

03.02.2014

Appellant with counsel present and heard. After his earlier appeal (No.965 of 2012) was disposed of on 7.01.2013 with the observation that Tribunal was not the competent forum for implementation of the orders of the executive authorities, the appellant moved application dated 18.6.2013 to the Director Agriculture Research, Agriculture Research Station (North) at Takht Band Swat for implementation of order dated 7.4.2012, regarding which the above referred earlier appeal was lodged and disposed of vide order dated 07.01.2013.

In any case, in the absence of any order of the authority of which the appellant could ~~be~~ possibly <sup>be</sup> aggrieved, and also in the absence of a departmental appeal within the meaning of section 4 of the NWFP (KPK) Service Tribunal Act, 1974, this appeal is not maintainable, hence dismissed in limine, with no order as to costs.


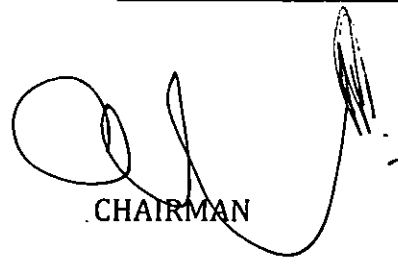
ANNOUNCED  
03.02.2014

  
CHAIRMAN  
Camp Court Swat

Form- A  
FORM OF ORDER SHEET

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

Case No. 1614/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/12/2013	<p>The appeal of Mr. Ali Rehman presented today by Mr. Muhammad Zahir Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Touring Bench swat for preliminary hearing to be put up there on <u>03-02-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2	20-12-13	

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

AT PESHAWAR.

*Appeal no. 1614/2013*

Ali Rahman (Mechanic) S/o Muhammad Perwaish R/o  
Nawakalay Mingora, Tehsil Babozai District Swat..

.....Appellant

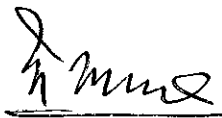
VERSUS

Govt. of KPK through Secretary Agriculture Livestock &  
Cooperative at Peshawar and Others ..... Respondents

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Appellant  
Through



Muhammad Zahir Khan  
Advocate High Court.

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA AT PESHAWAR.

Service Appeal No. 1614/13.....of 2013

1649  
16/12/13

Ali Rahman (Mechanic) S/o Muhammad Perwaish R/o  
Nawakalay Mingora, Tehsil Babozai District Swat.

.....Appellant

VERSUS

- (1) Govt. of KPK through Secretary Agriculture Livestock & Cooperative at Peshawar.
- (2) Director General Agriculture (Research) Khyber Pakhtunkhwa Peshawar.
- (3) Director General Agriculture (Extension) Khyber Pakhtunkhwa Peshawar.
- (4) Director/<sup>Agriculture</sup>(North) Research Form at Peraman, Takhta Band, Mingora Swat. .... Respondents

Appeal Under Section IV of the KPK Service Tribunal Act. 1974 against the order No. 4135-36 / DAR(N)/ARI/Mingora, Swat dated 18/09/2013. of respondent No. 4 due to which the appeal of the appellant was not decided according to law and was sent to respondent No.2 which is not decided inspite of the laps of stipulated period required under the law.

16/12/13

2)

**PRAYER IN APPEAL:**

On acceptance of this instant appeal, the order bearing order No. 4135-36 / DAR(N)/ARI/Mingora, Swat dated 18/09/2013 of respondent No. 4 may very graciously be set aside / canceled and the appellant may be adjusted as mechanic Foreman in BPS-11 and pay the monthly salary of the said post from the date of issue of the order of respondents No. 1 & 2.

**Respectfully Sheweth:**

1. That, the appellant was appointed as fitter on 14/03/1985 of the office of Deputy Director Malakand Division Agriculture / extension. (Copy of the order attached as annexure "A")\
2. That as post of Mechanic Foreman was lying vacant in the office of respondent No. 4 and I was fulfill the require qualification, therefore the appellant submitted an application for adjustment of the said post. Copy of application attached as annexure "B")
3. That the respondent No.4 also issued NOC to this effect on 15/12/2010. (copy of NOC attached as annexure "C")

4. That the said application was forwarded to respondent No. 2, vide letter No. 1200/EDO dated 31/05/2010. (copy of latter attached as annexure "D")
5. That as no action was taken on the application of the appellant, the appellant submitted another petition before the respondent No. 1, and affidavit was also taken by the respondent No. 1 (Copies of application & Affidavit attached as annexure "E" & "F" respectively)
6. That, in connection with the 2<sup>nd</sup> application of appellant, the respondent No.2 called for NOC from respondent No. 4, vide letter No. 15777-78 dated 01/12/2010. (copy of the letter attached as annexure "G")
7. That after that order dated 30/01/2012 was issued and appellant was adjusted against the post of Mechanic Foreman in BPS-11. (copy of order attached as annexure "H")
8. That as respondent No. 4 was not ready to give the appellant BPS-11, therefore respondent No. 2 issued order No. 3380-30 dated 07/04/2012, but inspite of that the appellant was not given the said scale. (copy of order dated 07/04/2012 attached as annexure "I")

9. That, after the appellant submitted as petition to the respondent No. 2, but the said application was not disposed within time and no order has been passed earlier, therefore the appellant submitted the present appeal before this Hon'ble court. (copy of petition attached as annexure "J")
10. That, this Hon'ble court while deciding the appeal of the appellant respondent were directed to Honour their orders already issued regarding the promotion of the appellant. (copy of order is attached as annexure "K")
11. That, after some days appellant filed an application before the respondent No. 4 to comply with the order dated 07/01/2013 of this Hon'ble Court, which was not decided by respondent No. 4 but was sent to respondent No.2 through impugned order No. 4135-36 / DAR(N)/ARI/Mingora, Swat dated 18/09/2013. (copy of application is annexure "L")
12. That impugned order No. 4135-36 / DAR(N)/ARI/Mingora, Swat dated 18/09/2013 of respondent No. 4 is illegal, against law and fact of the case. (copy of the order is annexure "M")

13. That the respondent No.2 has not yet decided the application of the appellant which was sent by the respondent No.4 through impugned order No. 4135-36 / DAR(N)/ARI/Mingora, Swat dated 18/09/2013 inspite of repeated verbal request.
14. That as there is no alternative remedy, but to file an appeal before this Hon'ble court against the impugned order No. 4135-36 / DAR(N)/ARI/Mingora, Swat dated 18/09/2013.

#### GROUNDS

- A. *That, according to the decisions of the respondents No .1 & 2, the appellant is entitle for permanent and regular post of Mechanic Foreman and fulfill the required qualification.*
- B. *That, the respondents illegally treating the appellant.*
- C. *That, the appellant render the services and has the unblemished record for adjustment of his post.*
- D. *That, to this effect the respondents No. 1 & 2 have passed clear orders, but respondent No. 4 was not ready to comply of the said order.*
- E. *That, the equity & justice require, that, the appellant my kindly be adjusted against the post of Mechanic*



(6)

Foreman in BPS-11 as order of respondents No. 1 & 2.

F. That the order of this Hon'ble court dated 07/11/2013 was not honoured by the respondents, therefore the appellant submitted an application to respondent No.4, on which the impugned order was passed, which illegal, against law and liable to be set aside.

G. That further grounds, with leave of this Hon'ble Tribunal / Court, would be raised at time of arguments.

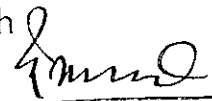
15. That the tribunal has got the jurisdiction to entertain this instant appeal, hence the appeal is with in time.

It is, therefore, humbly prayed that on acceptance of this instant appeal, the order bearing order No. 4135-36 /DAR (N)/ARI/Mingora, Swat dated 18/09/2013 of respondent No. 4 may very graciously be set aside / canceled and the appellant may be adjusted as mechanic Foreman in BPS-11 and pay the monthly salary of the said post from the date of issue of the order of respondents No. 1 & 2. Any other remedy which deems fit in the circumstances may also be granted in favour of appellant against Respondents.



Appellant

Through



Muhammad Zahir Khan

Advocate High Court.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
AT PESHAWAR.

Ali Rahman (Mechanic) S/o Muhammad Perwaish R/o  
Nawakalay Mingora, Tehsil Babozai District Swat.

.....Appellant

**VERSUS**

Govt. of KPK through Secretary Agriculture Livestock &  
Cooperative at Peshawar and Others ..... Respondents

**AFFIDAVIT**

I Muhammad Zahir Khan Advocate (as per information of my  
client) do hereby state on oath that the contents of this appeal is  
true and correct to the best of my knowledge and belief and  
nothing has been kept secret from this august court/tribunal.  
No appeal has yet been filed in any court / tribunal earlier.

Deponent :



Muhammad Zahir Khan

Advocate Swat

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
AT PESHAWAR.

Ali Rahman (Mechanic) S/o Muhammad Perwaish R/o  
Nawakalay Mingora, Tehsil Babozai District Swat.

.....Appellant

VERSUS

Govt. of KPK through Secretary Agriculture Livestock &  
Cooperative at Peshawar and Others ..... Respondents

**MEMO OF ADDRESSES**

**Addresses of the Appellant:**

Ali Rahman (Mechanic) S/o Muhammad Perwaish R/o  
Nawakalay Mingora, Tehsil Babozai District Swat.

**Addresses of the Respondents:**

- (1) 1. Govt. of KPK through Secretary Agriculture  
Livestock & Cooperative at Peshawar.
- (2) Director General Agriculture (Research) Khyber  
Pakhtunkhwa Peshawar.
- (3) Director General Agriculture (Extension) Khyber  
Pakhtunkhwa Peshawar.
- (4) Director (North) Research Form at Peraman, Takhta  
Band, Mingora Swat.

Appellant

Through



Muhammad Zahir Khan

Advocate High Court.

Annex-A (9)

OFFICE ORDER.

Mr. ALI RAHMAN, s/o Mohamad Farvish, Village Nawa-kalay, H. Mingora Distt; Swat is hereby offered the post of FITTER in B.P. No. 5 (Rs. 520-18-820) plus usual allowances as admissible under the rules against the vacant post in the office of the under-signed under the Head of Account 6-500-Economic Services 6-510-Agric; & P including Public Exhibition and Fairs 6-514-Economic and P.P. Services in Swat (permanent).

- 1) He will have to join duty on his own expenses.
- 2) In case if he wish to resign at any time one month notice will be necessary, or in lieu thereof one month pay will be forfeited to the Government.
- 3) He will have to produce medical fitness certificate from the respective Medical Superintendent, Saidu Group of Hospital Saidu Sharif (Swat) before joining his duty.
- 4) He will be on probation period for two (2) years.
- 5) The offer will be cancelled if he did not joined duty on or before 25.3.1985.

*Handwritten signature/initials*

sd/- (ZAKIRULLAH KHAN),  
DEPUTY DIRECTOR OF AGRICULTURE,  
MINERAL AND DIVISION MINERAL.

No. 2127-32 / 2/48/ Hett/ D. M. S. dated, Mingora, the 14/3 85.

Copy to:-

- 1) Mr. Ali Rahman, s/o Mohammad Farvish, Vill; Nawa-Kalay, H. Mingora Distt; Swat with reference to his application dated 2.1.1985 for information and necessary action.
- 2) The district Accounts Officer, Swat Distt; at Saidu Sharif for information please.
- 3) The Cashier of this office for information and necessary action.
- 4) The Personal file of the official concerned.
- 5) The Office Order file No. 2/68/Hett;
- 6) Mian Gul Aurangzeb, Member of National Assymby of Pakistan of Saidu Sharif (Swat) with ref; to his recommendation & kks dated 4.3.1984 on the application of the above mentioned person for favour of information please.

DEPUTY DIRECTOR OF AGRICULTURE,  
MINERAL AND DIVISION MINERAL.

*Attended*  
*Handwritten signature*  
Mohammad Zakir Khan  
(Signature)  
High Court Peshawar.  
Distt: Courts Gilgit Swat.

✓  
Annex - B (10)

To,  
The Director (Research Station)  
Takhtaban, District Swat.

Through Proper Channel

Subject:- APPLICATION FOR THE POST OF FOREMAN.

Sir,

It is brought into your kind notice that a post of Foreman, will be vacated in the nearest future due to the retirement of Mr. ~~Khalid~~ Muner Foreman on superannuation.

I am serving in Agriculture Extension Department since 17.3.1985, as Fitter and have desire to appointment/Adjustment against the said post.

I submit my application along-with my experience certificates for sympathetic consideration please.

My particulars are as under please.

1. As vehicle Fitter in G.T.S, NWFP, Peshawar for about two years.
2. Assistant Vehicle Mechanic in Kalam Integrated Development Project Saidu Sharif Swat.
3. As vehicles Mechanic, Buner Pilot Project Pakistan.
4. Driver ( Heavy License ) Swat.

Yours Obediently

*Ali Rahman*

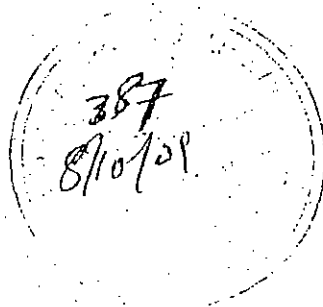
ALI RAHMAN ( FITTER )  
O/O the District Officer,  
Agriculture Extension Swat

*Attested*

*M. Zakir Khan*

Mohammad Zakir Khan  
(Advocate)

High Court Peshawar.  
Distt: Courts Gulkada Swat.



*Robtand*

11 Annex - C

OFFICE OF THE EXECUTIVE DISTRICT OFFICER AGRICULTURE SWAT

No. \_\_\_\_\_ /E-2-A/EDO-Agric. Swat,  
To,

Dated Amankot the \_\_\_\_\_ /2010

The Director General,  
Agriculture Extension  
Khyber Pukhtunkhwa, Peshawar

Subject:- APPLICATION

Memorandum:-

Kindly refer to your office memo. No.14/7/estt/15777-78/DG, dated 1.12.2010.

In this connection it is stated that this office has no any objection if the official adjusted against the post of Mechanic in Agriculture Research Department. NOC has already been issued vide this office memo. No.1200 dated 31.5.2010(copy attached).

Encl: One

EXECUTIVE DISTRICT OFFICER  
AGRICULTURE SWAT

No. 22/2-13 /E-2-A/EDO-Agric. Swat,  
Copy to:

Dated Amankot the 15/12 /2010

1) The District Officer Agriculture Extension Swat for information and necessary action please.

2) Mr. Ali Rehman, Fitter/Mechanic C/O DOA(E) Swat for information.

EXECUTIVE DISTRICT OFFICER  
AGRICULTURE SWAT

(Research)

TAKHTA - Baid

*Ali Rehman*

*Mohammad Zahir Khan*

Mohammad Zahir Khan  
(Advocate)

High Court Peshawar,  
Distt: Courts Gulakada Swat.

Annex - D (12)

No. E-4/ 8/6 /DUA(E), Swat at Amankot the, 13/10 /09.  
To:-

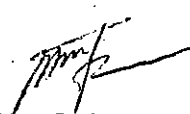
Mr. Ali Rehman,  
Fitter of this office.

Subject:- APPLICATION FOR THE POST OF FORE-MAN.  
Memo:-

Reference your application dated Nil.


You are directed to quote from which source you have got information.

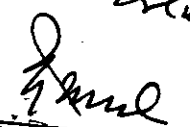
Please stated also produce NDC from the Research department.

  
District Officer Agriculture,  
(extension) Swat at Amankot.

*cc/pts  
file*

To whom it may concern  
This Directorate has no objection on the appointment / Posting, if the applicant fulfilling the qualification for the said post.

  
Director  
Agricultural Research Institute  
Mingora Swat

*Attended*  
  
Mohammad Zahir Khan  
(Advocate)  
High Court Peshawar.  
Distt: Courts Galkada Swat.

(12)

Annex - D

\$

OFFICE OF THE EXECUTIVE DISTRICT OFFICER AGRICULTURE SWAT

No.E-2/ 1200 /EDO, Agril:Swat

Dated the: 31/5 /2010

To

The Director General Agriculture  
Research Station K.P.K; Peshawar.

Subject: APPLICATION FOR THE POST OF FOREMAN

Memo:

Enclosed please find herewith an application in original along with its enclosure for the post of Foreman in respect of Mr. Ali Rahman Fitter office of the District Officer Agriculture Extension Swat for further necessary action please.

Encl: As above.

*gal*  
EXECUTIVE DISTRICT OFFICER,  
AGRICULTURE SWAT 43

No.E-2/ \_\_\_\_\_ /EDO, Agril:Swat

Dated the: \_\_\_\_\_ /2010

Copy to:

1. The District Officer Agriculture Extension Swat for information.
2. The Official concerned C/O DOA (E) Swat for information.

*gal / -*  
EXECUTIVE DISTRICT OFFICER,  
AGRICULTURE SWAT

(Research)  
(Takkita - Band)

*Attested.*

*Muhammad Zahir Khan*  
Mohammad Zahir Khan  
(Advocate)

High Court Peshawar.  
Distt; Courts Guikada Swat.



لازم ہے۔ سیکرٹری ایگزیکٹو کے پاس  
جو کہ فائلوں کو

تیار کرنے میں، سیکرٹری فارم میں  
فائلنگ کی صورت میں ہے۔

Extension میں مکمل شدہ فارم تیار ہوں  
لذا خود باقی رہا ہے۔

Extension سے سیکرٹری فارم تیار ہونے میں  
کوئی تاخیر نہ ہوگی۔

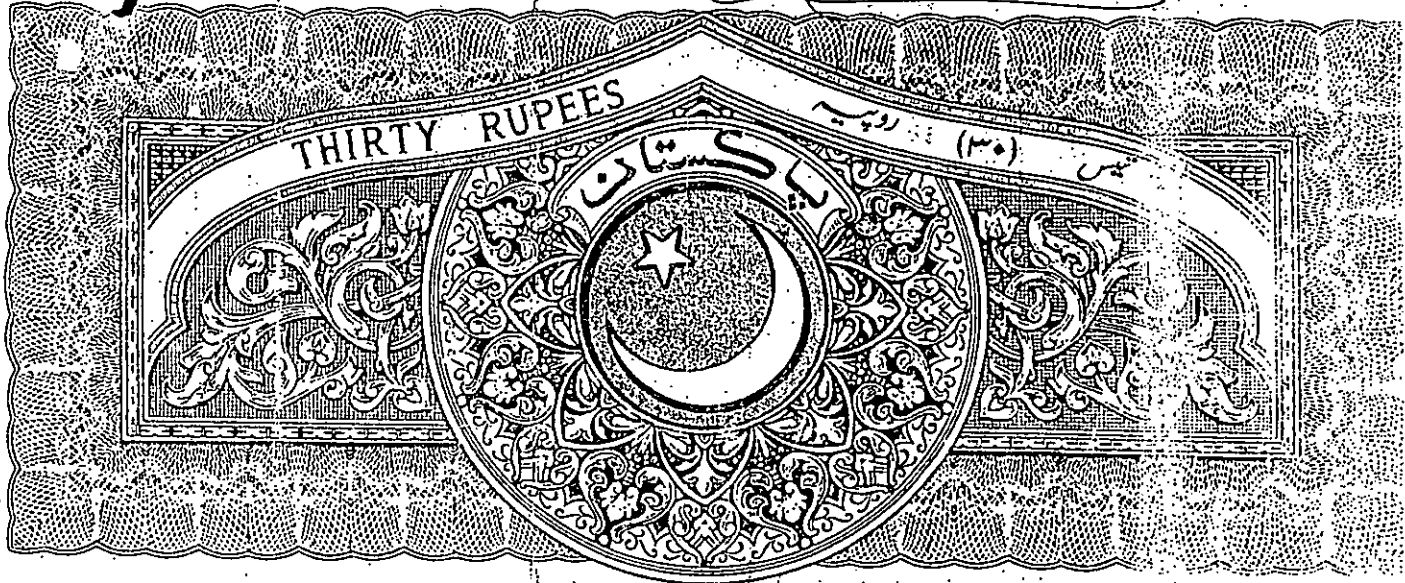
تاریخ 19.10.10  
Extension

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10673  
25-10-10

27/10

Attested.  
Mohammad Zahir Khan  
(Advocate)  
High Court Peshawar.  
Distt: Courts Guikada Swat.



بیان علی

منہ صلیبی علی رحمان ولد محمد پرویز صاحب کو توکل سندھو  
 مقبول بلوچی ضلع سورت نے میں اندر اس وقت تقاضی  
 عیوض و عوارض چند بیان علی نے کیا ہے کہ وہ سورت  
 میں ایک دفتر ایچ. ڈی. او آفٹر پبلک ڈیپارٹمنٹ  
 اپنا ڈیوٹی سرانجام دے رہا ہے۔ اس سبب میری  
 علی حقائق قائم آفٹر صاحب کو دفتر ڈائریکٹوریٹ  
 میں پیدائش کے تحت میری سورت میں عوارض  
 عیوض سے ترقی دینا کی بات کی جا رہی ہے۔  
 سبب کی خاطر اس سبب نہیں کہ وہ اس بیان پر  
 ترقی کی جاتی ہے جو " 27/4/2011

Handwritten signature

علی رحمان ولد پرویز

Handwritten signature

Attested.  
 محمد  
 Mohammad Zahid Khan  
 (Advocate)

High Court Peshawar.  
 Distt: Courts Gullkada Swat.

15

14

Annex G

No.14/7/Estt/ 15777-78 /DG  
Dated Peshawar: the 1/12 /2010

- 1/ The Director Agriculture Research Agricultural Research Station (North) at Takhtaban Swat.
- 2/ The EDO Agriculture, Swat.

Subject: APPLICATION

Memo:

Enclosed herewith a copy of the Government of Khyber Pakhtunkhwa Agriculture, Livestock and Cooperation Department letter NO.SOE (AD) VI-106/2010 /Swat dated 3.11.2010 alongwith application in respect of Mr. Ali-ur-Rehman, Mechanic (Which is self explicit) for information and necessary action.

In this connection necessary NOB / availability of vacancy may be furnish

To proceed further in the mater.

Encl As above.

*M. J. J.*  
 DIRECTOR GENERAL  
 AGRICULTURE (EXTENSION)  
 KHYBER PAKHTUNKHWA  
 PESHAWAR

Enclst No. \_\_\_\_\_

Copy forwarded to the Secretary to Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Department w/r to his letter NO. quoted above for information.

///  
DIRECTOR GENERAL

*Do Agr*  
*BAZ*

C/O. DAA Swat

*Attested.*

*Mohammad Zahir Khan*  
(Advocate)

High Court Peshawar.  
Distt; Courts Gulkada Swat.



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

Annex - H

15

Dated Peshawar, the January 30, 2012

**NOTIFICATION**

NO. SOE(AD)VI-106/2010/Swat:- The competent authority is pleased to order the posting/transfer of the following official from Extension Wing to Research Wing Agriculture Department in the interest of best public service with immediate effect:-

Sl.No.	Name of Officer	From	To
1.	Mr. Ali - Rehman Fitter	O/o Executive District Officer Agriculture, Swat	Directorate General Agriculture (Research) Khyber Pakhtunkhwa against the vacant post of Mechanic

Sd/-XXX  
SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information to the:-

1. Director General Agriculture (Extension), Khyber Pakhtunkhwa Peshawar w/r to his memo No.22012 dated 15.12.2011.
2. DGA (Research) Khyber Pakhtunkhwa Peshawar w/r to his letter NO.2978-79 dated 15.04.2011.
3. Accountant General Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer at Swat.
5. Official concerned.
6. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
7. Master File.

*119*  
(MOHAMMAD ZAHID)  
SECTION OFFICER-ESTT:

*Accepted.*  
*Muhammad*  
Mohammad Zahir Khan  
(Advocate)  
High Court Peshawar.  
Distt; Courts Gulkada Swat.



Government of Khyber Pakhtunkhwa  
Agricultural Research System

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

Annex - I

(17)

(16)

Dated Peshawar the 27/8/2012

OFFICE ORDER

In pursuance of Secretary Agriculture Government of Khyber Pakhtunkhwa, Agriculture Livestock & Cooperative Department, Notification No. SOE(AD)VI-106/2010/Swat Dated, 30.1.2012, Mr. Ali Rehman Fitter BS-05 is hereby adjusted/posted at Agric. Research Institute, Mingora (Swat) against the existing vacancy of Mechanic BS-11 for the purpose of pay with effect from 1.2.2012 in the best interest of public service.

Sd/-

Director General,  
Agric. Research,  
Khyber Pakhtunkhwa,  
Peshawar.

No. 3380-83 /Est/DGAR

1. The Director, Agric. Research Institute, Mingora (Swat).
2. The District Accounts Officer, Swat
3. The Accounts officer, H/Q
4. Mr. Ali Rehman, Fitter, Agric. Research Institute, Mingora (Swat).

For information & necessary action.

*M. J. Khan*  
Director General,  
Agric. Research,  
Khyber Pakhtunkhwa,  
Peshawar

Attested.

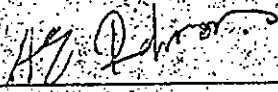
*M. J. Khan*  
Mohammad Zahir Khan  
(Advocate)  
High Court Peshawar.  
Distt: Courts Gulkada Swat.

خدمت جناب ڈائریکٹر جنرل ریسرچ خیبر پختونخواہ پشاور

بوساطت :- ڈائریکٹر (نارتھ) ریسرچ فارم پیرامان قلعہ سگورہ ضلع سوات۔

جناب عالی!

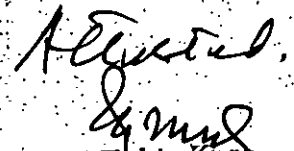
گزارش مکتوبانہ یہ ہے کہ زرعی تحقیقاتی ادارہ (شمالی) سگورہ سوات میں فورین (BPS-II) کی آسانی خالی جس کے لئے سائل نے EDO ایگریکلچر سوات کے دسات سے درخواست ارسال کی تھی (کالی منسلک ہے) جو کہ بروئے جھٹی انگریزی نمبر E-2/200/EDO Agri Swat مورخہ 31-5-2010 ڈائریکٹر جنرل ریسرچ پشاور کو بھیجوائی گئی ہے (نقل منسلک ہے) لیکن فورین (BPS-II) پوسٹ پر تعینات کرنے کے بجائے میرا بھر پورے حکم نمبر SDE/(AD)VI-106/2010/Swat مورخہ 30-1-10 تبادلہ کیا گیا ہے۔ (نقل منسلک ہے)۔ اور میرا پوسٹ وہی BPS-05 پر رکھا گیا ہے جس کی وجہ سے کوئی معاشی فائدہ نہیں ملا۔ حالانکہ اس سلسلہ میں مجھ سے بیان طلبی بھی دی ہے۔ (نقل منسلک ہے) اسلئے بذریعہ درخواست ہذا عرض ہے کہ اگر آپ صاحبان میرا تعیناتی فورین (BPS-II) آسانی پر فرمادیں تو بندہ آپ کے عمر درازی اور خوشحالی کیلئے دعاؤں اور بیگا۔ فقط والسلام۔



عربص  
آب کا نا بعدار

علی رحمان منسلک زرعی تحقیقاتی ادارہ سگورہ سوات

مورخہ 28-05-2012

  
Mohammad Zahir Khan  
(Advocate)

High Court Peshawar.  
Distt; Courts Gulkada Swat.

ANNEX

BEFORE THE HONORABLE SERVICE TRIBUNAL/K.P.K.  
AT PESHAWAR

Service Appeal No. 465 of 2012

~~SECRET~~  
10/9  
29/8/12

Ali Rahman (Mechanic) S/o Muhammad Perwaish  
Resident of Nawakalay, Mignora, District Swat  
.....Appellant

VERSUS

1. Govt. of KPK through Secretary Agriculture Livestock & Cooperative.
2. Director General Agriculture (Research) Khyber Pukhtoonkhwa Peshawar.
3. Director General Agriculture (Extension) Khyber Pukhtoonkhwa Peshawar.
4. Director Agriculture Research, Agriculture Research Station (north) at Takhtaban Swat.

Respondants :

<p>6.</p> <p>07.01.2013</p> <p><b>ATTENDED</b></p> <p>Khyber Pakhtoonkhwa Service Tribunal Peshawar</p>	<p>07.01.2013</p>	<p>Appellant with counsel present. At the outset of his arguments, the learned counsel for the appellant stated that due to lack of proper advice, the appellant did not move departmental appeal to the concerned authority, and straight away approach this Tribunal for implementation of the order of Secretary Agriculture and D.G Agriculture (Research). While realizing that this is not the forum for implementation of the orders of the executive authorities, the appellant would pray for some appropriate directions to the</p>
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No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
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authorities concerned for redressal of his grievance.

Needless to say that the authorities which are competent to pass an order also possess the power to get their orders implemented. Therefore, the concerned authorities i.e. Secretary, Govt. of KPK, Agriculture, Livestock and Cooperative as well as D.G Agriculture (Research) KPK, Peshawar are expected to follow the law and fulfil obligations enjoined on them by the law by getting their orders implemented. On the other hand, the appellant can also adopt proper legal course and file appeal etc. and when a final order is made in his case, of which he is aggrieved, then he can avail remedy available to him under the law.

The appeal is accordingly disposed of with the above observations, with no order as to costs. File be consigned to the record.

ANNOUNCED  
07.01.2013

*Sd/-  
Chairman  
Complaintariat*

*Certified copy*  
*Khy. Service Tribunal, Peshawar*

Date of Application 11-1-2013  
 No. 800  
 Copy 6  
 Fee 20  
 Name Q. A. Khan  
 Date of Birth 11-1-2013  
 Date of Delivery of Copy 11-1-2013



ANX (L)

21

To,

The Director Agriculture research  
Agriculture research station (North)  
At Takht Band Swat.

Subject A: APPLICATION FOR IMPLEMENTATION OF ORDER  
NO. 3380-83/ESTABLISHMENT / DGAR DATED  
07/04/2012 IN ACCORDANCE WITH THE DECISION OF  
HON'BLE SERVICE TRIBUNAL KPK PESHAWAR AT  
SWAT. DATED 07/01/2013

Respected Sir,

The Petitioner request the followings :-

1. That, the petitioner was appointed as fitter on 17/03/1985 in the office of Deputy Director Malakand Division, Agriculture / Extension. (Copy of the order attached)
2. That as the post of Mechanic was lying vacant in our office. As I was fulfill the require qualification, therefore, I submitted an application for adjustment of the said post. (copy of application attached)
3. That your Honour also issued NOC to this effect on 13/10/1989.

*Attested.*  
*Hamid*

Mohammad Zahir Khan  
(Advocate)

High Court Peshawar.  
Distt: Courts Gulkada Swat.

4. That your Honour forwarded to said application to Director General, research KPK Peshawar vide your letter No. 1200 / EDO dated 31/05/2010. (copy of the letter is attached) it is pertinent to note that the said NOC was called by the Director General Agriculture research KPK Peshawar vide their letter No. 15777-78 dated 01/12/2010. (Copy attached).
  
5. That after that the Director General Agriculture Research KPK Peshawar vide their order No. 3380-83 / establishment / DGAR dated 07/04/2012 I was adjusted / posted at Agriculture Research institute Mingora Swat against the existence vacancy of Mechanic BPS-11 for the propose of pay with effect from 01/02/2012. (copy of order attached)
  
6. That as the said was not implemented therefore, I submitted petition before the Hon'ble Service Tribunal KPK Peshawar Camp at Swat.
  
7. That, the Hon'ble service Tribunal KPK Peshawar vide their judgment dated 7/01/2013 directed to concerned authorities to implement the said order but inspite of that no action has been taken by concerned authority. (copy of the judgment of the Hon'ble Services Tribunal at Peshawar.

*Mohammed Zein Khan*  
*Mohammed Zein Khan*  
(Advocate)  
High Court Peshawar.  
Distt: Courts Gulkada Swat.

It is therefore requested that keeping in view of the judgment of Hon'ble Service Tribunal KPK Peshawar dated 07/01/2013, the order of Director General Agriculture Research KPK Peshawar No. 3380-83 / Establishment / DGAR dated 07/04/2012 may kindly be implemented and the petitioner may be paid the monthly salaries in BPS-11 with effect from 01/02/2012 and obliged.

**ALI RAHMAN (Mechanic)**  
S/o Muhammad Farwaish Khan  
R/o Nawakalay Mingora District Swat  
Presently serving in the office of  
Director General Agriculture  
Research, Agriculture Research  
Station (North) Takht Band Swat.  
Dated 18/06/2013

*Accepted.*

**Mohammad Zahid Khan**  
(Advocate)

High Court Peshawar.  
Distt: Courts Gulakada Swat.

ANX(M)

(24)

No. 4135 /DAR (N)/ARI/Mingora, Swat  
To

Dated: 18-09/2013

The Director General,  
Agriculture Research, Khyber Pakhtunkhwa,  
Peshawar

Subject: i. APPLICATION FOR IMPLEMENTATION OF ORDER  
ii. PROMOTION TO THE POST OF MECHANIC/ FORMAN

Memo:

(Dt. 16-9-2013)

Kindly find enclosed herewith an application which is self explanatory of  
Mr. Ali Rahman, fitter, working at Agriculture Research Institute, Mingora, Swat.

It is further stated that this office has already sent the notice received to  
this office from the official vide this office letter No. 2305/DAR (N)/ARI, Mingora,  
Swat, dated 27.06.2013. (Copy enclosed) for perusal and ready reference.

An early action in the matter is requested please.



Director  
Agriculture Research Institute,  
Mingora, Swat

No. 4135-36 /DAR (N)/ARI/Mingora, Swat

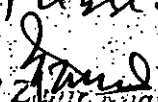
Dated 18-09 /2013

Copy to the Mr. Ali Rahman, Fitter, Agriculture Research Institute,  
Mingora, Swat, for information.



Director  
Agriculture Research Institute,  
Mingora, Swat

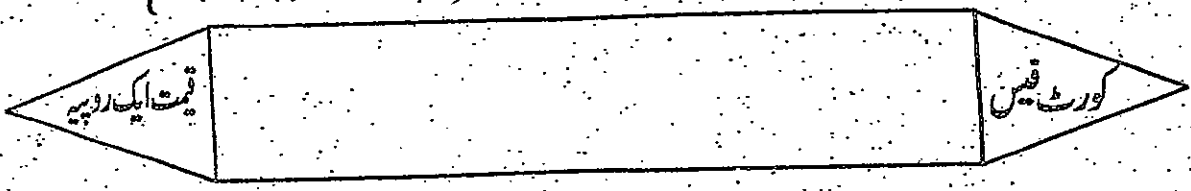
Attested

Mohammad   
Zahir Khan

(Advocate)

High Court Peshawar,  
Distt. Courts Gulikada Swat,

بعدالت سروس ٹریبونل خیر محنتوں خواہ مقام شہاد



14 دسمبر 2013ء پنجاب اسپرٹ

مقدمہ علی رحمان (نام حکومت K.P.K. مدرن سید مری ایگرو پکری) دعویٰ جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام شہاد / سورت کے لئے محمد ظاہر خان ایگرو پکری کو مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا بے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ ویا ک سند ہے

المرقوم 14 ماہ دسمبر 2013ء

محمد ظاہر خان ایگرو پکری

علی رحمان

مقام شہاد / سورت کے لئے منظور ہے

Attested & accepted

Muhammad Zahir Khan Advocate

Mohammad Zahir Khan High Court Peshawar. Distt Courts Gulkada Swat.