


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1802/2023

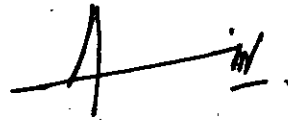
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/09/2023	<p>The appeal of Mr. Fazal Muhammad resubmitted today by Mr. Shah Faisal Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal submitted by Mr. Shah Faisal i.e. on 28.08.2023 is incomplete on the following score which is returned to him for completion and resubmission within 15 days.

1. Memo of appeal is not signed by appellant.
2. Affidavit is not signed by deponent.
3. Affidavit is not attested by oath commissioner.
4. Pages no.8-13, 29, 40, & 42-49 are illegible which may be replaced with legible/better one.
5. Annexures of the appeal are unattested.

No. 3135 /S.T,

Dt. 31-8 /2023



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shah Faisal Adv.
Supreme Court.

~~Respected Sir.~~

Respected Sir.
All objections are clearly and fully
re-submitted

Thanks



7.9.2023

BEFORE THE SERVICE TRIBUNAL KP PESHAWAR

Appeal No. 1802/2023

Fazal Muhamad s/o Gul Muhammad Chowkidar (class-iv)

.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa through Agriculture and others

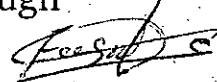
.....Respondents

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Appellant

Through



Shah Faisal

Advocate Supreme Court

Dated 24.08.2023

BEFORE THE SERVICE TRIBUNAL KP PESHAWAR

Appeal No. 1802/2023

Fazal Muhamad s/o Gul Muhammad, Chowkidar (class-iv)
Soil & Water Conservation,
Agricultural Department Batkhela

.....Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa through Agriculture, Civil Secretariat, Peshawar
2. Director General Agriculture, (Soil & Water Conservation), Office at Agriculture Training institute (A.T.I) Near Khyber Teaching Hospital, Peshawar.
3. Director, Soil & Water Conservation, Batkhela
4. District Officer, Soil Conservation, Batkhela

....Respondents

Appeal u/s 4 of the Service Tribunal Act KP Peshawar

Respected sir,

1. That the Appellant was appointed as Naib Qasid in the Department of Agricultural (Soil & Water) Conservation Batkhela in the year 2014 was having the qualification of F.A, thus rules of promotion dully applicable to the appellant.

(Copy of appointment order, academic and rules are attached as annexure "A")

2. That in the other wings of the Agriculture Department promotions Quota of class IV were observed but only this wing avoiding the promotion of the Appellant since its formation with apology that we don't have rules but when the said act of the department was challenged before the Peshawar High Court, then rules were framed, but even than quota was not observed by following these rules.

3. That in the Agriculture Department, Soil & Water Conservation, posts of Junior Clerks exist, and as per notification No. SO(E)(AD)11(2)429/15 dated 18th April, 2018 in pursuance of the provision in Sub-rule (2) of the Rule 3 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules 1975, laid down the method of the recruitment, qualification and other condition, through the said notification the same can be filled through promotion but malafidely the said posts were advertised in order to adjust their blue-eyed and appellant were intent to make an scapegoat, so that the appellant in future cannot knock the doors of court / tribunals for their justified rights. The said act was challenged in this August Tribunal and consequently right of the promote was established and two of the colleagues were promoted but even than 33% Quota was not observed and appellant were left. Despite the fact that Appellant remain part of the previous litigation before Hon'ble Peshawar High Court.

(Copy of WP and order is attached as annexure "B")

4. That as per seniority list of the department the petitioner is on top of qualification and is eligible/fit for promotion, but even then petitioner was neglected and the respondents time and again attempted to float the judgment of the Hon'ble Peshawar High

Court and this Hon'ble Tribunal, because fresh advertisements were made several times and due rights of class IV were infringed.

5. That on **15-04-2023** respondents issued seniority list wherein appellant was placed again in bottom by adding field watcher in the seniority list with malafide intention, despite clear cut order of this Hon'ble Tribunal. **(Copy seniority list is attached as annexure "C")**
6. That Appellant filled Departmental Appeal before the worthy secretary Agriculture on 28/05/2023 but was not received through Dairy number, hence again through post the same was sent and after lapse of 90 days no reply is given.
(Copy of departmental appeal is attached as annexure "D")
7. That feeling aggrieved from the acts of the respondents, the appellant having no other alternate efficacious remedy, approach this Hon'ble Tribunal for redressal of his grievances, on the following grounds inter-alia amongst others.

Grounds

- A. That the act of the respondents of not promoting the Appellant in the light of judgment of this Hon'ble Tribunal as well as the commitment made by the respondents in written petition and contempt of court petition as illegal, unlawful, without lawful authority and thus of no legal effect, hence needs interference of this Hon'ble Tribunal.
- B. That the act of the respondents is the violation of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 wherein it is

directed that all persons should be treated equally in accordance with law, because the said rules had already adopted by the other wings of the agriculture Department and dozens of employees were promoted under the said quota of promotion.

- C. That the policy of promotion is not adopted in Water and Soil Conservation Wing, thus the act of the respondents is in violation of already existing rules of the department for promotion.
- D. That the act of the respondents violated the Article 4 of the Constitution of Islamic Republic of Pakistan, 1973, and all persons exercising the authority must do only in accordance with law.
- E. That the petitioners are well qualified and most senior as per qualification in the seniority list of class IV prepared by the respondents department, therefore, eligible for promotion as Junior Clerk from Naib Qasid, thus now mixing the seniority with field watcher is in effective upon the rights of Appellant and based on malafidely.
- F. That other employees were promoted as per existing quota and promotion rules in Agricultural Department of Water and Soil Conservation wing, thus it will amount to discrimination too, if the Appellant is not promoted.
- G. That this Hon'ble Tribunal has got ample jurisdiction to entertain and disposed off the instant Service appeal according to the facts and circumstances of the case in hand.

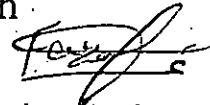
H. That any other ground or reasons if not mentioned at the time of hearing will be argued with the permission of this Hon'ble Tribunal.

It is therefore, most humbly prayed that on acceptance of instant service appeal, the respondents may graciously be directed to promote the petitioner to the post of Junior Clerk (BPS-11) as per old promotion rules provided to the Hon'ble Peshawar High Court.

Any other relief, if not specifically prayed, may also graciously be granted, if appears just, necessary and appropriate.

Appellant

Through



Shah Faisal

Advocate Supreme Court

Dated 24.08.2023

BEFORE THE SERVICE TRIBUNAL KP PESHAWAR

Appeal No. ____/2023

Fazal Muhamad s/o Gul Muhammad, Chowkidar (class-iv)

.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa through Agriculture and others

.....Respondents

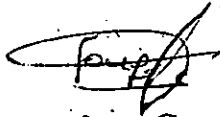
Affidavit

I, Fazal Muhammad s/o Gul Muhammad Chowkidar (class iv) at Soil & Water Conservation, Agricultural Department Batkhela, do hereby solemnly declare and affirm on oath that all the contents of accompanying this **Appeal** are true and correct and nothing has been intentionally concealed from this Hon'ble Court.

Deponent

Identified By

Shah Faisal



Advocate Supreme Court

BEFORE THE SERVICE TRIBUNAL KP PESHAWAR

Appeal No. ____/2023

Fazal Muhamad s/o Gul Muhammad, Chowkidar (class-iv)

.....**Appellant**

Versus

Govt. of Khyber Pakhtunkhwa through Agriculture and others

.....**Respondents****ADDRESS OF PARTIES****Appellant**

Fazal Muhamad s/o Gul Muhammad, Chowkidar (class-iv)

Soil & Water Conservation,

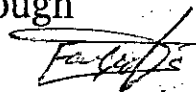
Agricultural Department Batkhela

Respondents

1. Govt. of Khyber Pakhtunkhwa through Agriculture, Civil Secretariat, Peshawar.
2. Director General Agriculture, (Soil & Water Conservation), Office at Agriculture Training institute (A.T.I) Near Khyber Teaching Hospital, Peshawar.
3. Director, Soil & Water Conservation, Batkhela
4. District Officer, Soil Conservation, Batkhela

Appellant

Through



Shah Faisal

Advocate Supreme Court

Dated 24.08.2023

8 ✓

OFFICE ORDER

On the recommendation of Departmental Selection Committee the competent authority is pleased to appoint the Rules-10 Sub-Rules-4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, promotion and Transfer) Rules, 1989 read with Govt. of Khyber Pakhtunkhwa Establishment department letter No. SOR-VI (E&AD) 1-3/2011/VOL-VIII dated 31/08/2012 (where a civil servant dies or is rendered incapacitated/invalidated permanently during service quota) **Mr. Fazal Muhammad S/O Gul Mohammad R/O Batkhela** as **Chowkidar BPS-01 (Rs.4800-150-9300)** plus usual allowance as admissible under the rules on temporary basis against vacant post in office of the District Officer Soil Conservation Malakand at Batkhela.

His appointment is subject to the following terms and condition:

1. His appointment in this department is temporary and his service can be terminated without notice and any reason being assigned.
2. He will get pay at the minimum of BPS-01 including usual allowance as admissible under the rules. He will also be entitled to annual increment as per existing policy.
3. He has not been previously dismissed or debarred from service of government, Board, Local Body or autonomous or Semi-Autonomous Organizations etc.
4. His services will be liable for termination on one months notice from either side, in case of resignation without notice, two months pay/allowances will be forfeited.
5. The appointee should join duty within 30 days of the issue of this order otherwise this order will be treated as cancelled.
6. He will be governed by the Khyber Pakhtunkhwa Civil Servant efficiency & rules 1973 and such rules and regulations as may be issued from time to time by the Government.
7. No TA/DA will be allowed to him for joining duty.
8. He shall produce a medical certificate of fitness form Medical Superintendent Civil Hospital before reporting himself for duty otherwise it will presume that he is not fit and the appointment order will be considered is cancelled

If the above terms and condition of appointment are acceptable to him, he should immediately communicate his acceptance in written to the office of the District Officer Soil Conservation Malakand at Batkhela

-Sd-


(Mr. Azizulha Khan)
District Officer,
Soil Conservation,
Malakand at Batkhela.

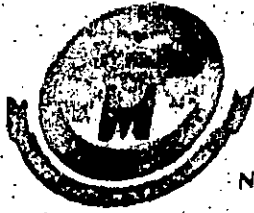
NO 78-81 /DOSC, DATED AT BATKHELA THE 28-02-2014.

Copy forwarded to-

1. The Director Soil Conservation Turnab Panni Peshawar.
2. The Section Officer (Estt) Agril: Live Stock & Cooperative Department K.P.K Peshawar
3. The District Account Officer Malakand
- ✓ 4. The Official Concerned.

For information and necessary action please.


District Officer,
Soil Conservation,
Malakand at Batkhela.



University of Malakand Pakistan

DETAILED MARKS CERTIFICATE

Serial No. 078399

Name: FAZAL MOHAMMAD
Father's Name: GUL MOHAMMAD
Registration No. 1860072
College/District: Private Candidate, District Malakand
Address: Sada Duhur, Tehs: Batakela, Malakand Agency

Bachelor of Arts

Examination	Roll No.	Held Date	Result Date
B.A PART-I ANNUAL EXAMINATION 2019	35370	Jun-July, 2019	02-Aug-2019
B.A PART-II SUPPLEMENTARY EXAMINATION 2020	11320	April, 2021	04-Jun-2021

Subject Name	Maximum Marks	Obtained in Part-I	Obtained in Part-II	Obtained Total
ISLAMIC STUDIES(E)	150	27	42	69
PASITO	150	42	47	89
ENGLISH(C)	150	24	27	51
ISLAMIYAT (C)	60	35		35
PAK. STUDY	40		21	21
	550	128	137	265

Result Status: Passed 2nd Division



The examination was taken in Parts

Errors and Omissions are subject to subsequent rectification.

Issuance Date: 07-Jun-2021

Prepared by: Amjad Shahzad

Checked by:

Controller of Examinations
University of Malakand

old rules of SMC

12

EXTRAORDINARY

REGISTERED NO. P.M.

GOVERNMENT

GAZETTE



10

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 19TH SEPTEMBER, 2019.

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK AND COOPERATION DEPARTMENT.**

NOTIFICATION

Peshawar, dated the 13/04/2018

No. SOE(LAD)112/2015-16 SC In pursuance of the powers conferred upon me by rule 2 of the Khyber Pakhtunkhwa Civil Service (Appointment, Promotion and Transfer) Rules, 1999 and in supervision of all proceedings in this behalf, the Government of Agriculture, Livestock and Cooperation Department of the Khyber Pakhtunkhwa Government and the Agriculture Department hereby lays down the minimum educational qualifications and other conditions specified in column No. 2 to 5 of the Appendix appended to this notification, which shall be applicable to the posts mentioned in column No. 2 of the said Appendix in the Directorate of Soil Conservation.

APPENDIX

PART-I

PROFESSIONAL STAFF

S. No.	Nomenclature of the post.	Minimum qualification for appointment by lateral recruitment	Age Limit.	Method of Recruitment.
1	2	3	4	5
	Director (Soil Conservation)			By promotion from amongst the Directors Soil Conservation and Directors Soil Survey with a minimum of five years service as per in BPS-19 or seventeen years service in BPS-17 and above having undergone Senior Management Course Note: A minimum seniority list of Director (Soil Conservation and Director (Soil Survey) shall be maintained for the purpose of promotion.
	Director (Soil Conservation) / Director Soil Survey			By promotion on the basis of seniority seniority list from amongst the Deputy Directors Soil Conservation, Deputy Directors (Planning), Deputy Directors Soil Survey and District Officers Soil Conservation having seven years service in BPS-18 or twelve years service in BPS-17 and above Note: A seniority list of Deputy Directors Soil Conservation, Deputy Directors (Planning), Deputy Directors Soil Survey and District Officers Soil Conservation, shall be maintained for the purpose of promotion.

KHYBER PAKHTUNKHWA

PUBLISHED BY AUTHORITY

PESHAWAR, FRIDAY 19TH SEPTEMBER, 2019

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK AND COOPERATION DEPARTMENT**

NOTIFICATION

PESHAWAR, DATED THE 18/04/2018

No. SOE (AD) II(2)/429/2015-16/SC: In pursuance of the provisions contained in sub rule of rule 3 of the Khyber Pakhtunkwaha Civil Servant (Appointment Promotion and Transfer) Rules, 1989 and in suppression of all previous Notification issued in his behalf the Agriculture, Livestock and Co operation Department in consultation of the Establishment Department and the Finance Department hereby lays down the method of recruitment qualification and other conditions specified in column no.3 to 5 of the Appendix appended to this Notification, which shall be applicable to b posts mentioned in column No.2 of the said Appendix in the Directorate of Soil Conservation.

APPENDIX

Part-I

Professional Staff

S.No	Nomenclature of the posts.	Minimum qualification for appointment by initial recruitment.	Age Limit	Method of Recruitment.
1	2	3	4	5
1	Directorate General			By promotion on the basis of seniority cum fitness from amongst the Directorates Soil Conservation and Directors soil Survey with at least five years service at such in BPS-3 or seventeen years service in BPS 17 and above having undergone senior Management Course. Note; A joined seniority list of Director Soil Conservation and Director Soil Survey shall be maintained for the purpose of promotion.
2	Director Soil Conservation Director Soil Survey			By promotion on the basis of seniority cum fitness from amongst the Deputy Directors Soil Conservation, Deputy Directors Planning, Deputy Directors soil Survey and District Officers Soil Conservation having seven years service in BPS-18 or twelve years service in BPS-1 and above. Note; A joined seniority list of Deputy Directors Soil Conservation and Deputy Director (Planning) Deputy Directors Soil Survey and District officers Soil Conservation, shall be maintained for the purpose of promotion.

3.	Deputy Directors Soil Conservation, Deputy Directors Planning, Deputy Directors Soil Survey, District Officers Soil Conservation			By Promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Planning Supervisory), Soil Conservation Assistants, Soil Conservation Assistants (Technical), Soil Survey Research Officer and Assistant Soil Survey Research Officer having five years' service as such, with minimum qualification, as described in column No. 2 against serial No.1 of this Notification.
4.	Assistant Director (Planning Supervisory/ Soil Conservation Assistant, Soil Conservation Assistant (Technical)	(i) At least Second Class Master's Degree in Agriculture (Soil Sciences) or Second Class Bachelor's (Hons) Degree in Agriculture with (Soil Sciences) as major subject from a recognized University; or (ii) At least Second Class Bachelor's Degree in Agricultural Engineering from a recognized University.	21 to 32 Years.	Note: A joined seniority list of Assistant Directors (Planning Supervisory), Soil Conservation Assistants, Soil Conservation Assistants (Technical), Soil Survey Research Officer and Assistant Soil Survey Research Officer shall be maintained for the purpose of promotion. (a) Twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Field Supervisors, having five years' service as such or twenty years total service as Field Assistant and above; and (b) seventy five percent by initial recruitment.
5.	Soil Survey Research Officer/ Assistant Soil Survey Research Officer.	At least Second Class Master's Degree in Agriculture (Soil Sciences) or Bachelor's (Hons) Degree in Agriculture with (Soil Sciences) as major subject from a recognized University.	21 to 32 years.	By initial recruitment.
6.	GIS Analyst.	At least Second Class Master's Degree in Geography or equivalent qualification from a recognized university with one year post Graduate Diploma in Geographic Information System, Remote Sensing from a recognized institute. Note: Experience in Global Positioning System, Data collection and Google Earth will be preferred and computer proficiency is mandatory	21 to 32 years.	By initial recruitment.
7.	Field Supervisor			By promotion, on the basis of seniority-cum-fitness, from amongst the Soil Conservation Inspectors having three years' service as such or fifteen years' total service as Soil Conservation Inspectors and Field Assistants.

3	Deputy Directors Soil Conservation, Deputy Directors Planning, Deputy Directors Soil Survey District Officers. Soil Conservation.	-	-	By promotion on the basis of seniority cum fitness from amongst the Assistant Directors (Planning Supervisory), Soil Conservation Assistants Soil Conservation Assistant (Technical) Soil Survey Research Officer and assistant Soil Survey Research Officer having five years service as such with minimum qualification as prescribed in column No.2 against serial No.4 of this notification. Note; A joined seniority list of Assistant Directors (Planning Supervisory) Soil Conservation Assistants Soil Conservation Assistants (Technical) , Soil Survey Research Officer and Assistant Soil Survey Research Officer shall be maintain for the purpose of promotion.
4	Assistant Director (Planning Supervisory)/ Soil Conservation Assistant (Technical)	(i) At least second Class Master's Degree in Agriculture (Soil Sciences) or Second Class Bachelor's (Hons) Degree in Agriculture with (Soil Sciences) as major subject from a recognized university or (ii) At least second Class Bachelors Degree in Agricultural Engineering from a recognized University.	21 to 32 years	(a) twenty five percent by promotion on the basis of seniority cum fitness From amongst the Field supervisors, having five years service as such or twenty years total services Field assistant and above: and (b) seventy five percent y initial recruitment.
5	Soil Survey Research Officer/ Assistant Soil Survey Research Officer.	At least second class Master's Degree in Agriculture (Soil Sciences) or Bachelor's (Hons) Degree in agriculture with 9Soil Sciences) as major subject from a recognized university.	21 to 32 years	By initial recruitment.
6	GIS Analyst	At least second Class Masters Degree in Geography or equivalent qualification from a recognized university with one year post Graduate. Diploma in Geographic information System. Remote Sensing from a recognized Institute. Note. Experience in Global Positioning System, Data collection and Google Earth will be preferred and computer proficiency is mandatory.	21 to 32 years	By initial recruitment.
7	Field Supervisor			By promotion on the basis of seniority cum fitness from amongst the Soil Conservation Inspectors having three years service as such or fifteen years total service as Soil Conservation Inspectors and Field Assistants.

R.	Soil Conservation Inspector	(i) At least Second Class Secondary School Certificate with (Science) from a recognized Board, and (ii) three years Diploma of Field Assistant from a recognized Agricultural Training Institute.	20 to 32 years.	By promotion, on the basis of seniority-comb-fitness, from amongst the Field Assistants having seven years' service as such with three years' Diploma of Field Assistant or two years' Field Assistant Training Course supplemented with six months' condensed course for Field Assistants from a recognized Agriculture Training Institute. By initial recruitment.
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8	Soil Conservation Inspector			By promotion on the basis of Seniority cum fitness, from amongst the Field Assistants having seven years service as such with three years Diploma of Field Assistant or two years Field Assistant Training Course supplemented with six months condensed course for Field Assistants from a recognized Agriculture Training Institute.
9.	Field Assistant	(i) At least Second Class Secondary School Certificate with (Science) from a recognized Board and (ii) Three years Diploma of Field Assistant from a recognized Agricultural training Institute.	20 to 32 years	By Initial recruitment .

PART-II

MINISTERIAL STAFF

10	Assistant Account Officer			By Promotion, on the basis of seniority-cum-fitness, from amongst the Administrative Officers and Superintendents.
11	Administrative Officer.			By Transfer, from amongst the Superintendents
12	Superintendent			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers, with at least five years' service as such. Note:- For the purpose of promotion a joined seniority list of the Assistants and Senior Scale Stenographers shall be maintained.
13	Senior Scale Stenographer	(i) At least Second Class Bachelor's Degree, from a recognized University, (ii) a speed of seventy words per minute in shorthand in English and forty-five words per minute in typing, and (iii) Knowledge of computer in using MS Word, and MS Excel		By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers, with at least five years' service as such. Provided that if no suitable Stenographer is available for promotion, then by initial recruitment.
14	Assistant	At least Second Class Bachelor's Degree from a recognized University	20 to 32 years.	(a) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years' service as Junior and Senior Clerks; and (b) twenty five percent by initial recruitment.
15	Computer Operator	(i) At least, Second Class Bachelor's Degree in Computer Science or Information Technology (BCS BIF four years) or equivalent qualification from a recognized university, or (ii) At least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	21 to 32 years	By initial recruitment.
16	Stenographer	(i) At least Second Class Intermediate Certificate or equivalent qualification from a recognized Board; (ii) A Speed of fifty words per minute in short hand in English and thirty-five words per minute in typing; and (iii) knowledge of computer in using MS-Word, MS-Excel.	18 to 32 years.	By Initial recruitment.
17	Senior Clerk.			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least two years' service as such.

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10	Assistant Account Officer		--	By Promotion on the basis of Seniority cum fitness from amongst the Administrative officers and superintendents.
11	Administrative Officer			By Transfer from amongst the Superintendents.
12	Superintendent		--	By Promotion on the basis of Seniority cum fitness from amongst the Assistants and senior Scale Stenographers with at least five years service as such. Note: For the purpose of promotion a joined seniority list of the assistant and Senior Scale Stenographers shall be maintained.
13	Senior Scale Stenographer	i. At least Second Class bachelor's Degree from a recognized University. ii. A speed of seventy words per minute in shorthand in English and forty five words per minute in typing and iii. Knowledge of computer in using MS Words and MS Excel.		By Promotion on the basis of Seniority cum fitness from amongst the Stenographers with at least five years service as such provided that if no suitable stenographer is available for promotion then by initial recruitment.
14	Assistant	At least second Class Bachelors Degree from a recognized University	29 to 32 years	(a) Seventy five percent by promotion on the basis of seniority cum fitness from amongst the Senior Clerks with at least five years service as Junior and Senior Clerks and (b) Twenty five percent by initial recruitment.
15.	Computer Operator	(i) At least second Class Bachelors Degree in computer Sciences or information Technology (BCS BIT four years) or equivalent qualification from a recognized university of ii. At least second Class Bachelors Degree from a recognized University with one year Diploma in information Technology from a recognize Board of technical Education.	21 to 32 years	By initial recruitment.
16.	i At least Second Class Intermediate Certificate or equivalent qualification from a recognized Board. ii. A Speed of fifty words per minute in short hand in English and thirty five words per minute in typing and iii. knowledge of computer in using MS Word MS Excel	18 to 32 yeas	18 to 32 yeas	By initial recruitment.
17	Senior Clerk		--	By Promotion on the basis of Seniority cum fitness from amongst the Junior Clerks with at least two years service as such

✓ 18.	Junior Clerk.	(i) At least Second Division Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of thirty words per minute in typing.	18 to 30 years.	(a) Thirty three percent by promotion, on basis of seniority-cum-fitness from amongst the Naib Qasid, Chowkidar and Sweeper with two year service as such, who have passed Secondary School Certificate from recognized Board; and (b) sixty-seven percent by initial recruitment. Note: For the purpose of promotion, there shall be maintained a joined Seniority list of the officials i.e Naib Qasid, Chowkidar and Sweeper with reference to the dates of their acquiring the Secondary School Certificate. Provided that:- (a) If two or more officials having acquired the Secondary School Certificate in the same session, the inter-se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and (b) where a senior official does not possess the requisite qualification at the time of filling of the vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.
19.	Driver.	Literate having valid LTV driving license. Preference shall be given to those who have sufficient experience in driving, repairing and maintenance of vehicles.	18 to 32 years.	By initial recruitment.
20.	Tracer.	At least Second Class Secondary School Certificate with (Science) from a recognized Board.	18 to 32 years.	By initial recruitment.
21.	Khlasi.	Literate.	18 to 40 years.	By initial recruitment.
22.	Field Watcher.	Literate.	18 to 40 years.	By initial recruitment.
23.	Naib Qasid.	Literate.	18 to 40 years.	By initial recruitment.
24.	Chowkidar.	Literate having sound physique.	18 to 40 years.	By initial recruitment.
25.	Sweeper.	Literate.	18 to 40 years.	By initial recruitment.

Sd/xxx
SECRETARY AGRICULTURE

(69)

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
AGRICULTURAL LIVESTOCK AND
CO-OPERATION DEPARTMENT

NOTIFICATION

Peshawar, dated the 18th April, 2018

No. SOE(AD)II(2)479/2015-16/SC: In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules, 1989 and in supersession of all previous Notifications issued in this behalf, the Agriculture, Livestock and Co-operation Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment qualification and other conditions specified in column No.3 to 5 of the Appendix appended to this Notification, which shall be applicable to the posts mentioned in column No.2 of the said Appendix in the Directorate of Soil Conservation.

APPENDIX
PART-I
PROFESSIONAL STAFF

S. No	Nomenclature of the post.	Minimum qualification for appointment by initial recruitment.	Age Limit.	Method of Recruitment.
1	2	3	4	5
1.	Director General.		--	By promotion, on the basis of seniority-cum-fitness, from amongst the Directors Soil Conservation and Directors Soil Survey with at least five years' service as such in BPS-19 or seventeen years' service in BPS-17 and above, having undergone Senior Management Course. Note: A joined seniority list of Director Soil Conservation and Director Soil Survey shall be maintained for the purpose of promotion.
2.	Director Soil Conservation/ Director Soil Survey.		--	By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors Soil Conservation, Deputy Directors (Planning), Deputy Directors Soil Survey and District Officers Soil Conservation, having seven years' service in BPS-18 or twelve years' service in BPS-17 and above. Note: A joined seniority list of Deputy Directors Soil Conservation, Deputy Directors (Planning), Deputy Directors Soil Survey and District Officers Soil Conservation, shall be maintained for the purpose of promotion.
3.	Deputy Directors Soil Conservation, Deputy Directors Planning, Deputy Directors Soil Survey/ District Officers Soil Conservation.		--	By Promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Planning Supervisory), Soil Conservation Assistants, Soil Conservation Assistants (Technical), Soil Survey Research Officer and Assistant Soil Survey Research Officer having five years' service as such, with minimum qualification, as prescribed in column No. 2, against serial No.4 of this Notification. Note: A joined seniority list of Assistant Directors (Planning Supervisory), Soil Conservation Assistants, Soil Conservation Assistants (Technical), Soil Survey Research Officer and Assistant Soil Survey Research Officer shall be maintained for the purpose of

(21)

4.	Assistant Director (Planning Supervisory)/ Conservation Assistant, Conservation Assistant (Technical). Soil Soil	(I) At least Second Class Master's Degree in Agriculture (Soil Sciences) or Second Class Bachelor's (Hons) Degree in Agriculture with (Soil Sciences) as major subject from a recognized University; or (II) at least Second Class Bachelor's Degree in Agricultural Engineering from a recognized University.	21 to 32 Years.	(a) Twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Field Supervisors, having five years' service as such or twenty years' total service as Field Assistant and above; and (b) seventy five percent by initial recruitment.
5.	Soil Survey Research Officer/ Assistant Soil Survey Research Officer.	At least Second Class Master's Degree in Agriculture (Soil Sciences) or Bachelor's (Hons) Degree in Agriculture with (Soil Sciences) as major subject from a recognized University.	21 to 32 years.	By initial recruitment.
6.	GIS Analyst.	At least Second Class Master's Degree in Geography or equivalent qualification from a recognized university with one year post Graduate Diploma in Geographic Information System, Remote Sensing from a recognized institute. Note: Experience in Global Positioning System, Data collection and Google Earth will be preferred and computer proficiency is mandatory.	21 to 32 years.	By initial recruitment.
7.	Field Supervisor.			By promotion, on the basis of seniority-cum-fitness, from amongst the Soil Conservation Inspectors having three years' service as such or fifteen years' total service as Soil Conservation Inspectors and Field Assistants.
8.	Soil Conservation Inspector.			By promotion, on the basis of seniority-cum-fitness, from amongst the Field Assistants having seven years' service as such with three years Diploma of Field Assistant or two years Field Assistant Training Course supplemented with six months condensed course for Field Assistants from a recognized Agriculture Training Institute.
9.	Field Assistant.	(I) At least Second Class Secondary School Certificate with (Science) from a recognized Board; and (II) three years Diploma of Field Assistant from a recognized Agricultural Training Institute.	20 to 32 years.	By initial recruitment.

(MAJZOOR/SHAD ABBAS)
SECTION OFFICER-ESTD

[Handwritten Signature]

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, Soil Conservation, Khyber Pakhtunkhwa
6. The Chief Secretary, Khyber Pakhtunkhwa
7. The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. His 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.
8. P.S. to Secretary Agriculture
9. P.A. to Deputy Secretary, Admin: Agriculture Department
10. Master file

Copy forwarded for information and necessary action to:-

SECRETARY AGRICULTURE
SD/-

25.	Sweeper.	Literate.	18 to 40 years.	By initial recruitment.
24.	Chowkidar.	Literate having sound physique.	18 to 40 years.	By initial recruitment.
23.	Najib Qasid.	Literate.	18 to 40 years.	By initial recruitment.
22.	Field Watcher.	Literate.	18 to 40 years.	By initial recruitment.
21.	Kbasi.	Literate.	18 to 40 years.	By initial recruitment.
20.	Tracer.	At least Second (Class Secondary School Certificate with (Science) from a recognized Board.	18 to 32 years.	By initial recruitment.
19.	Driver.	Literate having valid LTV driving license. Preference shall be given to those who have sufficient experience in driving, repairing and maintenance of vehicles.	18 to 32 years.	By initial recruitment.

(a) Thirty three percent by promotion, on basis of seniority-cum-fitness from amongst the Najib Qasid, Chowkidar and sweeper with two year service in such, who have passed Secondary School Certificate from recognized Board; and
(b) sixty-seven percent by initial recruitment.

Note: For the purpose of promotion, there shall be maintained a joint seniority list of the officials i.e. Najib Qasid, Chowkidar and Sweeper with reference to the dates of their acquiring the Secondary School Certificate.

Provided that:-
(i) If two or more officials having acquired the Secondary School Certificate in the same session, the inter-se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and
(b) where a senior official does not possess the requisite qualification at the time of filling of the vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.

(i) At least Second Division equivalent qualification from a recognized Board; and
(ii) a speed of thirty words per minute in typing.

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19



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 24TH SEPTEMBER, 2019.

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK AND COOPERATION DEPARTMENT.**

NOTIFICATION

Peshawar, dated the 18/09/2019.

No. SOE(AD)II(2)429/2019/SC. In pursuance of the provisions contained in sub-rules(2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Agriculture, Livestock & Cooperation Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SOE(AD)II(2)429/2015-16/SC, Dated: 18th April, 2018, the following amendments shall be made, namely:

AMENDMENTS

In the Appendix.

(a) in PART-I, under the heading PROFESSIONAL STAFF, -

(i) for the existing entries, against Serial No. 03, the following shall be substituted in the respective columns, namely:

1	2	3	4	5
3.	Deputy Directors Soil Conservation, Deputy Directors (Planning), Deputy Director (Monitoring), Deputy Directors Soil Survey, District Officers Soil Conservation.			(a) Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Soil Conservation Assistants, Soil Conservation Assistants (Technical), Soil Conservation Officers, Soil Survey Research Officers and Assistant Soil Survey Research Officers having at least Second Class Master's Degree in Agriculture (Soil Sciences); or at least Second Class Bachelor's Degree (Hons) in Agriculture with (Soil Sciences) from a recognized University with five years service as such; and (b) twenty-five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Soil Conservation Assistants, having at least Second Class Bachelor's Degree from a recognized University with twenty-five years total service as Field Assistant and above. Note: For the purpose of promotion, a joint seniority list of the Soil Conservation Assistants, Soil Conservation Assistants (Technical), Soil Conservation Officers, Soil Survey Research Officers and Assistant Soil Survey Research Officers, shall be maintained; and

(ii) against Serial No. 4, in Column No. 2, for the words "Assistant Director (Planning Supervisory)", the words "Soil Conservation Officer" shall be substituted; and

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(b) in PART-II under the heading MINISTERIAL STAFF.

(i) against Serial No. 12, in Column No. 5, for the existing entries, the following shall be substituted, namely:

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By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographer with at least five years service as such or twelve years total service as Junior Clerk, Senior Clerk and Assistant.

Note: For the purpose of promotion, a joint seniority list of the Assistants and Senior Scale Stenographers to the post of Superintendent shall be maintained:

Provided that if the date of continuous officiating of an Assistant and Senior Scale Stenographer is the same, the Assistant shall rank senior to the Senior Scale Stenographer; and

(ii) against Serial No. 18, in Column No. 5, for the existing entries, the following shall be substituted, namely:

5

(a) Thirty-three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids, Chowkidars, Field Watchers, Khalasis and Sweepers having Secondary School Certificate from a recognized Board with two years service as such; and

(b) sixty seven percent by initial recruitment.

Sd/-

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND
COOPERATION DEPARTMENT.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

Dated Peshawar, the 18th July, 2019

18

NOTIFICATION

No. SOE.IV(E&AD)/1-35/2014:-

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, the Establishment and Administration Department, in consultation with the Finance Department, is hereby directs that in this Department's Notification No. SOE.IV(E&AD)/1-35/2012 dated 6th December, 2012, the following amendments shall be made, namely:

AMENDMENTS

In the APPENDIX, for Serial No.4, the following shall be substituted, namely:

1.	2.	3.	4.	5.
4.	Junior Clerk.	(i) FA/ F.Sc with second division or equivalent qualification from a recognized Board; and (ii) a speed of thirty (30) words per minute in typing.	18 to 30 years.	(a) Forty per cent by promotion, on the basis of seniority-cum-fitness, from amongst Daftaris, Gestetner Operators, Qasids and Naib Qasids including holders of other equivalent posts in the Secretariat with two years service as such, who have passed FA/F.Sc Examination or its equivalent qualification from a recognized Board; and (b) sixty per cent by initial recruitment. Note: For the purpose of promotion, there shall be maintained a common seniority list of Daftaries, Gestetner Operators, Qasids, Naib Qasids etc. with reference to the dates of their acquiring the FA/ F.Sc qualification:

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02

1.	2.	3.	4.	5.
				<p>Provided that-</p> <ul style="list-style-type: none"> (i) if two or more officials have acquired the FAF.Sc qualification in the same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post. (ii) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials. <p>Provided further that The condition of FAF.Sc or its equivalent qualification from a recognized Board, as laid down at clause (a) shall not apply for a period of four years from the date of commencement of this Notification to the existing matriculate incumbents of the post of Daftaris, Gestetner Operators, Qasids and Naib Qasids including holders of other equivalent posts for promotion to the post of Junior Clerk (BS-11).</p>

21

W

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Endst: No. SOE-IV(E&AD)/1-35/2014, dated 18th July, 2019

Copy forwarded for information and necessary action to: -

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. The Senior Member of Board of Revenue.
3. The Principal Secretary to Governor, Governor's Secretariat, Khyber Pakhtunkhwa
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
6. The Secretary, Khyber Pakhtunkhwa Public Service Commission.
7. Deputy Director (IT), Establishment & Administration Department with the request to upload on the official website.
8. PS to Chief Secretary Khyber Pakhtunkhwa.
9. PS to Secretary Establishment Department,
10. PS to Special Secretary (Estt), Establishment Department.
11. PS to Special Secretary (Reg), Establishment Department.
12. PA to Addl: Secretary (Estt/ Reg), Establishment Department.
13. PA to Addl: Secretary (HRD Wing) Establishment Department.
14. All the Deputy Secretaries in Establishment Department.
15. All Section Officers, Establishment Department, Khyber Pakhtunkhwa Peshawar.
16. The Manager Government Printing Press for publication in the Extra Ordinary Gazette with the request to provide 50 copies of Gazette.


(HAZRAT JAMAL)
SECTION OFFICER (E-IV)

file

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BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ Petition No. 946 -A/2017

Muhammad Abbas son of Muhammad Abdul Latif, resident of Bandi Labiyal, P.O Kund Kalu Khan, Tehsil & District, Haripur.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Agriculture Livestock & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Soil Conservation, Khyber Pakhtunkhwa, Peshawar.
3. Section Officer Establishment, Agriculture Livestock & Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
4. District Officer, Soil Conservation, Haripur.

... RESPONDENTS

no. 9535
29.9.12

Certified to be True Copy
EXAMINER
16 NOV 2010
Peshawar High Court-Aid Bench
Authorized Under Sec: 75 Evid Ordno:

ATTORNEY
[Signature]

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN 1973, SOLICITING

[Signature]
29.9.12

(11)

DECLARATION TO THE EFFECT THAT PETITIONER BEING ELIGIBLE AND QUALIFIED TO BE APPOINTED, AS JUNIOR CLERK AGAINST 33% QUOTA OF CLASS-IV EMPLOYEES IN THE DEPARTMENT WHICH IS ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, WITHOUT JURISDICTION, MALAFIDE, AMOUNTS TO REFUSAL, ARBITRARY, UNILATERAL, PERVERSE, DISCRIMINATORY AND CONSEQUENTLY OF NO LEGAL EFFECT UPON THE RIGHTS OF THE PETITIONER.

PRAYER: ON ACCEPTANCE OF THE INSTANT WRIT PETITION, RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO APPOINT THE PETITIONER AS JUNIOR CLERK AGAINST 33% QUOTA RESERVED FOR CLASS-IV EMPLOYEES ON THE NEXT AVAILABLE VACANCY OF JUNIOR CLERK. ANY OTHER RELIEF DEEMED FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

ATTESTED

Certified to be True Copy
EXAMINER
16 NOV 2018
Peshawar High Court Adl. Bench
Authorized Under Sec: 75 Evid. Ordns.

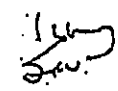
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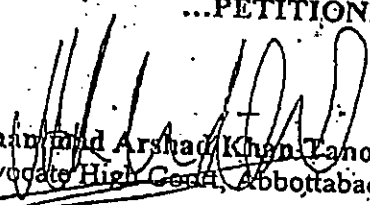
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It is therefore, humbly prayed that on acceptance of the instant writ petition, respondents may graciously be directed to appoint the petitioner as junior clerk against 33% quota reserved for Class-IV employees on the next available vacancy of junior clerk, Any other relief deemed fit and proper in the circumstances of the case.

Dated: 28.5 /2017

Through


...PETITIONER

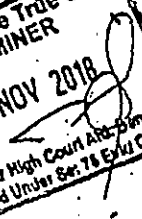

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...PETITIONER

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4.25.7.11

Certified to be True Copy
EXAMINER
16 NOV 2018

Peshawar High Court At-Branch
Authorized Under Sec. 78 Ex. Order


ATTESTED

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PESHAWAR HIGH COURT, ABBOTTABAD BENCH
FORM OF ORDER SHEET

Court of.....
Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1.	2.
08.11.2018	<p><u>WP No. 946-A/2017.</u></p> <p>Present: Mr. Arshad Khan Tanoli, Advocate for petitioner.</p> <p>Mr. Yasir Zahoor Abbasi, Assist: AG with Imtiaz Muhammad Khan Divisional Assist: Director Food, Hazara, Abbottabad.</p> <p>***</p> <p><u>LAL JAN KHATTAK, J.</u> Through this petition, petitioner seeks his promotion as Junior Clerk against 33% quota reserved for class-IV employees.</p> <p>2. Perusal of the record would reveal that vide notification dated: 18.04.2018, 33% quota for promotion to the posts of Junior Clerks has been reserved for the Naib Qasids, Chowkidars and Sweepers on the basis of seniority cum fitness. Learned AAG submitted at the bar that the prescribed quota will be fully observed in future on which learned counsel for petitioner did not press this petition anymore.</p> <p>4. In view of the above, this petition stands disposed of with directions to the respondents to fully observe and implement the 33% quota in letter and spirit.</p>

Certified to be True Copy
EXAMINER
16 NOV 2018
Peshawar High Court A.B. Bench
Authorized Under Sec: 73, Evld Ordns:

[Handwritten Signature]
[Handwritten Signature]

Tahir (P.S)

Hon'ble Justice Lal Jan Khattak

ATTESTED

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BEFORE THE HON'BLE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. _____ 2018.

Hayat Khan, Naib Qasid BPS-3, Soil Conservation Wing,
Agricultural Department, Mardan, Khyber Pakhtunkhwa.
..... (Petitioner)



V E R S U S

1. Government of Khyber Pakhtunkhwa, through Secretary Agriculture Engineering Department, Civil Secretariat, Peshawar.
2. Executive District Officer, Agricultural, Mardan.
3. District Officer Agricultural, Mardan.
4. Human Resource Development Officer, DCO Office Mardan
5. Director General Agricultural (Extension) Khyber Pakhtunkhwa Peshawar..... (Respondents)

WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth:

The petitioner very humbly submits as under:

1. That petitioner is law abiding citizen of Pakistan and having fundamental rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.

ATTESTED


ATTESTED
EXAMINER
Peshawar High Court
20 DEC 2018

according to the facts and circumstances of the case
in hand.

H. That any other ground or reasons if not mentioned at
the time of hearing will be argued with the permission of
this Hon'ble Court.

It is, therefore, most humbly prayed, that on
acceptance of the instant Writ Petition, the
advertisement dated 30th & 31st May, 2019 published in
daily AAJ and Mashriq and if in any other newspaper, to
the extent of Junior Clerk may kindly be declared as
illegal, void-ab-initio, ineffective upon the rights of the
petitioners and in violation of judgment of this
Honourable Court and is based on malafide, as per the
rules the respondents are bound to fill in the promotion
quota earlier than initial/ fresh induction.

Any other relief, if not specifically prayed, may also
graciously be granted, if appears just, necessary and
appropriate.

ATTESTED

EXAMINER
Peshawar High Court

29 St

PESHAWAR HIGH COURT, PESHAWAR		
FORM 'A'		
FORM OF ORDER SHEET		
CLASS OF CASE		
BRIEF OR OTHER PROCEEDING WITH NOMINATE OF JUDGE OR MAGISTRATE AND THAT BY BARRISTERS OR COUNSEL WHO'S NECESSARY		
DATE OF ORDER	DATE OF ORDER	
1	2	3
18.12.2018		W.P. No. 96-P/2018 with IR.
Present -		
Mr. Shah Faisal Ilyas, advocate for the petitioner.		
Mr. Wiqar Ahmad Khan, AAG for the official respondents.		

<p>WAQAR AHMAD SETH C/- Petitioner through the instant constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, prayed that-</p> <p>"On acceptance of the instant writ petition, the respondents may graciously be direct to promote the petitioner as Junior Clerk from the post of Naib Qasid as per existing Rules of promotion. Any other relief, if not specifically prayed, may also graciously be granted, if appears just, necessary and appropriate."</p> <p>2. When the case was taken up for hearing, learned AAG stated at the bar that Rules in this regards has been framed, but, at the moment seniority list has not been prepared for the purpose. Further deposed that matter is in pipeline, though as and when completed petitioner will be considered for promotion to the post of Junior Clerk, subject of availability of post. Learned counsel for the petitioner when confronted with the situation he also solicited the same.</p>		



As per Bench Order, Senior Court Bench; (P) Mr. Justice Tahir Ahmad, Chief Justice and Mr. Justice Abdul Qadir, J.

ATTESTED **ATTESTED**
 EXAMINER
 Peshawar High Court
 20 DEC 2018

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3.: With these observations, petition in hand is hereby disposed of. *[Signature]*

CHIEF JUSTICE
JUDGE

ANNOUNCED
18.12.2018.

19317

Date of Presentation of Application *[Signature]*
 No of Pages *[Signature]*
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 Date of Presentation of Application *[Signature]*

Date of Delivery of *[Signature]*
 Received By *[Signature]*

CERTIFIED TO BE TRUE COPY
 Examined by *[Signature]*
 Registrar of the Court, Dushanbe
 Pursuant to Supreme Order 07 of
 the Dushanbe Branch of Order 1890
 20 DEC 2018

ATTACHED
[Signature]

37

PESHAWAR HIGH COURT, PESHAWAR.
FORM "A"
FORM OF ORDER SHEET.

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	20.11.2019.	<p><u>COC No.200-P/2019 in W.P.No.96-P/2018.</u></p> <p><u>Present:-</u> Mr.Shah Faisal Ilyas, Advocate for the petitioner.</p> <p>Mr.Moeen-ud-Din Hamayun, A.A.G for respondents.</p> <p><u>LAL JAN KHATTAK, J:-</u> The latter stated that the petitioner would be considered alongwith other candidates for promotion against the post of Junior Clerk within a period of four months.</p> <p>2. In view of the above, this petition stands disposed of with direction to the respondents to live up to their commitment so made before this court and consider the petitioner alongwith others for the desired promotion within the above period.</p> <p style="text-align: right;"><i>L. Jan</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

HON'BLE MR. JUSTICE LAL JAN KHATTAK & HON'BLE MR. JUSTICE AHMED ALI

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorised Under Article 8.7.01
The Qanun-e-Shahadat Order 1984

15/11/19

Time of Presentation of Application 24/11/19

Number of Pages 27

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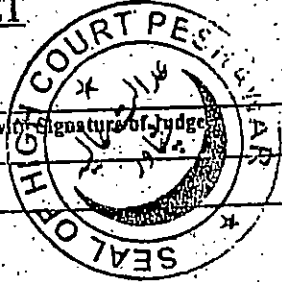
Time of Preparation of Copy 26/11/19

Time of Delivery of copy 26/11/19

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PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge
1	2
11.07.2019	<p><u>W.P.No.3271-P/2019.</u></p> <p>Present: Mr. Shah Faisal Ilyas, Advocate for the petitioners.</p> <p>***</p> <p>Comments of respondents No.1 and 2 be called for so as to reach this Court within a fortnight.</p> <p><u>Interim Relief.</u></p> <p>Notice. In view of the judgment dated 08.11.2018 in W.P.No.946-A/2017 whereby 33% quota for promotion to the posts of Junior Clerks has been reserved for the Naib Qasids thereby the proceedings to the extent of recruitment of the Junior Clerks (BPS-11) on the basis of advertised posts shall be withheld.</p>

No. 27796

Date of Presentation of 20/7/19

No of Pages 1

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Date of Preparation of 20/7/19

Date of Delivery of copy 20/7/19

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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 205 of
The Constitution of Pakistan

E. Jun. (113) Hon'ble Mr. Justice Mohammad Ibrahim Khan, Judge.
Hon'ble Mr. Justice Abdul Shakoor, Judge.

338
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BEFORE THE HONBLE PESHAWAR HIGH COURT PESHAWAR



Writ Petition No. _____/2019

1. Hayat Khan, Naib Qasid BPS-3, Soil Conservation Agricultural Department Mardan, Khyber Pakhtunkhwa.
2. Muhammad Abbas Naib Qasid BPS-3 Soil Conservation Agricultural Department Haripur, Khyber Pakhtunkhwa.
3. Asad Ullah, Naib Qasid, Soil Conservation Agricultural Department Upper Dir, Khyber Pakhtunkhwa.
4. Fazal Muhammad, Naib Qasid, Soil Conservation Agricultural Department Bathinda Malakand, Khyber Pakhtunkhwa. PETITIONERS

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Agriculture, Civil Secretariat, Peshawar.
2. Director General Agriculture, (Soil & Water Conservation), Office at Agriculture Training Institute (A.T.I) Near Khyber Teaching Hospital, Peshawar.
3. Director, Soil & Water Conservation, Mardan.
4. District Officer, Soil Conservation, Haripur. RESPONDENTS

ATTESTED
EXAMINER
Peshawar High Court

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29

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.

Respectfully Sheweth:

The petitioners very humbly submit as under:

1. That petitioners are law abiding citizen of Pakistan and having fundamental rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.
2. That the petitioner No.1 had earlier filed a Writ Petition No.96-P/2018 for the redressal of his grievance of promotion under the reserved quota against the respondents, which was disposed of on 18.12.2018 in his favour. (COPIES OF WRIT PETITION AND ORDER/ JUDGMENT DATED 18.12.2018 ARE ATTACHED AS ANNEXURE "A" & "B" RESPECTIVELY).
3. That likewise petitioner No.2 also moved Writ Petition No.946/2017 before this Honourable Court Abbottabad.
3. That likewise petitioner No.2 also moved Writ Petition No.946/2017 before this Honourable Court Abbottabad for the same relief which was disposed of in favour of the petitioner, vide order/ judgment dated 08.11.2018. (COPIES OF WRIT PETITION AND ORDER/ JUDGMENT DATED 08.11.2018 ARE ATTACHED AS ANNEXURE "C" & "D" RESPECTIVELY).

ATTESTED

35

BEFORE THE HONOURABLE HIGH COURT, PESHAWAR

COC No. 200 - P /2019

Hayat Khan S/O Abdul Wahab

PETITIONER

VERSUS

1. Mr. Israr Secretary Agriculture Civil Secretariat Peshawar.
2. Mr. Yaseen Khan Director General Soil & water conservation Khyber Pakhtunkhwa Peshawar.
3. Mr. Jamil Ur Rahman Director Soil & Water conservation Mardan.
4. Mr Noor Ud Daoula District officer soil conservation Haripur.

REPOONDENTS

REPLY TO THE CONTEMPT PETITION.

Respectfully Sheweth.

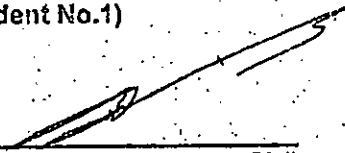
1. Agreed
2. Agreed
3. Agreed
4. Not agreed. As per service rules notified on 18-04-2018 (Annex-A), a joint seniority list of the officials (Annex-B) i.e Naib Qasid, Choikidar, and sweeper is prepared and is circulated in all sub-offices of directorate General Soil and Water Conservation for observation and confirmation.
5. Not. Agreed, to the extent that Order/Judgment of this honorable court is not badly failed to implement and delayed, as this office has not made any recruitments / appointment from the date of verdicts of the petitioner 1 and 2 respectively till date. In this regards a tentative seniority list is circulated among all sub. Offices for observation and confirmation.
6. Agreed. The case of petitioner is under process/ consideration. They should be promoted according to the approved final seniority list.
7. No comments.

FILED TODAY
 Deputy Registrar
 21 MAY 2019

PRAYER

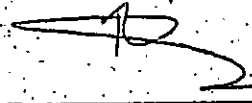
It is there for most most humbly prayed that on acceptance of this Para-wise comments, the appeal being devoid of legal footings and merit graciously be dismissed with cost.

(Respondent No.1)



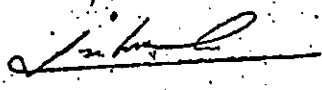
Mr. Israr Secretary Agriculture Civil Secretariat Peshawar

Respondent No. 2;



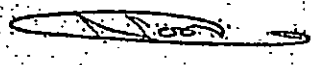
Mr. Yaseen Khan Director General Soil & water conservation Khyber Pakhtunkhwa Peshawar.

Respondent No. 3



Mr. Jamil Ur Rahman Director Soil & Water conservation Mardan.

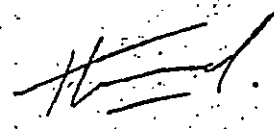
Respondent No.4



Mr Noor Ud Daoula District officer soil conservation Haripur.

AFFIDAVIT

I do hereby solemnly affirm and declare that the contents of the accompanying reply in the above titled case are true and correct to the best of my knowledge and belief.



DEPONENT

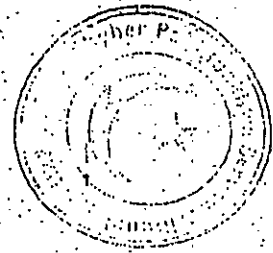
FILED TODAY
Deputy Registrar
21 MAY 2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 569/2016

Date of Institution 13.05.2016

Date of Decision 10.01.2018



Mr. Fazle Ghufraan, Soil Conservation Inspector, Bakhela Civil Secretariat, Bakhela. (Appellant)

VERSUS

1. The Secretary Agriculture, Livestock and cooperation Department, Khyber Pakhtunkhwa, Peshawar and 3 others. (Respondents)

MR. TAIMUR ALI KHAN, Advocate For appellant.

MR. USMAN GHANI, District Attorney For respondents.

MR. AHMAD HASSAN, MEMBER (Executive)
MR. MUHAMMAD HAMID MUGHAL, MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The brief facts are that the appellant is serving as Soil Conservation Inspector and that on the strength of 25 % quota reserved for promotion to the post of Soil Conservation Assistant (BPS-17), he was entitled to promotion against the same w.e.f 12.05.2015 i.e the date on which one Azzizullah, Soil Conservation Assistant stood retired. That the appellant preferred departmental appeal dated 11.04.2016 which was rejected by the authority on 18.04.2016, hence, the instant service appeal on-13.05.2016.

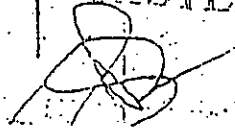
ATTESTED

ARGUMENTS

3. Learned counsel for the appellant argued that he joined Agriculture Department as Field Assistant (BPS-6) on 11.08.1982 and subsequently the post of up-graded to BPS-9. He was promoted to the post of Soil Conservation Inspector (BPS-11) vide order dated 27.03.2014. As per method of recruitment notified on 28.03.1997 25% quota is earmarked for promotion as Soil Conservation Assistant (BPS-17) on the basis of seniority-cum-fitness from amongst Soil Conservation Inspector. According to the seniority list issued in 2013 the name of the appellant was reflected at Sr.no.4; while officials at Sr.no. 1 to 3 were promoted as Soil Conservation Assistant BPS-17 under the aforementioned quota. The appellant is at the top of the seniority list. That Mr. Aziziullah Khan Soil Conservation Assistant BPS-17 retired from service on 12.05.2015 and as such a post falling to the share of promotion quota is vacant/ available. Though the appellant is at the top of the seniority list but was not considered for promotion despite submission of departmental appeal.

4. On the other hand learned District Attorney argued that the government of Khyber Pakhtunkhwa granted service structure to the Field Assistant of Agriculture Department by up-grading the post of Field Assistant BPS-6 to BPS-9 and created a new tier/cadre of Supervisor BPS-14. Soil Conservation Assistant BPS-11 will be promoted to the post of Supervisor BPS-14. When he was confronted whether the notification to this effect has been issued he informed that the same has not been issued so far? Moreover, amendments in service rules are under process.

ATTESTED



CONCLUSION

5. Careful perusal of record would reveal that though a new post of Supervisor BPS-14 has been created but notification to this effect has not been issued so far. Amendments in service rules are yet to be notified by the respondents. It is abundantly clear that in vogue service rules are still in the field. This has not been denied by the respondents in their para wise comments or learned District Attorney during the course of his arguments. A post of Soil Conservation Assistant (BPS-17) is lying vacant since 12.05.2015. It is meant for 25% quota reserved for Soil Conservation Inspector to be promoted as Soil Conservation Assistant (BPS17). The appellant is eligible for promotion against the said post. It has not been denied by the official respondents. We are of the view that it is a clear cut case of arbitrary use of official authority, injustice and the appellant is being denied the right of promotion on flimsy grounds.

6. As a sequel to above, the appeal is accepted and the may be considered for promotion as Supervisor BPS-14 against the available post. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN)
MEMBER

(MUHAMMAD RAMID MUGHAL)
MEMBER.

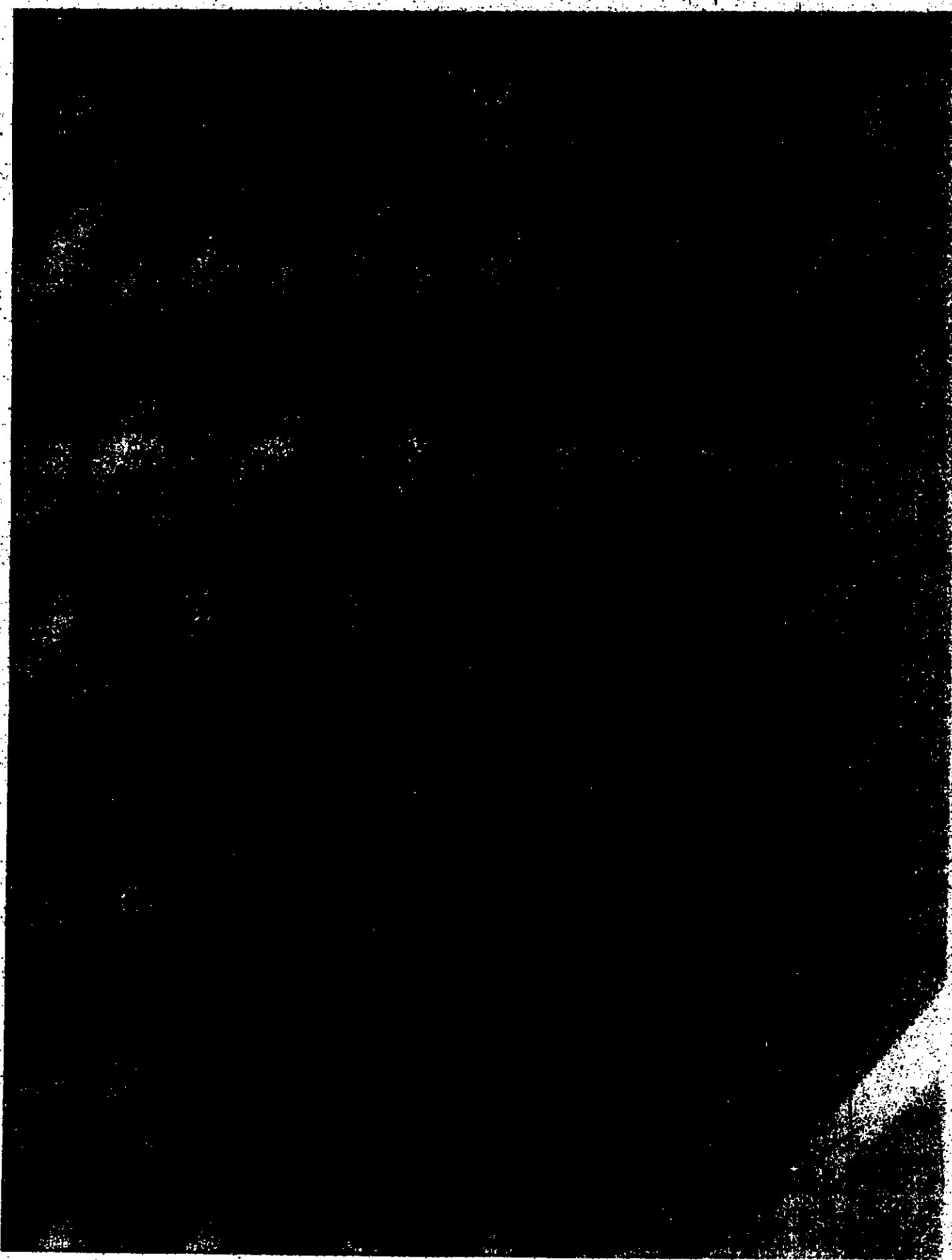
ANNOUNCED
10.01.2018

Certificate of Appointment
copy
Secretary

Date of Presentation: 23-01-18
 Number of Pages: 1200
 Copies: 8-0
 Upto: 2-0
 Total: 10-0
 Date of Entry: 23-01-18

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BEFORE THE HONOURABLE PESHAWAR HIGH COURT,

PESHAWAR

C.O.C. No. 2007/2019

In

W.P.No.96-P/2018

1. Hayat Khan, Naib Qasid BPS-3, Soil Conservation Agricultural Department Mardan, Khyber Pakhtunkhwa.
 2. Muhammad Abbas Naib Qasid BPS-3 Soil Conservation Agricultural Department Haripur, Khyber Pakhtunkhwa.
 3. Asad Ullah, Naib Qasid, Soil Conservation Agricultural Department Upper Dir, Khyber Pakhtunkhwa.
 4. Fazal Muhammad, Naib Qasid, Soil Conservation Agricultural Department Bathila Malakand, Khyber Pakhtunkhwa.....
- PETITIONERS

VERSUS

1. Mr. Israr, Secretary Agriculture, Civil Secretariat, Peshawar.
 2. Mr. Zahoor Khattak, Director General, Agriculture (Soil & Water Conservation), Khyber Pakhtunkhwa, Peshawar.
 3. Mr. Jamil ur Rehman, Director, Soil & Water Conservation, Mardan.
 4. Mr. Noor-ud-Dola, District Officer, Soil Conservation, Haripur.....
- RESPONDENT/CONTEMNORS

FILED TODAY
Deputy Registrar

08 MAR 2019

41 43

PESHAWAR HIGH COURT, PESHAWAR.
FORM "A"
FORM OF ORDER SHEET.

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	20.11.2019.	<p><u>COC No.200-P/2019 in W.P.No.96-P/2018.</u></p> <p><u>Present:-</u> Mr.Shah Faisal Ilyas, Advocate for the petitioner.</p> <p>Mr.Moeen-ud-Din Hamayun, A.A.G for respondents.</p> <p><u>LAL JAN KHATTAK, J:-</u> The latter stated that the petitioner would be considered alongwith other candidates for promotion against the post of Junior Clerk within a period of four months.</p> <p>2. In view of the above, this petition stands disposed of with direction to the respondents to live up to their commitment so made before this court and consider the petitioner alongwith others for the desired promotion within the above period.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

(In witness whereof)

HON'BLE MR.JUSTICE LAL JAN KHATTAK &
HON'BLE MR.JUSTICE AHMED ALI

IN FRONT OF THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR

Muhammad Abbas, Now called the
Sole Petitioner, Respondent
The Agricultural Department, Peshawar
Versus
The Government of Khyber Pakhtunkhwa
Agriculture, Civil Service, Peshawar
Office, General Agriculture, Peshawar
Organization, Office of Agriculture, Peshawar
Office, Khyber Pakhtunkhwa, Peshawar
Office, Khyber Pakhtunkhwa, Peshawar

SERVICE APPEAL NO. 123 OF THE
KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL ACT, 1974

Respectfully sheweth
That the petitioner is employed in the
That the petitioner was appointed
In the year 1974
That the petitioner is employed in the
That the petitioner is employed in the
OF THE AGRICULTURE DEPARTMENT, PESHAWAR

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

Khyber Pakhtunkhwa
Service Tribunal

5697

30-6-2020

Service Appeal No. 6338/2020



Muhammad Abbas, Naib Qasid (BPS-3)

Soil & Water Conservation,

Agricultural Department, Haripur. **APPELLANT**

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Agriculture, Civil Secretariat, Peshawar.
2. Director General Agriculture, (Soil & Water Conservation), Office at Agriculture Training Institute (A.T.I) Near Khyber Teaching Hospital, Peshawar.
3. Director, Soil & Water Conservation, Haripur.

.....**RESPONDENTS**

**SERVICE APPEAL U/S 4 OF THE
KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL ACT, 1974.**

RECEIVED
27/6/2020

Respectfully Sheweth:

Facts giving rise to the instant Appeal are as under:-

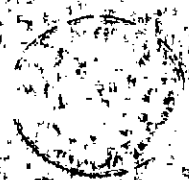
1. That the appellant was appointed as Naib Qasid (BPS-3) on 06.04.1993, in Soil & Water Conservation Department of Irrigation, at the time of appointment appellant was having the qualification of Matric. (Copy OF THE ACADEMIC CREDENTIALS ARE ANNEXED).

ATTESTED

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 6338/2020
Date of Institution: 30.08.2020
Date of Decision: 02.02.2022



Muhammad Abbas, Naib Qasid (BPS-09), Soil & Water Conservation, Agriculture Department Haripur (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Agriculture, Civil Secretariat, Peshawar and two others (Respondents)

MR. SHAH FAISAL IYAS
Advocate

For appellant

MR. NOOR ZAMAN KHATTAK
District Attorney

For respondents

MR. SALAH-UD-DIN
MS. ROZINA REHMAN

MEMBER JUDICIAL
MEMBER JUDICIAL

JUDGMENT

SALAH-UD-DIN, MEMBER: Through this single judgment we intend to dispose of instant service appeal as well as connected Service Appeal bearing No. 6339/2020 filed by Hayat Khan, Versus Government of Khyber Pakhtunkhwa through Secretary Agriculture, Civil Secretariat, Peshawar and two others as common questions of law and facts are involved in both the appeals.

2. Brief facts forming the background of the instant service appeal as well as connected service appeal mentioned above are that the appellants Muhammad Abbas, as well as Hayat Khan were appointed as Naib Qasids in Soil and Water

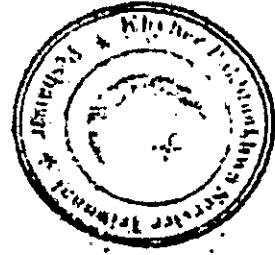
[Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 6338/2020

Date of Institution ... 30.06.2020

Date of Decision ... 02.02.2022



Muhammad Abbas, Naib Qasid (BPS-03), Soil & Water Conservation, Agriculture Department, Haripur.
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Agriculture, Civil Secretariat, Peshawar and two others.
... (Respondents)

MR. SHAH FAISAL ILYAS,
Advocate

For appellant.

MR. NOOR ZAMAN KHATTAK,
District Attorney

For respondents.

MR. SALAH-UD-DIN
MS. ROZINA REHMAN

MEMBER (JUDICIAL)
MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Through this single judgment we intend to dispose of instant service appeal as well as connected Service Appeal bearing No. 6339/2020 titled "Hayat Khan Versus Government of Khyber Pakhtunkhwa through Secretary Agriculture, Civil Secretariat, Peshawar and two others" as common questions of law and facts are involved in both the appeal.

2. Brief facts forming the background of the instant service appeal as well as connected service appeal mentioned above are that the appellants Muhammad Abbas as well as Hayat Khan were appointed as Naib Qasids in Soil and Water


ATTESTED

MEMBER (JUDICIAL)
KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL
PESHAWAR

... Department of ...
 ... 2008 ...
 ... in Salt and Water Conservation ...
 ... employees worked ...
 ... of the ...
 ... on 21 ...
 ... AG Rules, 1985 ...
 ... of Senior Clerk, but they were not ...
 ... they ...
 ... promotion to the post of Junior Clerk. In the meanwhile ...
 ... called for the posts in ... of Salt ...
 ... by 33% quota for the ...
 ... was reserved for Nali Qureshi. ...
 ... the ...
 ... AG that the ...
 ... will be fully ...
 ... No. 948-A/2017 filed by the ...
 ... approved of ...
 ... the ...
 ... Summary, ... 96-1/2018 filed by the ...
 ... was disposed of with the ...
 ... AG had stated at the ...
 ... however seniority ... was not prepared and ...
 ... would be ... for promotion to the post of ...
 ... Clerk, subject to availability of the ...
 ... being senior-most Nali Qureshi were ... to have been ...
 ... promoted to the post of Junior Clerks ...
 ... No. 948-A/2016, however they were ...
 ... ignored, therefore they read CCC in the ...
 ... August ...
 ... AG stated ...
 ... that the ...
 ... would be ... for promotion ...
 ... posts of Junior Clerks with ... of 12 months. Therefore,
 ... CCC Staff was ... with the ...
 ... the ...
 ... and considered ... others for ...
 ... with a period of 12 months. The ...

Conservation Wing (Agriculture Department) in the year 1993 and 2009 respectively. No Rules were formulated for promotion of employees in Soil and Water Conservation Wing, however so many employees working in Extension as well as Engineering Wings of the same Department were promoted on the basis of rules notified on 21 November 1983, in pursuance of Rule-3(2) of APT Rules, 1989. The appellants were eligible for promotion to the post of Junior Clerks but they were not promoted, therefore, they filed separate Writ Petitions seeking their promotion to the post of Junior Clerks. In the meanwhile, rules were notified for the posts in Directorate of Soil Conservation, whereby 33% quota for promotion to the post of Junior Clerk was reserved for Naib Qasids, Chowkidars and Sweepers on the basis of seniority-cum-fitness. Upon commitment of learned AAG that the aforementioned quota will be fully observed in future, the Writ Petition No. 946-A/2017 filed by the appellant Muhammad Abbas was disposed of with the directions that the respondents shall fully observe and implement the 33% quota in letter and spirit. Similarly, Writ Petition No. 96-P/2018 filed by the appellant Hayat Khan, was disposed of with the observations that learned AAG had stated at the bar that rules were though framed, however seniority list was not prepared and that the appellant would be considered for promotion to the post of Junior Clerk, subject to availability of post. The appellants, being senior most Naib Qasids were required to have been promoted to the post of Junior Clerks under the rules notified vide Notification dated 18.04.2018, however they were ignored, therefore, they filed COC in the august Peshawar High Court, Peshawar. On 20.11.2019, learned AAG stated before the worthy High Court that the appellants alongwith other candidates would be considered for promotion against the posts of Junior Clerks within a period of 04 months, therefore, COC Petition was disposed of with the directions to the respondents to live up to their commitment so made before the court and consider the appellants alongwith others for desired promotion within a period of 04 months. The order of

ATTESTED


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Waziristan Peshawar High Court respondents and posts for junior clerks despite the fact that no promotion to these posts was made by the department since the establishment of appellants filed another writ petition on 27/07/2019 which was disposed of on 19/08/2019 with the injunctions directed respondents to fully observe and implement the promotion policy of 53% quota reserved for class 'B' employees in district and district. The grievance of the appellants was still not addressed by the respondents. Further, the amendments introduced in the rules and categories of field grades and Khalasis were also included in the categories of employees eligible for promotion to the posts of junior clerks. The appellants then filed CEC petition in the Peshawar High Court Peshawar which was disposed of with orders dated 18.03.2020 with the observations that the appellants civil servants and the controversy agitated in the writ petition pertained to promotion, therefore the High Court was having no jurisdiction in the matter. It was held that the appellants would, however be at liberty to approach the High Court against any action of respondents detrimental to their rights. The appellants then filed separate departmental appeals which were not responded within the statutory period of 90 days, therefore the appellants preferred instant connected service appeal to redressal of their grievances. Notices were issued to the respondents who submitted their comments wherein they refuted the assertions made by the appellants in their appeals. Learned counsel for the appellants has contended that the appellants being senior most valid candidates were having prescribed educational qualification and were eligible for promotion to the posts of junior clerks but the appointments were not made despite availability of seats. The appellants filed various writ petitions and appeals and finally the writ petition dated 19/07/2018 was dismissed with costs. The respondents therein filed appeals in Peshawar High Court.

worthy Peshawar High Court was, however flouted by the respondents and posts of Junior Clerks were advertised despite the fact that no promotion to the post of Junior Clerk was made by the department since its establishment. The appellants filed another Writ Petition No. 3271-P/2019, which was disposed of on 19.08.2019 with the directions to the respondents to fully observe and implement the promotion policy of 33% quota reserved for Class-IV employees, in letter and spirit. The grievance of the appellants was still not redressed by the respondents rather they introduced amendments in the rules and categories of Field Watchers and Khalasis were also included in the categories of employees eligible for promotion to the post of Junior Clerks. The appellants thus filed COC Petition in the august Peshawar High Court, Peshawar, which was disposed of vide order dated 18.03.2020 with the observations that the appellants were civil servants and the controversy agitated in the Writ Petition pertained to promotion, therefore, the High Court was having no jurisdiction in the matter. It was further held that the appellants would, however be at liberty to approach the proper forum, against any action of respondents, detrimental to their rights. The appellants then filed separate departmental appeals, which were not responded within the statutory period of 90 days, therefore, the appellants preferred instant as well as connected service appeal for redressal of their grievance.

3. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellants in their appeals.

4. Learned counsel for the appellants has contended that the appellants being senior most Nalb Qasids were having prescribed educational qualification and were eligible for promotion to the post of Junior Clerks but their promotions were not made despite availability of seats; that the appellants filed various Writ Petitions and after adopting of rules notified vide Notification dated 18.04.2018, it was committed by the respondents before the august Peshawar High Court that the

ATTESTED


 Khayal P. Akhbar
 Senior Advocate
 Peshawar


promotions to the post of Junior Clerk shall be made in compliance of the said rules but later on the respondents introduced amendments in the rules by inclusion of Field Watchers and Khalasis in the category of Class-IV for promotion to the post of Junior Clerk, thereby depriving the appellants of their due rights of promotion; that the impugned amendments in the rules have been made with mala-fide intention for the purpose of defeating the order dated 08.11.2018 passed by august Peshawar High Court, Abbottabad Bench in Writ Petition No. 946-A/2017 filed by the appellant Muhammad Abbas; that the respondents were required to have circulated the impugned amendments before notifying its, however the same were kept secret with mala-fide intention; that each cadre post has its own seniority and promotion quota, therefore, including of Field staff with office cadres is ultra vires of service law/rules; that the right of the appellants for their promotion to the post of Junior Clerk had already matured prior to the impugned amendments in the concerned rules, therefore, the same are ineffective upon the rights of the appellant and are liable to be struck down.

5. On the other hand, learned District Attorney for the respondents has contended that according to newly framed Service Rules of Directorate of Soil and Water Conservation, 33% quota for promotion of Class-IV employees to the post of Junior Clerk is observed strictly and three Class-IV employees have already been promoted vide order dated 21.10.2020; that the appellants as per their seniority position in the seniority list of Class-IV employees shall be considered for promotion on their turn; that the impugned amendments in the Service Rules were made as per policy/rules of the Provincial Government, therefore, the appellants are having no *locus standi* to challenge the same.

6. Arguments heard and record perused.

7. The appellants are serving on the posts of Naib Qasid in Soil and Water Conservation Department. The appellant Muhammad Abbas filed Writ Petition No. 946-A/2017, seeking

ATTESTED


 JAMINEH
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

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...ion to the post of Junior Clerk was disposed of by order of the High Court of Sindh, Hyderabad Bench vide order dated 09.11.2018, which is reproduced as below:

1. Through this petition, the petitioner seeks his promotion as Junior Clerk against 33% quota reserved for Class IV employees.

2. Perusal of the record would reveal that vide Notification dated 18.01.2018, 33% quota for promotion to the post of Junior Clerk has been reserved for the Qasids, Chowkidars and 15% thereof on the basis of seniority-cum-finesse learned counsel for the petitioner did not press this petition any more.

3. In view of the above, the petition is disposed of with notice respondents to fully observe and implement the 33% quota in letter and spirit.

8. Similarly, Writ Petition No. 359/2018, filed by appellant Hayat Khan for his promotion to the post of Junior Clerk, was disposed of by order of the High Court of Sindh, Hyderabad Bench vide order dated 18.11.2018, the relevant portion of which is reproduced as below:

When the case was taken up for hearing, learned counsel for the petitioner has framed the issues in this regard. At the moment, seniority list has not been prepared for the purpose. Further, it is deposed that matter is in pipeline though as and when completed, petitioner will be considered for promotion to the post of Junior Clerk, subject to availability of post. Learned counsel for the petitioner when confronted with the situation, he also withdrew the same.

While going through the record, it is observed that the High Court of Sindh, Hyderabad Bench in the above mentioned writ petition, vide order dated 18.11.2018, has disposed of the writ petition of the appellants. It is crystal clear that the High Court of Sindh, Hyderabad Bench vide Notification dated 18.11.2018, has reserved 33% quota for promotion to the post of Junior Clerk.

promotion to the post of Junior Clerk. The aforementioned writ petition was disposed of by august Peshawar High Court, Abbottabad Bench vide order dated 08.11.2018, which is reproduced as below:-

"Through this petition, petitioner seeks his promotion as Junior Clerk against 33% quota reserved for Class-IV employees.

2. Perusal of the record would reveal that vide Notification dated 18.04.2018, 33% quota for promotion to the posts of Junior Clerks has been reserved for the Naib Qasids, Chowkidars and Sweepers on the basis of seniority-cum-fitness. Learned AAG submitted at the bar that the prescribed quota will be observed in future on which learned counsel for the petitioner did not press this petition anymore.

3. In view of the above, this petition stands disposed of with directions to the respondents to fully observe and implement the 33% quota in letter and spirit."


8. Similarly, Writ Petition No. 96-P/2018, filed by the appellant Hayat Khan for his promotion to the post of Junior Clerk was disposed of by august Peshawar High Court, Peshawar vide order dated 18.12.2018, the relevant portion of which is reproduced as below:-

"When the case was taken up for hearing, learned AAG stated at the bar that rules in this regard has been framed but at the moment seniority list has not been prepared for the purpose. Further deposed that matter is in pipeline, though as and when completed petitioner will be considered for promotion to the post of Junior Clerk, subject to availability of post. Learned counsel for the petitioner when confronted with the situation, he also solicited the same.

3. With these observations, the petition in hand is disposed of."

9. While going through the orders so passed by august Peshawar High Court in the Writ Petitions filed by the appellants, it is crystal clear that the rules notified vide Notification dated 18th April 2018 were made applicable for

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal

The first part of the document is a letter from the Secretary of the State of New York to the Governor, dated January 1, 1914. The letter discusses the proposed amendments to the State Constitution, which were adopted by the Legislature in 1913. The Secretary notes that the amendments are designed to improve the government and to provide for a more efficient and economical administration. He also mentions that the amendments have been approved by the people in a referendum held on November 4, 1913.

The second part of the document is a report from the State Board of Education, dated January 1, 1914. The report discusses the progress of the State's educational system during the year 1913. It notes that the system has made significant progress in the past few years, and that the State is now in a position to provide a high quality of education for all of its citizens. The report also mentions that the State has made considerable progress in the field of vocational education, and that it is now in a position to provide training for a wide variety of occupations.

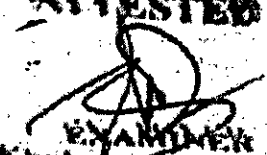
The third part of the document is a report from the State Board of Civil Service, dated January 1, 1914. The report discusses the progress of the State's civil service system during the year 1913. It notes that the system has made significant progress in the past few years, and that the State is now in a position to provide a high quality of service for all of its citizens. The report also mentions that the State has made considerable progress in the field of public administration, and that it is now in a position to provide training for a wide variety of public service occupations.

The fourth part of the document is a report from the State Board of Charities, dated January 1, 1914. The report discusses the progress of the State's charitable system during the year 1913. It notes that the system has made significant progress in the past few years, and that the State is now in a position to provide a high quality of care for all of its citizens. The report also mentions that the State has made considerable progress in the field of social work, and that it is now in a position to provide training for a wide variety of social service occupations.

The fifth part of the document is a report from the State Board of Health, dated January 1, 1914. The report discusses the progress of the State's health system during the year 1913. It notes that the system has made significant progress in the past few years, and that the State is now in a position to provide a high quality of health care for all of its citizens. The report also mentions that the State has made considerable progress in the field of public health, and that it is now in a position to provide training for a wide variety of public health occupations.

Initial recruitment/promotion to various posts in the Directorate of Soil and Conservation Department. According to serial No. 18 column No. 05 of the said rules, 33% posts of Junior Clerk were to be filled on basis of seniority-cum-fitness from amongst the Naib Qasids, Chowkidars and Sweepers with two years service as such, who have passed Secondary School Certificate from recognized Board. Admittedly, not a single post of Junior Clerk was filled through promotion till the rules notified vide Notification dated 18.04.2018. The appellants were serving as Naib Qasids and were having the prescribed educational qualification, therefore, respondents were required to have considered them for promotion on the basis of the rules notified vide Notification dated 18th April 2018 but promotions to the posts of Junior Clerks were delayed and in the meanwhile, vide Notification dated 18.09.2019, column No. 05 of serial No. 18 of the rules notified vide Notification dated 18.04.2018 was amended and categories of Field Watchers and Khalasis were also included in the category of employees for 33% quota of promotion to the post of Junior Clerk. The amendment so introduced vide impugned Notification dated 18.09.2019 affected seniority of the appellants adversely and their prospects for promotions were also affected adversely for the reason that Field Watchers and Khalasis were also included in the category of employees to be considered for promotion to the post of Junior Clerk. It is well settled that any amendment which deprives a person of his right has to be construed prospectively. August Supreme Court of Pakistan in its judgment reported as 2012 SCMR 965 has observed as below:-

"8. The argument of the learned counsel for the appellant that such an approach of the Tribunal was against the spirit of the amended rule, is misconceived. The rule does not permit the department to overlook the rights of the employees created under the law by applying the amended rule to extend benefits to those who were not in run at the time when the right of the respondents for promotion was matured, but on account of unexplained reasons they were not

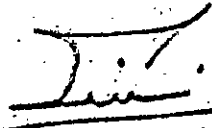
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EXAMINER
 Chyhor Rukhtakhy
 Service Tribunal

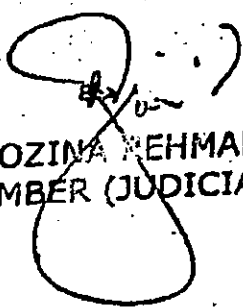
considered for promotion inspite of the fact that their names were mentioned in the seniority list besides the availability of the vacancies".


While seeking wisdom from the judgment of august Supreme Court of Pakistan reported as 2012 SCMR 965, we are of the view that the amendments introduced vide Notification dated 18.09.2019 could not be made applicable to the appellants, as they were entitled to be dealt with for their promotion to the posts of Junior Clerk under the rules notified vide notification dated 18.04.2018.

10. In light of the above discussion, respondents are directed to consider the appellants for their promotion to the posts of Junior Clerk on the basis of rules notified vide Notification dated 18.04.2018 as existed prior to amendments made vide Notification dated 18.09.2019. The appeal in hand as well as connected Service Appeal bearing No. 6339/2020 titled "Hayat Khan Versus Government of Khyber Pakhtunkhwa through Secretary Agriculture, Civil Secretariat, Peshawar and two others", are disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
02.02.2022


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(ROZINA REHMAN)
MEMBER (JUDICIAL)

Certified in future copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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NOTIFICATION

In pursuance of section-8(1) of Khyber Pakhtunkhwa civil servant act, 1973 read with rules 17 of Khyber Pakhtunkhwa civil servant (appointment promotion and transfer) rules 1989 final seniority list of class-iv (Naib Qasid, Chowkidar, field watcher, khalasi and sweeper) as of directorate general soil and water conservation Khyber Pakhtunkhwa as it stood on 01-05-2023

S.No	Name	Designation	Qualification	CNIC No	Date of Birth	Home District	Date of 1 st appointment	Date of present position
1.	Sami Ullah	Field Watcher	F.A.	15602-0262953-5	15-03-1974	Swat	07-06-1990	07-06-1990
2.	Asmat Nawaz	Field Watcher	F.A.	13301-1320470-5	01-01-1971	Haripur	01-08-1993	01-06-1995
3.	Mukhtiar Ahmad	Chowkidar	F.A.	16202-0898252-9	20-07-1979	Swabi	06-12-2004	06-12-2004
4.	Amjad Ali	Field Watcher	F.A.	15402-7826612-3	11-02-1987	Malakand	09-03-2005	05-11-2013
5.	Shabab Hussain	Field Watcher	B.A.		18-03-1986	Hangu	01-07-2006	01-07-2006
6.	Habib ur Rehman	Field Watcher	M.A.	12201-1485172-9	08-09-1988	Tank	27-10-2008	01-11-2008
7.	Mushtaq Ahmed	Field Watcher	F.A.	12201-1867995-3	08-08-1988	Tank	27-10-2008	01-11-2008
8.	Noor Aslam	Field Watcher	F.A.	12201-8025725-1	01-03-1989	Tank	27-10-2008	01-11-2008
9.	Azeem Khan	Field Watcher	B.A.	15402-5816668-7	16-06-1972	Malakand	04-11-2008	04-11-2008
10.	Taj Ali	Field Watcher	F.A.	17201-2298356-5	11-04-1977	Nowshera	15-04-2009	15-04-2009
11.	M. Kamran	F/Watcher	F.A.	12101-0375691-9	10-05-1986	D.I.Khan	01-07-2009	08-01-2015
12.	Fahim Khan	F/W	F.A.	17301-0670024-9	30-04-1985	Peshawar	07-12-2009	01-03-2012
13.	Hayat Khan	Naib Qasid	FA	16101-9527502-1	12-01-1983	Mardan	09-12-2009	01-12-2010
14.	Abdul Malik	Chowkidar	BBA (hons)	13504-3404360-3	05-02-1991	Mansehra	14-01-2010	14-01-2010
15.	Ajmal Hussain	Field Watcher	F.A.	15302-0845902-1	07-03-1989	Dir Lower	01-02-2010	
16.	Abdul Waheed Khan	F/W	D.Com	17301-3417825-9	25-10-1984	Peshawar	20-09-2011	23-10-2018
17.	Sohail Anjum	Naib Qasid	F.A.	13503-8172420-5	11-04-1983	Mansehra	23-10-2013	23-10-2013
18.	Fazal Mohammad	Chowkidar	F.A.	14301-1979753-3	13-06-1978	Malakand	06-03-2014	06-03-2014
19.	Mustafa Kamal	Naib Qasid	Missing		18-04-1983	Shangla	21-03-2014	21-03-2014
20.	Fazal Haq	Chowkidar	B.A.	15306-3685480-9	02-05-1983	Dir Lower	26-11-2014	26-11-2014
21.	Asad Ullah	Naib Qasid	B.A.	15701-2291214-3	08-02-1992	Dir Upper	24-02-2015	16-02-2015
22.	Shamsul Hassan	F/W	F.A.	15201-6816377-3	03-03-1991	Chitral	01-04-2015	01-04-2015
23.	Taj Nabi	Field Watcher	F.A.	42101-8774454-3	04-01-1989	Torghar	31-07-2015	03-08-2015
24.	Zakirullah	Field Watcher	F.A.	13502-6816222-7	04-03-1991	Torghar	31-07-2015	03-08-2015
25.	Anwar Ali	Field Watcher	F.A.	16202-0861078-7	15-02-1983	Swabi	01-11-2015	01-11-2015

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26.	Raj Mohammad	Field Watcher	F.Sc					
27.	Sheryar Ahmad	Field Watcher	B.Sc	15402-7462757-3	04-02-1987	Malakand	09-12-2015	09-12-2015
28.	Minhajudin	Chowkidar	B.A	15607-0362542-7	15-02-1997	Swat	31-08-2017	31-08-2017
29.	Haris Hussain	Field Worker	F.SC			Hangu	14-10-2017	
30.	Mohammad Qaiser	Chowkidar	F.A	17201-7968349-1	29-04-1997	Nowshera	13-11-2017	13-11-2017
31.	Muhammad Noman	Naib Qasid	MBA	13101-3425879-7	24-02-1984	Abbottabad	02-07-2018	02-07-2018
32.	Naveed Anjum	Field Watcher	MA Islamiyat	13503-1368730-7	26-02-1989	Manshra	06-12-2018	06-12-2018
33.	Haidar Hayat	Field Watcher	F.A	12101-8771738-1	02-04-1985	D.I.Khan	24-06-2019	24-06-2019
34.	Kashif Shah	Chowkidar	F.SC	14202-9780799-7	30-05-1991	Karak	23-07-2019	23-07-2019
				17301-2575897-9	10-03-1999	Peshawar	23-09-2019	23-09-2019

Director General
Soil & Water Conservation
Khyber Pakhtunkhwa

1-5-23

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To,

The Secretary Agriculture,
Civil Secretariat, Peshawar.

Subject: DEPARTMENTAL APPEAL FOR GIVING SAME BENEFITS OF PROMOTION AS JUNIOR CLERK (BPS-11) AS GIVEN TO THE COLLEAGUES OF APPELLANT being ELIGIBLE/ FIT IN ALL RESPECTS.

Respectfully Sheweth:

Facts giving rise to the instant Department Appeal are as under:-

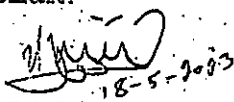
1. That the appellant was appointed as Chowkidar in the year 2014 in Soil & Water Conservation Department Malakand at Batkhela. The appellant is having qualification of F.A.
2. That in Soil & Water Conservation Wing, there were no Rules for promotion, however, in the same Department of other wings such as Extension, Water Management, Fisheries and Engineering dozens of persons were promoted on the strength of Rules notified on 21st November, 1983, in pursuance of the provision of Rule 3(2) of APT Rules, 1989.
3. That in order to get the same relief on the ground of discrimination, appellant filed a writ petition before the Hon'ble Peshawar High Court, and thereafter respondents department notified their own Rules and thus appellant was promised to be promoted on the strength of those Rules.
4. That in violation of Rules and judgment of Peshawar High Court, appellant was not treated as per framed Rules. Thus two of the petitioners filed departmental appeal before your good-self and then filed Service Appeal before the hon'ble Service Tribunal which was allowed.

5. That a single promotion was not made since the formation of the department and now it was the due right of the appellant to be promoted on the strength of Rules under the prescribed 40% quota.
6. That amendments to the Rules of promotion were made, despite the fact that at the time of disposal of writ petitions and COCs the Rules of 2018 were applicable.
7. That now total 42 sanctioned posts of Junior Clerk do exists in the department and the appellant is quite eligible to be promoted because the two co-employees Hayat and Abbas were already issued promotion order on 07.12.2022 under 40% Quota of Promotion under the old Rules of 2018.

It is, therefore, humbly requested that on acceptance of this Departmental Appeal;

- i. Direct the authority to comply with the 40% ratio of promotion under 2018 Rules which is not observed since formation of department which comes 17 out 42.
- ii. Any other relief, not specifically asked for, which your honour deems fit and appropriate may also be granted in favour of appellant.

Appellant



Fazal Muhammad
S/o Gul Muahmmad
Chowkidar (Class-IV)
at Office of Director Soil,
Water Conservation Department,
Malaknd Batkhela
Cell: 0345-9270765

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WAKALATNAMA

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Fazal Muhammad

Plaintiff(s)
Petitioner(s)
Complainant(s)

VERSUS

Govt of KPK

Defendant(s)
Respondent(s)
Accused(s)

By this, power-of-attorney I/we the said APPELLANT in the above case, do hereby constitute and appoint **SHAH FAISAL ILYAS** Advocate **Supreme Court** as my attorney for me/us in my/our name and on my/our behalf to appear, plead, give statement, verify, administer oath and do all lawful act and things in connection with the said case on my/our behalf or with the execution of any decree or order passed in the case in my/our favour/against which I/we shall be entitled or permitted to do myself/ourselves, and, in particular, shall be entitled to withdraw or compromise the case or refer it to arbitration or to agree to abide by the special oath of any person and to withdraw and receive documents and money from the Court or the opposite party and to sign proper receipts and discharges for the same and to engage and appoint any other pleader or pay him as his fee irrespective of my/our success or failure in case, provided that, if the case is heard at anyplace other than the usual place of sitting of the Court the pleader shall not bound to attend except on my agreeing to pay him a special fee to be settled between us.

Signature of Client

[Handwritten Signature]

Accepted.

[Handwritten Signature]

Shah Faisal Ilyas
Advocate Supreme Court
0300-5850207
BC-09-1400

Fazal Muhammad