full retirement / Pensionary benefits on attaining the age of superannuation (60yrs). I shall not claim any benefit of Supreme Court decision if decided in favor of provincial government in CPLA against decision of Peshawar high court in write no 5673-p/2019 and other smellier petitions clubbed together by Peshawar high court Peshawar.

Name : MUHAMMAD RAMZAN

SIGNATURE :

M. Ramzan

F/ NAME : HAQ NAWAZ

DESIGNATION: SUPERINTENDENT (BS17)

O/O DIRECTOR (HRD)

ON FARM WATER MANAGEMENT

TRAINING CENTER D I KHAN.

ATTACHED

**PENSION ROLL DATA SHEET  
NOT A PAYMENT ADVICE**

16

Date of issue : 27.10.2020  
 PPO Type : FRESH  
 PPO Number : 00185333-01  
 Pensioner ID : 00185333  
 Pension Register No:  
 Pensioner's Name : **MUHAMMAD RAMZAN**  
 Father / Husband name : **HAQ NAWAZ**  
 Designation: **SUPERINTENDENT**  
 NIC No.: 1210109761741  
 Grade / Scale : 17  
 Department.Min: **TRAINING CENTRE OFWM**  
 Pensioner's Type: **SELF**  
 Pension.Type: **SUPERANNUATION**  
 Date of Birth : 13.10.1960  
 Date of appointment: 03.05.1977  
 Date of retirement: 12.10.2020  
 Date of Death:  
 Date of commence : 01.11.2020  
 Date of Restoration :  
 Accounts office ID : DI  
 Accounts office Name : D.I.Khan  
 Federal Province : Khyber Pakhtunkhwa  
 Length of Qualifying Service : 43 years, 5 months, 9 days  
 No. and Date of sanction of pension / Letter No. :  
 and the date of the other Audit and Accounts officer authorising  
 the Pension/Gratuity/Commutation  
 Permanent Address:

Note :  
 Age : 60 years  
 Last Drawn pay/Emoluments(Rs.): 53370.00  
 Gross Pension(Rs.) : 37359.00  
 1/4th Surrendered Portion (Rs.) :  
 Commuted Portion (Rs.) : 13075.65  
 Net Pension (Rs.) : 24283.35  
 Net Family Pension (Rs.) : 0.00  
 Amount of Commutation(Rs.) : 1941248.00  
 With Held Amount (Rs.) : 0.00  
 Life Time Arrears (Rs.) : 0.00  
 Arrears Of Pension (Rs.) : 0.00  
 Special Additional Pension (Rs.) : 0.00  
 Commutation Percentage : 35.00  
 Commutation Table value : 12.37  
 Recovery on A/C of :  
 Debitable to Govt : Khyber Pakhtunkhwa

**PROPOSED PENSION SLIP**

**Payment details**

Wage Type	Wage Type Text	Amount
0100	Monthly Pension - Self	24283.35
0101	Pension Increases - Self	20691.51
1599	Medical Allow - Pensioner	4856.67
1600	Med. All. 2015 Pensioner	1214.17
3901	Arrears of Pension	31286.00

u.p. 31/10

He/She is also entitled to the following increases

Period	Increase % or amount	Increase Amount	W.E.F.
JUL.2011	15.00 %	3642.50	13.10.2020
JUL.2015	10.00 %	2792.59	13.10.2020
JUL.2016	10.00 %	3071.84	13.10.2020
JUL.2017	10.00 %	3379.03	13.10.2020
JUL.2018	10.00 %	3716.93	13.10.2020
JUL.2019	10.00 %	4088.62	13.10.2020
0.	Rs. 0.00	0.00	

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*Handwritten signature*

Director  
Human Resource Development  
On-Farm Water Management  
Training Centre D.I.Khan

**Bank Details**

Bank Account Number : 3058256428  
 Bank Branch : SHEIKH YOUSAF D.I.KHAN  
 SHEIKH YOUSAF D.I.KHAN  
 Payment Mode : NATIONAL BANK OF PAKISTAN

ACCOUNTS OFFICER  
(Pension)

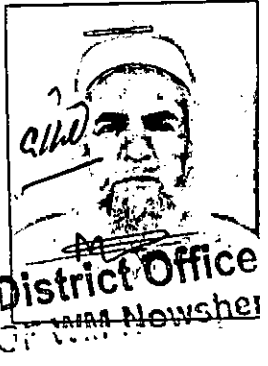
Document Printed on 27.10.2020 by 296534

**ATTENDED**

D

(12)

(17)



PENSION PAPERS OF

Name

**Abdul Matin**

Father/Husband Name

**Abdul Rauf**

CNIC No

**17201-2163527-1**

Designation

**Office Asstt**

Department:

**On Farm Water Management**

Personal No

**00257182**

Date of Retirement/Death

**22-09-2020 (AN)**

ATTESTED

**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**

[www.ofwm.kp.gov.pk](http://www.ofwm.kp.gov.pk) <https://twitter.com/dgofwmkp>  
<https://www.facebook.com/dgofwmkp>  
091-9224307-08/Fax 0919224370



18

**OFFIE ORDER**

Mr. Abdul Matin Office Assistant (BS-16) office of the District Officer On Farm Water Management Nowshera is hereby retired from government service with effect from 22-09-2020 (A.Noon) by attaining the age of 60 years.

In terms of Provisions of Rules-20 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 and instructions contained there under issued from time to time sanction is hereby accorded to the encashment of leave preparatory to retirement equal to 365 days pay (Three Hundred and Sixty Five days only) to the official in lump-sum.

**Sd/-**  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

No. 2531 /DG/OFWM /Estt: dated Peshawar the 5/10/2020

Copy of the above for information is forwarded to:

1. District Officer On Farm Water Management Nowshera with reference to his letter No. 430DOWM dated 29-09-2020.
2. District Accounts Officer Nowshera.
3. Director HQ of this Directorate General.
4. Official concerned.

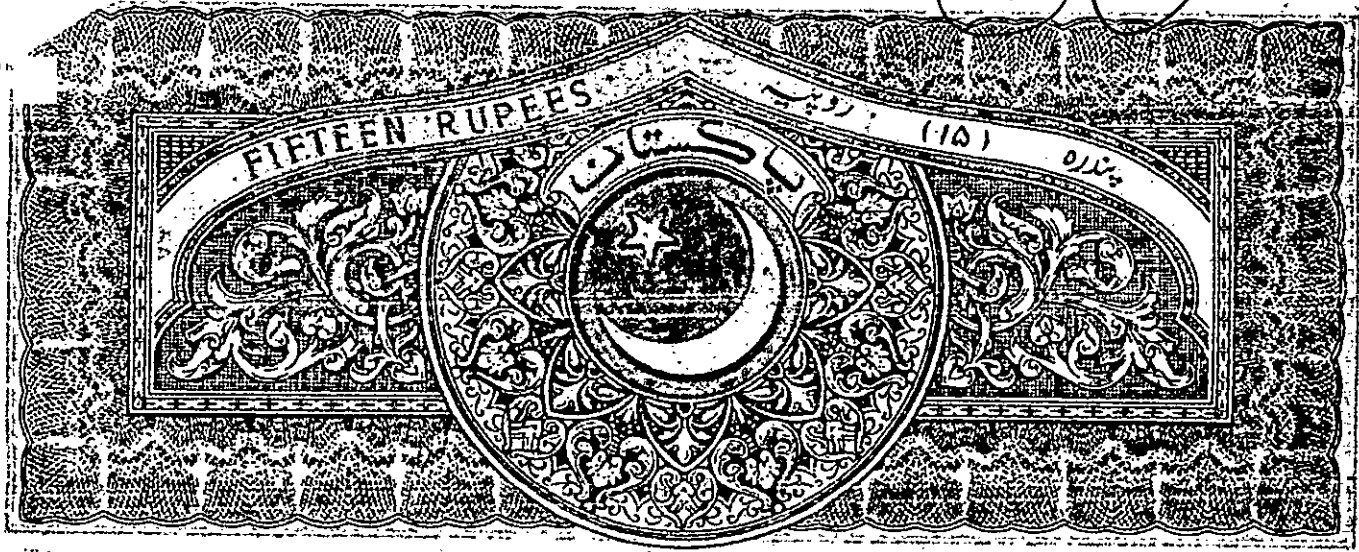
*Handwritten signature*

**District Officer  
CP Nowshera**

*Handwritten signature*

**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

**ATTACHED**



**UNDERTAKING**

I Abdul Matin Office Assistant S/o Abdul Rauf CNIC No. 17201-2163527-1 hereby opt for full retirement/pensionary benefits on attaining the age of Superannuation (60) years. I shall NOT claim any benefit of Supreme Court decision if decided in favour of Provincial Government in CPLA against decision of Peshawar High Court in Writ Petition No. 5673-p/2019 and other similar petitions clubbed together by Peshawar High Court Peshawar.

Name Abdul Matin  
Signature [Signature]  
Father Name Abdul Rauf 28/09/2020  
Designation: Office Assistant (BS-16)

[Signature]

[Signature]  
District Officer  
OF WM Nowshera



**ATTESTED**

**ATTESTED**

20

E

To,

The Director General  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

Subject: APPEAL FOR PROMOTION TO THE POSTS OF SUPERINTENDENT (BS-17)  
R/Sir,

Kindly it is stated that two (02) posts of Superintendents (BS-17) are lying vacant in the department due to retirement of Mr. Amir Nawaz on 22-09-2020 and Muhammad Ramzan Superintendent on 12-10-2020 and they also submitted affidavit on Judicial Stamp paper that they opt. for full pension & will never claim any right to continue their service in case the Supreme Court decide the case in favour of the Government.

We are at the top of seniority list of Office Assistants (BS-16) and eligible for promotion as per approved service rules of the department.

We are at the verge of retirement and Mr. Akbar Ali Khan is going to retire from service on 31-12-2020 by attaining the age of superannuation (i.e. within 02 months), therefore, it is requested that our promotion case may please be submitted to the Administrative department for convening of Departmental Promotion Meeting so that we may be able to get promotion before retirement.

Thanking you in anticipation,

*AKBAR ALI KHAN*  
Akbar Ali Khan Office Assistant  
03/11/20

Daino No. 635  
dated 03/11/2020

**ATTACHED**

AO (ESH)

For m/a

*J*





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GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

Peshawar, dated the April 29, 2014

**NOTIFICATION**

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

S. #	Nomenclature	Minimum Qualification for Initial Recruitment	Age for Initial Recruitment	Method of Recruitment
1	2	3	4	5
1	Director General On Farm Water Management (BPS-20)			By selection on merit from amongst the three senior most BPS-19 officers of On Farm Water Management with at least five years service in BPS-19 or seventeen years service in BPS-17 and above.
2	Director/ District Director (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Director & District Officers with seven years service as such or at least twelve years service in BPS-17 and above in On Farm Water Management.
3	Deputy Director/ District Officer (BPS-18)			By promotion, on the basis of seniority-cum-fitness from amongst the Assistant Directors & Water Management Officers with at least five years service as such.
4	Assistant Director/ Water Management Officer (BPS-17)	i) At least 2 <sup>nd</sup> class B.Sc Agriculture Engineering Degree from a recognized university or  ii) at least 2 <sup>nd</sup> class B.Sc (Hons) Agriculture Degree with specialization in Water Management or Water Resource Management, from a recognized university.	21-32 years	(a) Twenty percent by promotion on the basis of seniority-cum-fitness, from amongst the Sub Engineers with at least ten (10) years service as such; and  (b) eight percent by initial recruitment.

5	Geographic Information Specialist (BPS-17)	i) At least 2 <sup>nd</sup> class Master's Degree in Geographic Information System & Remote Sensing, from a recognized University; or  ii) At least 2 <sup>nd</sup> class Master Degree in Computer Science or Geography from a recognized university with one year diploma in Geographic Information System and Remote Sensing from recognized university or institute	21-32 years	By Initial recruitment
6	Geography Information System Analyst (BPS-17)	i) At least 2 <sup>nd</sup> class Master Degree in Geographic Information System and Remote Sensing, from a recognized University or Institute; or  ii) at least 2 <sup>nd</sup> class B.Sc Degree from a recognized University; in Computer Science, Mathematics, Statistics, Physics or Geography as one of the subject with one year diploma in Geographic Information System from a recognized University or Institute.	21-32 years	By Initial recruitment.
7	Accounts Officer/ Assistant Director-Admn (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Administrative Officers & Superintendents, with at least five years service as such.
8	Administrative Officer/ Superintendent (BPS-16)			(a) Ninety percent by promotion, on the basis of seniority-cum-fitness, from amongst the Office Assistants, with five years service as such; and  (b) ten percent by promotion on the basis of seniority-cum-fitness from amongst Senior Scale Stenographers with three years service as such.
9	Senior Scale Stenographer (BPS-16)			By promotion on the basis of seniority-cum-fitness from amongst the Junior Scale Stenographers, with at least five years service as such.

ATTESTED

6-11

10	Junior Scale Stenographer (BPS-14)	(i) At least 2 <sup>nd</sup> class Intermediate or equivalent qualification from a recognized Board; (ii) A speed of fifty (50) words per minutes in English short hand and thirty five (35) words per minute in typing; and  (iii) Knowledge of Computer using MS Word and MS Excel.	18-30 year	By Initial Recruitment
11	Office Assistant (BPS-14)	At least 2 <sup>nd</sup> Class Bachelor's Degree, from a recognized University.	20-30 years	(a) Seventy five percent by promotion, on the basis of seniority-cum-fitness from amongst the Senior Clerks with at least three years service as such; and  (b) twenty five percent by initial recruitment.
12	Sub-Engineer (BPS-11)	At least 2 <sup>nd</sup> class Secondary School Certificate, from a recognized Board with three years Diploma of Associate Engineers in 2 <sup>nd</sup> Division from a recognized institute in the relevant technology.	18-30 years	By Initial recruitment
13	Foreman (BPS-11)	At least 2 <sup>nd</sup> Class Secondary School Certificate from a recognized board with five years experience as Mechanic in a Workshop or having one year certificate of Auto Engineering from a recognized Technical Training Centre.	18-30 years	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness from amongst the Mechanics, with at least five years service as such; and  (b) fifty percent by Initial recruitment
14	Draftsman (BPS-11)	(i) At least 2 <sup>nd</sup> Class Secondary School Certificate, from a recognized Board; (ii) One year Diploma in Draftsmanship in relevant trade from a recognized Institute	18-30 years	(a) Fifty percent by promotion, on the basis of seniority cum fitness from amongst the Tracers, with at least five years service as such; and  (b) Fifty percent by initial recruitment
15	Computer Operator (BPS-12)	(i) At least 2 <sup>nd</sup> class Bachelor degree from a recognized university; and (ii) one year diploma in Information Technology from a recognized Board of Technical Education or its equivalent	18-30 years	By Initial recruitment

*[Handwritten signature]*

**ATTESTED**

(xii) against serial No.20, in column No.2, for the existing figure "06", the figure "07" shall be substituted  
(xiii) against serial No.21,22,23, in column No.2, for the existing figure "05", the figure "07" shall respectively be substituted:

(xiv) against serial No.24, in column No.2 and 3, for the existing entries the following shall respectively substituted, namely:

"Driver (BPS-06)	At least Second Class Middle pass, having valid Light Transport Vehicle (LTV) driving license"
------------------	--

(xv) against serial No.25, in column No.2, 3, 4 and 5, for the existing entries, the following shall respectively be substituted, namely:

"Daftari (BPS-04)	At least Second Class Middle pass	18-40 years	By initial recruitment
-------------------	-----------------------------------	-------------	------------------------

(xvi) against serial No.26, in column No.2 and 4, for the existing entries, the following shall respective substituted, namely:

"Naib Qasid (BPS-03)	18-40 years
----------------------	-------------

(xvii) against serial No.27, in column No.2 and 4, for the existing entries, the following shall respective substituted, namely:

"Rodman (BPS-03)	18-40 years"
------------------	--------------

(xviii) Against serial No.28, in column No.2 and 4, for the existing entries, the following shall respective be substituted, namely:

"Helper/Beldar/Field Worker/Cook/Mess Boy (BPS-03)	18-40 Years"
--	--------------

(xix) against serial No.29, in column No.2 and 4, for the existing entries, the following shall respective substituted, namely:

"Tractor Cleaner (BPS-03)	18-40 years"
---------------------------	--------------

(xx) Against serial No.30, in column No.2 and 4 for the existing entries, the following shall respective be substituted, namely:

"Chowkidar (BPS03)	18-40 Years"
--------------------	--------------

(xxi) Against serial No.31, in column No.2, and 4, for the existing entries, the following shall respective be substituted, namely:

"Mali (BPS-03)	18-40 Years" and
----------------	------------------

*(Handwritten mark)*

*(Handwritten signature)*

**ATTESTED**

25

(xii) Against serial No.32, in column No.2 and 4 for the existing entries, the following shall respectively be substituted, namely:

"Swccpcr (BPS-03)	"18-40 Years"
-------------------	---------------

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

Copy forwarded for information and necessary action to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Law Department.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Director General, On Farm Water Management, Khyber Pakhtunkhwa.
6. The Secretary to Governor, Khyber Pakhtunkhwa.
7. The PSO to Chief Secretary, Khyber Pakhtunkhwa.
8. The PS to Additional Chief Secretary, EATA, Warsak Road, Peshawar.
9. The PS to Minister for Agriculture, Khyber Pakhtunkhwa.
10. The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. He is requested that printed (preferable gazette) copies of the notification as and when published may be furnished to this Department, E&A and Law Department along with details of gazette in which is published.
11. CPO Agriculture Department for uploading on official website.
12. P.S to Secretary Agriculture.
13. P.A to Deputy Secretary-Admn: Agriculture Department.
14. Master file.

(Dr. MIR AHMAD ILLIAN)  
 SECTION OFFICER-ESTT:

**ATTACHED**

VAKALATNAMA

NO. \_\_\_\_\_ /20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

Akbar Ali Khan

Appellant  
Petitioner  
Plaintiff

VERSUS

On Water farm management

Respondent (s)  
Defendants (s)

I/WE Akbar Ali Khan

do hereby appoint and constitute the **Syed Noman Ali Bukhari** Advocate High Court for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and al proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE \_\_\_\_\_ /20

Akbar Ali Khan  
(CLIENT)

ACCEPTED

Uzma Syed

Syed Noman Ali Bukhari  
SYED NOMAN ALI BUKHARI  
ADVOCATE HIGH COURT,

S. Khan  
SHAHKAR KHAN YOUSAFZAI  
Advocate Peshawar

47

**KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 3083 / 2021

Akbar Ali Khan Ex-Office Assistant (BPS-16) office of the Director General On Farm Water Management Department Khyber Pakhtunkhwa, Peshawar

.....**Appellant**

Versus

1. The Chief Secretary, Civil Secretariat Peshawar, Government of Khyber Pakhtunkhwa.
2. The Secretary, Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance Department Khyber Pakhtunkhwa, Peshawar.
4. The Director General On Farm Water Management Khyber Pakhtunkhwa, Peshawar.

.....**Respondents**

S.No	Documents	Annexure	Page
1	Comments	-	1-4
2	Affidavit	-	5
3	Copy of promotion order dated 01-02-2008	A	6-7
4	Copy of retirement order of Akbar Ali Khan Ex-Office Assistant	B	8
5	Copy of retirement order of Amir Nawaz Ex-Superintendent dated 04-10-2019	C	9
6	Copy of retirement order of Muhammad Ramzan Ex-Superintendent dated 12-10-2020	D	10
7	Copy of retirement order of Abdul Mateen Ex-Office Assistant	E	11



Deponent

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

Service Appeal No. 3083 / 2021

Akbar Ali Khan Ex-Office Assistant (BPS-16) office of the Director General On Farm Water Management Department Khyber Pakhtunkhwa, Peshawar

.....**Appellant**

Versus

1. The Chief Secretary, Civil Secretariat Peshawar, Government of Khyber Pakhtunkhwa.
2. The Secretary, Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance Department Khyber Pakhtunkhwa, Peshawar.
4. The Director General On Farm Water Management Khyber Pakhtunkhwa, Peshawar.

.....**Respondents**

**COMMENTS ON BEHALF OF RESPONDENTS NO. 01 to 04**

RESPECTFULLY SHEWETH:-

**Preliminary Objections**

1. That the appellant has got no locus standi or cause of action against the respondents.
2. That the appeal is badly bared by time.
3. That no discrimination/injustice has been done to the appellant.
4. That the appeal is not based on facts.
5. That due to concealment of material facts and misstatement the appeal is liable to be dismissed.
6. That the appeal is bad for mis joinder and non joinder of necessary parties.

**Facts:-**

1. Pertains to record.
2. Correct to the extent that the appellant was promoted from the post of Senior Clerk to the post of Office Assistant BPS-14(now BPS-16) on 01-02-2008 and was retired in BPS-16 by attaining the age of superannuation on 31-12-2020 (copies of promotion & retirement orders attached **Annex-A& B**).



3. Pertains to record.
4. Correct to the extent that two posts of Superintendents (BPS-17) became vacant due to retirement of Mr. Amir Nawaz Superintendent (BPS-17) by attaining the age of superannuation on 04-10-2019 vide Govt. of Khyber Pakhtunkhwa Agriculture, Livestock & Coop: department notification dated 05-10-2020 (**Annex-C**) & Muhammad Ramzan Superintendent (BPS-17) by attaining the age of superannuation on 12-10-2020 vide Govt. of Khyber Pakhtunkhwa Agriculture, Livestock & Coop: department notification dated 01-10-2020 (**Annex-D**), the retirement of above named Superintendents was subject to CPLA / appeal of the Provincial Government against the judgment dated 19-02-2020 of Peshawar High Court Peshawar in Writ Petition No. 5673-P/2019 and other similar petitions clubbed together by the Peshawar High Court Peshawar in the cases wherein the government of Khyber Pakhtunkhwa enhanced the retirement age on superannuation from 60 to 63 years.
5. Correct to the extent that on retirement of Mr. Abdul Mateen Office Assistant on 22-09-2020 (**Annex-E**) who was on S.No. 01 of the seniority list, the appellant ranked on top of the seniority list of Office Assistants but as explained in Para-4 above the retirement of Abdul Mateen was subject to CPLA filed by the provincial government in august Supreme Court of Pakistan as the Government vide Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2019 increased retirement age from 60 to 63 years.
6. That the appellant Mr. Akbar Ali Khan was retired from service on 31-12-2020 and the Govt. of Khyber Pakhtunkhwa reversed the retirement age from 63 to 60 on 26-03-2021 vide Khyber Pakhtunkhwa Civil Servants (Amendment) Ordinance, 2021 i.e. after the retirement of the appellant, therefore, due to this pending issue of enhanced retirement age the promotion case of the appellant from BPS-16 to BPS-17 against the post of Superintendent was not processed as no clear vacancies existed due to the reason as mentioned above.
7. As explained in para-5 & 6 above the grievance of the appellant is not based on facts and material on record and the reply of the grounds are as under.

## Grounds

- A. Incorrect, the plea of the appellant that he was entitled for promotion w.e.f 23-09-2020 is not based on facts as the Government of Khyber Pakhtunkhwa on 31<sup>st</sup> July, 2019 enhanced the retirement age from 60 to 63 and reversed the same on 26-03-2021 vide Khyber Pakhtunkhwa Civil Servants (Amendment) Ordinance, 2021 while the appellant retired from service on 31-12-2020 before enactment of the ordinance. Therefore, the appellant was not deprived from his promotion in any way.
- B. Incorrect, the appellant was not deprived from his right of promotion due to the reason as explained in Para-A above.
- C. Pertains to record.
- D. That the issue of retirement age i.e. 60 & 63 was pending in Court since enactment of the Khyber Pakhtunkhwa (Amendment) Act, 2019 on 31 July, 2019 and when settled through an ordinance on 26-03-2021 by then the appellant was retired from service by attaining the age of superannuation on 31-12-2020, therefore, the plea of the appellant that he has legal right to be considered for promotion is not based on facts and material on record.
- E. The plea of the appellant is incorrect as the department fairly is performing the duty in time and in accordance with the rules.
- F. Incorrect, the appellant was dealt with according to Law & Rules and not deprived in any way.
- G. Incorrect, the plea of the appellant is not based on facts and material on record as the respondents in time performed their duties and no violation has been made.
- H. The plea of the appellant is not based on facts as the appellant was treated according to law & rules and as per policy in vogue.
- I. Incorrect, the plea of the appellant is not correct as per explanation given in para-5 & 6 above.
- J. Pertains to record.
- K. Pertains to record.
- L. Incorrect, the appellant was treated according to law, rules & policy in vogue and thus not deprived from his due rights in any way.

M. That the respondents also seek permission of this honourable tribunal in advance for further submission of the grounds in the case.

Since no injustice has been done to the appellant, therefore, it is respectfully prayed that on acceptance of the submission made as above, the instant appeal may please be dismissed being devoid of merits.

6

**Chief Secretary**  
Govt. of Khyber Pakhtunkhwa  
**(Respondent No. 1)**

**Secretary**  
Govt. of Khyber Pakhtunkhwa  
Agriculture, Livestock & Coop: Deptt:  
Peshawar  
**(Respondent No. 2)**

**Secretary**  
Govt. of Khyber Pakhtunkhwa  
Finance Department  
**(Respondent No.03)**

**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar  
**(Respondent No. 04)**



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

Service Appeal No. 3083/2021

Akbar Ali Khan  
Ex-Office Assistant (BPS-16) o/o the Director  
General On Farm Water Management Khyber  
Pakhtunkhwa Peshawar.

APPELLANT

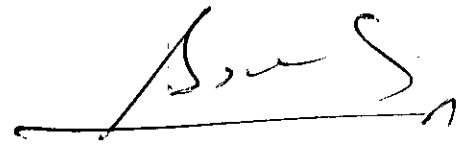
**VERSUS**

1. Chief Secretary Civil Secretariat, Peshawar  
Government of Khyber Pakhtunkhwa
2. Secretary, Agriculture Livestock & Co-operative  
Department, Government of Khyber Pakhtunkhwa,  
Peshawar.
3. Secretary Govt. of Khyber Pakhtunkhwa Finance  
Department.
4. Director General, On Farm Water Management Khyber  
Pakhtunkhwa, Peshawar.

RESPONDENTS

**Affidavit**

I, **Tayyeb Gul Superintendent o/o the Director General On Farm Water Management Khyber Pakhtunkhwa, Peshawar** do hereby solemnly declare and affirm that the respondents have not suppressed the facts and actual position of the case from this honourable Tribunal. The comments on behalf of respondents No. 01 to 04 are true and correct according to my knowledge, belief and nothing has been concealed from this Tribunal.



DEPONENT

17201-0651870-1

**DIRECTORATE GENERAL ON-FARM WATER MANAGEMENT  
N.W.F.P, PESHAWAR**

**OFFICE ORDER**

Consequent upon the promotion of Senior Clerks (BS-9) to the posts of office Assistant (BS-14) vide Director Agriculture Engineering Tarnab office order No.5048-80 dated 12/12/2007, the following office Assistants are hereby adjusted/posted in the offices given against each:-

<b>S.No</b>	<b>Name of official With Designation</b>	<b>Present Place of Posting</b>	<b>New place of Posting</b>
1	Jehanzeb Khan O/Assistant	O/O DG OFWM Peshawar	Adjusted/Posted in O/O DOWM Charsadda
2	Muhammad Aslam O/Assistant	O/O Assistant Agri: Engineering Bannu	Adjusted/Posted in O/O DOWM Bannu
3	Abdul Jabar Shah O/Assistant	O/O Director HRD TC D.I Khan	Adjusted/Posted in Director HRD TC D.I Khan
4	Umar Khitab O/Assistant	O/O Director HRD TC D.I Khan	Adjusted/Posted in D.O WM Tank.
5	Irshadul Haq O/Assistant	O/O D.O WM Abbottabad	Adjusted/Posted in DG OFWM Peshawar
6	Mushtaq Ahmad O/Assistant	O/O AAE Chitral	Adjusted/Posted in O/O DOWM Mardan
7	Fazli Tawab O/Assistant	O/O D.O WM Charsadda	Adjusted/Posted in O/O DOWM Bunir
8	Nawab Ali O/Assistant	O/O DOWM Kohat	Adjusted/Posted in O/O DOWM Karak
9	M. Javid Younas O/Assistant	AAE DI Khan	Adjusted/Posted in O/O DOWM Hangu
10	Gul Bad Shah O/Assistant	Dy. Director WM Mardan	Adjusted/Posted in O/O DOWM Malakand
11	Zahoor Ali O/Assistant	Dy. Director WM Swat	Adjusted/Posted in O/O DOWM Swat
12	Noshad Khan O/Assistant	AAE (F) Tarnab	Adjusted/Posted in O/O DOWM Dir Upper
13	Hukam Khan O/Assistant	DAE Tarnab	Adjusted/Posted in D.O Director WM Nowshera
14	Muhammad Arshad O/Assistant	DOWM Manshera	Adjusted/Posted in O/O DOWM Battagram
15	Muhammad Idrees O/Assistant	AAE Mansehra	Adjusted/Posted in O/O DOWM Haripur
16	Abdul Mateen O/Assistant	D.O WM Nowshera	Adjusted/Posted in O/O DOWM Swabi
17	Akbar Ali O/Assistant	DG OFWM Peshawar	Adjusted/Posted in O/O DGWM Peshawar
18	Tayyab Gul O/Assistant	DG OFWM Peshawar	Adjusted/Posted in O/O DGWM Peshawar
19	Amir Nawaz O/Assistant	AAE D.I Khan	Adjusted/Posted in O/O DOWM DI Khan
20	Muhammad Ramzan O/Assistant	DOWM D.I Khan	Adjusted/Posted in O/O DOWM Lucky Marwat.

This order shall be effective w.e.f 01/02/2008, moreover all the officials are directed to perform their election duties in the present place of postings if assigned earlier.

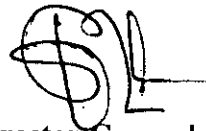
Sd/xxx  
Director General,  
On Farm Water Management,  
NWFP, Peshawar.

53

No. 700-807/DG OFWM Dated Peshawar the, 29/1/2008.  
Copy to the:-

- 1) Accountant General NWFP Peshawar.
- 2) DG OFWM(NPI) WCs NWFP Peshawar.
- 3) All Executive Distt Officers (Agri:) in NWFP.
- 4) Director HRD Training Centre D.I Khan.
- 5) Director Agri; Engineering NWFP Tarnab Peshawar.
- 6) Dy. Director Water Management Peshawar, Swat & Mardan.
- 7) All Distt officers water Management in NWFP.
- 8) Asstt Agri: Engineer Bannu, D.I Khan, Peshawar & Chitral.
- 9) All Distt: Accounts Officers in NWFP.
- 10) Agency Accounts Officer, Malakand.
- 11) Officials concerned.

For Information necessary actions please.



**Director General,**  
On Farm Water Management,  
NWFP, Peshawar.

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**DIRECTORATE GENERAL ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**

[www.ofwm.kp.gov.pk](http://www.ofwm.kp.gov.pk) <https://twitter.com/dgofwmkp>  
<https://www.facebook.com/dgofwmkp>



**OFFICE ORDER**

Mr. Akbar Ali Assistant (BS-16) office of the Director General On Farm Water Management Peshawar is hereby retired from Government service with effect from 31-12-2020 (A.N) on attaining the age of superannuation( 60 years) as the date of birth of the officer is 01-01-1961.

In terms of provisions of Rules-20 of Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 and instructions contained there under issued from time to time, sanction is hereby accorded to the encashment of leave preparatory to retirement, equal to 365 days pay (Three Hundred and Sixty-Five days only) to the official in lump sum.


**Sd/-**

**Director General,  
On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar**

No. 7/11 /DG/OFWM/Estt:/ dated Peshawar the 30/03 /2021

Copy of the above is for information and necessary action is forwarded to;

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director (HQ) of this office.
3. Account Officer (Account Section) of this office.
4. Mr. Akbar Ali Assistant of this Office.

  
**Director General,  
On Farm Water Management,  
Khyber Pakhtunkhwa, Peshawar**

To be substituted with this Department's Notification of Even number dated  
19.03.2020



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

Dated Peshawar, the October 5<sup>th</sup>, 2020

**NOTIFICATION**

**NO. SOE(AD)9-5/2020/OFWM: 386** 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 WP No. 5673-P/2019, Mr. Amir Nawaz, Superintendent (BPS-17) O/o Director HRD Training Centre D.I Khan shall stand retired from Government service on 04.10.2019 (A.N) on attaining the age of superannuation, as his date of birth is 05.10.1959, subject to CPLA/Appeal of the Provincial Government against aforementioned judgement of Peshawar High Court and any order contrary as and when issued by the apex Court of Pakistan.

Sd/-  
**SECRETARY AGRICULTURE**

**Endst. of Even No. & Date.**

Copy forwarded for information and necessary action to:

1. The Registrar, Peshawar High Court, Peshawar.
2. The Director General, On Farm Water Management, Khyber Pakhtunkhwa Peshawar.
3. The District Director On Farm Water Management, D.I Khan.
4. The District Accounts Officer, D.I Khan.
5. P.S to Secretary Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar.
6. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
7. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
8. Officer concerned.
9. Master File.

SECTION OFFICER-ESTT:

A/C (ESTT)

Slary No. 567

Dated 08-10-2020

Director General On Farm  
Water Management, Peshawar





GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK FISHERIES &  
COOPERATIVE DEPARTMENT

55  
C (19)

Dated Peshawar the October, 1<sup>st</sup>, 2020

**NOTIFICATION**

**NO. SOE(AD)6-106/WM/2020/New-3:1340** In continuation of this Department's Notification of even number dated 25.09.2020, sanction is hereby accorded to the grant of leave encashment of 365 days pay in lieu of LPR w.e.f 13.10.2019 to 14.10.2020, in respect of Mr. Muhammad Ramzan, Superintendent (BS-17) office of the Director (HRD) On Farm Water Management Training Centre, D.I Khan under Rule 20 of Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, subject to CPLA/ Appeal of the Provincial Government against the judgement of Peshawar High Court dated 19.02.2020 in WP No. 5673-P/2019 and any order contrary as and when issued by the apex Court of Pakistan.

Sd/-  
**SECRETARY AGRICULTURE**

**Endst. of even No. & Date.**

Copy forwarded for information and necessary action to:

1. The Registrar, Peshawar High Court, Peshawar.
2. The Director General, On Farm Water Management, Khyber Pakhtunkhwa Peshawar.
3. The Senior Director, (HRD) On Farm Water Management Training Centre, D.I Khan.
4. The District Accounts Officer, D.I Khan.
5. P.S to Secretary Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar.
6. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
7. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
8. Officer concerned.
9. Master File.

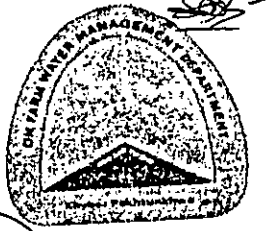
SECTION OFFICER-ESTT:

AO (ESTT)

Diary No. 536  
Dated 5/10/20  
To Director General of P.W.S.  
Khyber Pakhtunkhwa Peshawar

**DIRECTORATE GENERAL  
ON FARM WATER MANAGEMENT  
KHYBER PAKHTUNKHWA, PESHAWAR**

[www.ofwm.kp.gov.pk](http://www.ofwm.kp.gov.pk) <https://twitter.com/dgofwmkp>  
<https://www.facebook.com/dgofwmkp>  
091-9224307-08/Fax 0919224370



**OFFIE ORDER**

Mr. Abdul Matin Office Assistant (BS-16) office of the District Officer On Farm Water Management Nowshera is hereby retired from government service with effect from 22-09-2020 (A.Noon) by attaining the age of 60 years.

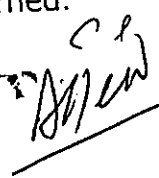
In terms of Provisions of Rules-20 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 and instructions contained there under issued from time to time sanction is hereby accorded to the encashment of leave preparatory to retirement equal to 365 days pay (Three Hundred and Sixty Five days only) to the official in lump-sum.

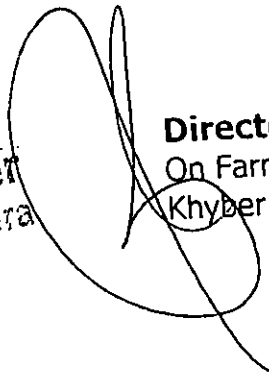
Sd/-  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

No. 2531 /DG/OFWM /Estt: dated Peshawar the 5/10/2020

Copy of the above for information is forwarded to:

1. District Officer On Farm Water Management Nowshera with reference to his letter No. 430DOWM dated 29-09-2020.
2. District Accounts Officer Nowshera.
3. Director HQ of this Directorate General.
4. Official concerned.

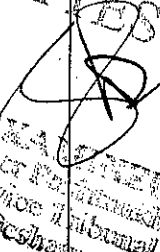
  
**District Officer**  
Nowshera

  
**Director General**  
On Farm Water Management  
Khyber Pakhtunkhwa, Peshawar

DPC Delayed.  
Retired Post lying vacant.



Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	16.10.2017	<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b></p> <p style="text-align: center;"><b>Service Appeal No. 1118/2012</b></p> <p>Date of Institution ... 16.10.2012 Date of Decision ... 16.10.2017</p> <p>Haqdad Khan, Assistant Treasury Officer (Retd) R/o Basi Khel Surrani, Tehsil &amp; District Bannu.</p> <p style="text-align: right;"><b>Appellant</b></p> <p style="text-align: center;"><b>Versus</b></p> <p>1. The Government of KPK, through Chief Secretary. 2. The Secretary Finance, Government of KPK Civil Secretariat, Peshawar. 3. The Accountant General, KPK, Peshawar.</p> <p style="text-align: right;"><b>Respondents</b></p> <p style="text-align: center;"><b><u>JUDGMENT</u></b></p> <p style="text-align: center;"><b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> - Learned counsel for the appellant and learned District Attorney of respondent present.</p> <p>2. The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the respondents wherein he made impugned promotion order dated 25.06.2012, passed in pursuance of the D.P.C/P.S.B meeting, on the ground that the D.P.C/P.S.B meeting was malafidely convened after the retirement of the appellant and the D.P.C/P.S.B in its meeting did not consider the appellant for promotion rather officials junior the</p>

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appellant were promoted. Prayer of the appellant is for notional promotion with pensionary benefits.

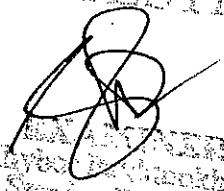
3. Learned counsel for the appellant argued that since 05.07.2010 the appellant was the senior most Assistant Accountant and was also holding the post of Assistant Treasury Officer (BS-17) on current charge basis vide order dated 27.03.2009. Further argued that the appellant obtained the age of superannuation on 13.02.2012 and prior to the retirement of appellant six (06) posts of Assistant Treasury Officers (BS-17), were lying vacant, however the meeting of the D.P.C/P.S.B was delayed and convened after the retirement of the appellant and that the D.P.C/P.S.B did not consider the appellant for promotion from the date the vacancy in BS-17 was lying vacant in the 20% quota reserved for promotion of the Assistant Accountants rather promoted the Assistant Accountants who were junior to the appellant in the seniority list. Further argued that the appellant has not been treated in accordance with law. Learned Counsel for the appellant stressed that the appellant is entitled to be promoted as Assistant Treasury Officer (BS-17) for pensionary benefits.

4. As against that Learned District Attorney while opposing the present appeal argued that no vacancy was lying vacant in the quota of the appellant before his retirement as such his name was not considered by the D.P.C/P.S.B for promotion.

5. Arguments heard. File perused.

6. There is no dispute that as a result of Mr. Abbas Khan

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promotion to the next higher grade as Assistant Treasury Officer on 05.07.2010, the appellant became the senior most Assistant Accountant and then working paper with regard to the promotion of Assistant Accountants/Sub Accountants to the post of Assistant Treasury Officers/Sub Treasury Officers was prepared on 19.04.2012 after the retirement of the appellant. Resultantly the next meeting of D.P.C/P.S.B was convened.

7. Perusal of working paper would show that six (06) posts of Assistant Treasury Officers/Sub Treasury Officers were lying vacant since 01.05.2011, moreover as a result of promotion of six (06) Assistant Treasury Officers to the post of District Account Officers, in all twelve (12) vacancies became available. Out of these twelve (12) vacancies nine (09) vacancies were filled up by promotion on regular basis upon the recommendation of D.P.C/P.S.B vide promotion order dated 25.06.2012. Out of nine (09) promotees two officials were junior to the appellant in the seniority list while the appellant was not considered for notional promotion.

8. There is no denying the fact that according to the rules in vogue 20% of the vacancies of Assistant Treasury Officers/Sub Treasury Officers are required to be filled up by promotion on the basis of seniority cum fitness from amongst the holders of the post of Assistant Accountants.

9. As already observed that according to the working paper six (06) posts of Assistant Treasury Officers/Sub Treasury Officers

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were lying vacant as on 01.05.2011 when the appellant had not yet attained the age of superannuation. However the meeting of D.P.C/P.S.B was held only after the retirement of the appellant. For the delay in convening the meeting of D.P.C/P.S.B, the appellant should not made to suffer, consequently the departmental authority is directed to consider the case of appellant for notional promotion with pensionary benefits under the law and convene the SD.P.C/P.S.B meeting in this respect. Parties are left to bear their own costs. The present appeal is decided in the above terms. File be consigned to the record room after its completion.

(AHMAD HASSAN)  
MEMBER

(MUHAMMAD HAMID MUGHAL)  
MEMBER

**ANNOUNCED**  
**16.10.2017**

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F. No. 100/2017  
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Case No. 643/2020

On Court Notice : Mr. Saleem Mehmood,  
Additional Attorney General for Pakistan

For Respondent(s) : Respondent No. 1 in Person  
(In CA. 643/2020)  
Mr. Muhammad Muzammat Butt, AIG  
Syed Rafiqat Hussain Shah, AIG  
For Respondent No. 1 in CA. 643/2020

Date of Hearing : 07.01.2021

ORDER

GULZAR AHMED, C.I. The private respondents had challenged the virea of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2019 (Khyber Pakhtunkhwa Act No. XXX of 2019) [Act No. XXX of 2019], published in the Gazette dated 31.07.2019. The Peshawar High Court, Peshawar vide its impugned judgment dated 19.02.2020, has allowed the writ petitions and found Act No. XXX of 2019 to be ultra vires of the Constitution of the Islamic Republic of Pakistan, 1973, and, thus, has set aside the same.

2. The learned Advocate General, Khyber Pakhtunkhwa, contends that all reasons given by the learned Division Bench of the High Court in its impugned judgment that declared Act No. XXX of 2019 to be ultra vires of the Constitution are not grounds available on the basis of which a law made by the competent legislature could validly be declared ultra vires. The learned counsel for the Respondents and some of the Respondents have attempted to defend the impugned judgment.

3. Learned counsel for the parties have been heard at length. Learned counsel for the Respondents has been unable to convince us that the impugned judgment is sustainable. We find that the reasons recorded by the learned High Court are

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extensive and not pertinent to the question of viem of the law. Further, ~~the~~ grounds are not such as may validly constitute basis on which to law promulgated by the competent legislature can validly be declared ultra viem the Constitution.

4. We have however noticed that perhaps the question of applicability of the Act regarding vested rights (if any) and operation of the law with prospective or retrospective effect are questions which should have and were clearly not considered by the learned High Court. This is apparently on account of the fact that the Respondents never took these pleas before the High Court. The learned Advocate General, KP has however contended that there is no vested right of a civil servant as far as his terms and conditions of service are concerned. This according to him is in view of the fact that the competent legislature has the prerogative to amend the existing law which includes terms and conditions of service and apply the same prospectively or retrospectively. He contends that the terms and conditions of service of Government servants are governed by the existing law as it may be amended from time to time. Without commenting or recording any finding on the contentions of the learned Advocate General, we leave it, in the first instance, to be decided by the High Court. The High Court shall also decide the question of maintainability of the petitions under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

5. The learned counsel for the Respondents and the Respondents who have appeared in person have after arguing the



cases at some length conceded that the reasons recorded by the learned High Court in support of the impugned judgment are not sustainable and the matter may be remanded.

6. Consequently, we set aside the impugned judgment dated 19.02.2020 and remand the matter to the High Court. In the interest of justice, we allow the parties if so advised, to raise any additional grounds including those alluded to above, which may be available to them under the law. The High Court shall decide these cases afresh in accordance with law through a reasoned judgment after hearing all parties.

7. All the Civil Appeals and the Civil Petition are disposed of in the above terms.