
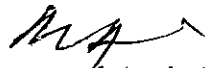


05.07.2018

Appellant in person, Mr. Sardar Shoukat Hayat, Additional AG alongwith Mr. Manzoor Hussain, Assistant for official respondents No. 1 to 3 and private respondent No. 4 with counsel present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 20.08.2018 before S.B.

  
(Ahmad Hassan)  
Member

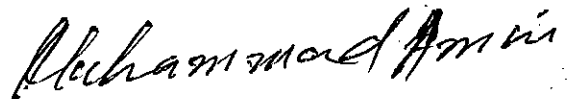
  
(Muhammad Amin Kundi)  
Member

*I want to work my  
Return (Appel)  
20.08.2018*

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted application for withdrawal of the instant appeal on the ground mentioned in the application. Application is placed on record. In this regard signature of learned counsel for the appellant was also obtained at the margin of order sheet as a token of proof. Accordingly the instant appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED  
20.08.2018

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member


29.12.2017

Junior to counsel for the appellant and Usman Ghani, District Attorney alongwith Mr. Kamran, Head Clerk and private respondent no.4. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 26.02.2018 before D.B.

26.02.2018

Junior to counsel for the appellant present. Mr. Riaz Paindakhel, Assistant AG and junior counsel for private respondents No. 4 present. Junior to counsel for appellant seeks adjournment as his senior counsel is not available today. Adjourned. To come up for arguments on 20.04.2018 before D.B.


  
(Gul Zeb Khan)  
Member

  
(M. Hamid Mughal)  
Member

20.04.2018

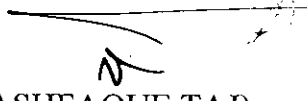
Counsel for the appellant and Addl:AG alongwith Mr. Manzoor Hussain, Assistant for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 05.07.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

15.03.2017

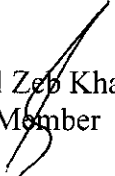
Appellant in person, Mr. Ziaullah, GP alongwith Dr. Bismallah Jan, Soil Conservation Assistant for official respondents and private respondent No. 4 in person present. Appellant requested for adjournment. To come up for arguments on 22.06.2017 before D.B.

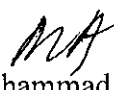
  
(ASHFAQUE TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

22.06.2017

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney and counsel for private respondent No. 4 also present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 25.09.2017 before D.B.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

25.09.2017

Appellant in person and Asst:AG alongwith Mr. Khalid Gohar, Deputy Director for official respondents and private respondent no.4 in person present. Since learned Member (Mr. Ahmad Hassan) is on leave, therefore, arguments could not be heard. To come up for arguments on 29.12.2017 before D.B.

  
Chairman

05.04.2016

Appellant in person and Dr. Bismillah Jan, Soil Conservation Assistant alongwith Mr. Usman Ghani, Sr. GP and private respondent No.4 in person present. Appellant requested for adjournment. To come up for rejoinder/arguments on 19.07.2016.


  
Member

19.07.2016

Counsel for the appellant and Dr. Bismillah Jan, Soil Conservation Assistant alongwith Mr. Muhammad Jan, GP for official respondents No. 1 to 3 present. Learned counsel for the appellant requested for adjournment to file rejoinder. Request accepted. To come up for rejoinder and arguments on

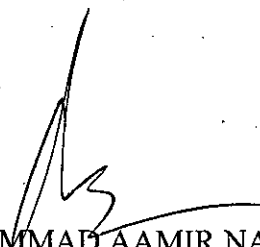
8-11-16

  
MEMBER

  
MEMBER

08.11.2016

Counsel for the appellant, Dr. Bismillah Jan, Soil Conservation Assistant alongwith Asst: AG and private respondent No.4 in person present. Counsel for the appellant the appellant requested for time to file rejoinder. To come up for rejoinder and arguments on 15.03.2017.

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

  
(PIR BAKHSH SHAH)  
MEMBER

5

24.08.2015

Appellant in person and Mr. Saminullah, Jan, District Officer alongwith Addl: A.G for official respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 10.11.2015 before S.B.

  
Chairman

10.11.2015

Appellant in person, Mr. Bismillah Jan, Soil Conservation Assistant alongwith Addl: A.G for official respondents No. 1 to 3 and private respondent No. 4 present. Written reply on behalf of private respondent No. 4 submitted while official respondents requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by official respondents No. 1 to 3 from their own pockets. To come up for written reply/comments and cost on behalf of official respondents No. 1 to 3 on 22.12.2015 before S.B.

  
Chairman

22.12.2015

Counsel for the appellant and Mr. Bismillah Jan, Soil Conservation Assistant alongwith Assistant AG for respondents present. Written reply submitted. Cost of Rs. 1000/- also paid and receipt thereof obtained. The appeal is assigned to D.B for rejoinder and final hearing for 5.4.2016.

  
Chairman

26.02.2015

None present for appellant. Notice be issued to counsel for the appellant for preliminary hearing for 01.04.2015 before S.B.

  
Chairman

3

01.04.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Chowkidar since 4.12.2004 and was entitled to be promoted as Field Watcher in preference to Mr. Naeem Khan, respondent No. 4 junior to appellant. That against the impugned order dated 21.8.2013 appellant preferred 1<sup>st</sup> departmental appeal on 20.9.2013 which was rejected on 30.10.2013 and the appellant was constrained to prefer 2<sup>nd</sup> departmental appeal on 3.12.2014 which was responded on 19.1.2015 and hence the present service appeal on 18.2.2015.

That the appellant was entitled to be considered for promotion in preference to respondent No. 4. In respect of time limitation places reliance on a reported case 2002 PLD SC page 84.

Points urged need consideration. Admit subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 23.6.2015.

  
Chairman

4

23.06.2015

Mr. Mushtaq Ahmed, brother of the appellant, M/S Samiullah Jan, District Officer, Farmanullah, AD alongwith Addl: A.G for official respondents No. 1 to 3 and private respondent No. 4 in person present. Requested for adjournment. To come up for written reply/comments on 24.8.2015 before S.B.

  
Chairman

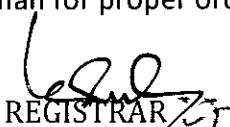

Appellant Deposited  
Security & Process Fee



Form- A  
FORM OF ORDER SHEET

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

Case No. 137/2015

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 18.02.2015                | <p>The appeal of Mr. Mukhtiar Ahmad presented today by Mr. Sohrab Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><br/>REGISTRAR</p> |
| 2     | 23-2-15                   | <p>This case is entrusted to Bench <u>F</u> for preliminary hearing to be put up thereon <u>26-2-15</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p>   |

**BEFORE THE SERVICE TRIBUNAL PESHAWAR**

Appeal no. 137/2015

**Mukhtiar Ahmad**

**VERSUS**

**District Officer Soil Conservation Swabi and others**

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|------|---|------------|-------|
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| 2.   | Application of condonation of delay alongwith affidavit   |            | 7-8   |
| 3.   | Copy of the office order dated 04/12/2007   | A          | 9     |
| 4.   | Copy of the office order dated 26/05/2004   | B          | 10    |
| 5.   | Copy of the FA Certificate  | C          | 11    |
| 6.   | Copy of order dated 22/09/2010  | D          | 12    |
| 7.   | Copy of ENDST No. 9028-30 dated 21/08/2013  | E          | 13    |
| 8.   | Copy of Department appeal   | F          | 14    |
| 9.   | Copy of the office order dated 30/10/2013   | G          | 15    |
| 10.  | Copy of 2 <sup>nd</sup> departmental appeal   | H          | 16    |
| 11.  | Copy of SOE (AD) VI-106/2014/SC/SWABI Dated: Peshawar the Jan 30/15 intimation form No. 97 dated 19/01/2015 | I and J    | 17-18 |
| 12.  | Copy of sernee foof of dem reserved order No. 121 dated 26/07/1987 and office order dated 29/10/2004        | K, L and M | 19-23 |
| 13.  | Wakalat Nama  |            | 24    |

Appellant

Through

**Sohrab Khan**

Advocate, High Court,  
Peshawar.

At Judicial Complex, Swabi.

Cell: 0312-9950363

0322-9950363



BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

Appeal No. 137/2015

Mukhtiar Ahmad son of Muhammad Srwar resident of village Saji Khel

Tehsil Topi District Swabi ----- Appellant

Versus

1. District officer Soil Conservation Swabi.
2. Director Soil Conservation K.P.K Peshawar.
3. Secretary Soil Conservation K.P.K Peshawar.
4. Mr. Naeem Khan<sup>1</sup> son of Masit Gul R/o Shahmansoor Gulati

P.W.P. Province  
Service Tribunal

Diary No. 139

Dated 18-2-2015

Field Watcher DO Soil Conservation Swabi

Tehsil & District Swabi.----- Respondents

=====

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL  
ACT 1973 AGAINST THE OFFICE ORDER NO 9028 -30/DSC  
DATED ON 21.08.2013 WHEREBY RESPONDENT NO.4 WHO  
IS JUNIOR THEN APPELLANT HAD PROMOTED AS FIELD  
WATCHER WHILE APPELLANT IGNORED BY THE  
RESPONDENT NO.1 TO 3 TO GIVE PROMOTION AGAINST  
THAT ORDER THE APPELLANT FILED TWO DEPARTMENT  
APPEAL DATED ON 20.09.2013 AND 03.12.2014 WHICH  
REMAINED UNRESPONDED DESPITE OF STATUTORY  
PERIOD OF 90 DAYS ,HENCE THIS APPEAL INTER ALIA ON  
THE FOLLOWINGS FACTS AND GROUNDS.

Filed to-day

Registered

18/2/15

PESHAWAR

Mukhtar Ahmad son of Muhammad Sagar resident of village Sar Khel

Tehsil Topi District Swabi ----- Appellant

Versus

- 1. District officer Soil Conservation Swabi
- 2. Director Soil Conservation K.P.K Peshawar
- 3. Secretary Soil Conservation K.P.K Peshawar
- 4. Mr Nazeem Khan son of Masit Gul Rio Shahrmanoor Gulal

Tehsil & District Swabi ----- Respondents

=====

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT 1973 AGAINST THE OFFICE ORDER NO 9028 -30/DSC DATED ON 21.08.2013 WHEREBY RESPONDENT NO.4 WHO IS JUNIOR THEN APPELLANT HAD PROMOTED AS FIELD WATCHER WHILE APPELLANT IGNORED BY THE RESPONDENT NO.1 TO 3 TO GIVE PROMOTION AGAINST THAT ORDER THE APPELLANT FILED TWO DEPARTMENT APPEAL DATED ON 20.09.2013 AND 03.12.2014 WHICH REMAINED UNRESPONDED DESPITE OF STATUTORY PERIOD OF 90 DAYS. HENCE THIS APPEAL INTER ALIA ON THE FOLLOWING FACTS AND GROUNDS.

Respectfully Sheweth;

1. That the appellant was appointed vide order No 427-39 dated on 04.12.2004 as chowkidar, through the deceased employee son policy. { Copy of office order No 427 -39 dated on 04.12.2004 } and office order No 1085/12 dated 26.05.2004 are annexure "A" & "B" }
2. That the appellant is intermediate i.e F.A pass and he service and appellant perform his duty .{ Copy of certificate of F.A is attached as annexure "C"} }
3. That a post of field watcher was vacated so many times and the appellant was apply for his promotion to that very post but Respondent NO.1 always told to appellant that chowkidar are promoted as field watcher purely on the basis of seniority. respondent No 1 told appellant that you are junior at this stage therefore you not legible for the post of field watcher.
4. That the respondent No~~4~~ was appointed as chowkidar vide office order No 897-900 dated 22.09.2010. { Copy of order No 897-900 dated 22.09.2010 is annexure "D" }
5. That the appellant is six years senior than respondent No.4

2 That the appellant is six years senior than respondent No 4

dated 25.02.2010 is annexure "D." }

order no 827-800 dated 25.02.2010 } copy of order no 827-800

4 That the respondent No.1 was appointed as Chowkidar vide office

order no 827-800 dated 25.02.2010 and the appellant

was promoted as field watcher purely on the basis of seniority

of respondent No.1 always told to appellant that Chowkidar are

not eligible for promotion to field watcher post but

3 That a post of field watcher was vacated so many times and the

attached as annexure "C." }

appellant perform his duty } copy of certificate of P.A. is

5 That the appellant is immediately P.A. of the respondent No.1

8 "B." }

and office order no 1082175 dated 28.02.2004 are annexure "A."

copy } copy of office order no 154 on 18.02.2004

of 15.2004 as Chowkidar through the deceased employee son

1 That the appellant was appointed vide order no 427-23 dated on

Respectfully Shewam:

3

6. That a post of field watcher was vacate once again and the appellant was applied for the said post .But appellant was ignored by the respondent No 1 to 3 once again where they promoted respondent No 4 vide endst No 9028-30 dated 21.08.2013 with collusion of each other. { Copy of Endst No 9028 -30 dated 21.08.2013 is attached as annexure "E" }

7. That the appellant file a departmental appeal dated on 20.09.2003 against the illegal promotion cadre change of respondent No.4 by the respondent No.3 . { Copy of departmental appeal of appellant is attached as annexure "F" }

8. That the reply of departmental appeal was given by the section officer ESTT vide office order No SOE (AD) VI -106/2013 dated on 30.10.2013 to appellant but no remedy granted to the appellant up till now . { Copy of office order NO SOE (AD/VI-106/2013 DT is attached as annexure "G" }

9. That the another department appeal was filed by the present appellant dated on 03.12.2014 before respondent No.3.  
{ Copy of 2<sup>nd</sup> departmental appeal is attached as annexure "H" }

10. That on the said department appeal the secretary government of Khyber Pakhtukhwa agricultural live stock and co-operative

Κυβερ. Εγκρίθηκαν ειδικότητες για stock and co-operative  
10. That on the said department appeal the secretary government of

"H")

{ Copy of 2<sup>nd</sup> departmental appeal is attached as annexure  
appeal dated on 03.12.2014 before respondent no 3.

9. That the another department appeal was filed by the present

attached as annexure "C".

in now { Copy of office order no 20E (AD) VI-10812013 DT is  
30.10.2013 to appellant but no remedy granted to the appellant up  
office ESTT vide office order no 20E (AD) VI-10812013 dated on

8. That the reply of departmental appeal was given by the section

applicant is attached as annexure "E".

the respondent no 2 { Copy of departmental appeal of  
against the illegal promotion cadre change of respondent no 4 by

7. That the appeal filed a departmental appeal dated on 20.02.2009

21.08.2013 is attached as annexure "E".

collision of each other { Copy of Enact no 2028 -30 dated  
respondent no 4 vide enact no 2028-30 dated 21.08.2013 with  
by the respondent no 1 to 3 once again where they promoted  
applicant was applied for the said post but applicant was ignored

6. That a post of field watcher was vacant once again and the

45

department No SOE (AD) VI -106/2014 /SC/Swabi dated on 30 Jun 2015. Through section officer Enstt KPK intimated / directed the matter to the D.G Soil KPK Peshawar in respect to the said letter the DG Soil submitted his reply vide office order No 97/DGSC dated 19.01.2015 in which he explain that there is no specific rules for promotion of chowkidar to field watcher because both are of same scale (BPS-01) but of different nature of duty hence the transfer of Mr. Muhammad Naeem respondent No4 from the post of chowkidar to field watcher is not against the rules, please.

**{ Copy of SOE (AD) VI-106/2014/SC/Swabi Dt Pesh the January 30/15 intimation form No 97 dated 19.01.15 is attached as annexure "I" }**

11. That the respondent No 1 to 3 did undue favour in the case of respondent No.4 while changing his post from chowkidar to field watcher as in near future he his more like to be promoted to the post of field assistant (PBS-09) which is violation of the fundamental right of the appellant as the post of chowkidar is not promotionable.

**{ Copy of Serntee foof of dem revsed order No 121 dated on 26.07.1987 , Office order No 3671 -75 dated 29.10.2004 are attached as annexure "J" "K" and "L" }**

In this regard a person namely Zainullah who was appointed as chowkidar later on he was promoted an field watcher dated on 26.07.1987. And then he was once again promoted to post of field

1987. And that he was once again promoted to post of field

on field promotion which was promoted as per letter dated 01/01/87

to the respondent. The respondent was also appointed as

{ Annexure "A", "B" and "C" }

1987. Office order no 3871 dt 01/01/87 is attached as

{ Copy of letter of field promotion order no 3871 dt 01/01/87

is enclosed

for a field promotion to post of field promotion as per letter dated 01/01/87

post of field promotion (PB-02) which is violation of the

rule of field promotion. It is more like to be promoted to the

post of field promotion from post of field promotion. It is

to be noted that the respondent no 1 to 3 did not have any objection

{ Annexure "D" }

1987. Information no 3871 dt 01/01/87 is attached as

{ Copy of letter of field promotion order no 3871 dt 01/01/87

is enclosed for the respondent's information.

It is noted that the respondent no 1 to 3 did not have any objection

to the promotion of field promotion to post of field promotion as per

letter dated 01/01/87. It is noted that the respondent no 1 to 3

did not have any objection to the promotion of field promotion to

post of field promotion as per letter dated 01/01/87.

The DC 201 submitted his reply to the office order no 3871 dt

01/01/87. The DC 201 KPK is attached in respect to the said letter

dated 01/01/87. Through section officer Engr. KPK informed & directed the

department, no 3871 dt 01/01/87 is attached as per letter dated 01/01/87



51

assistant (BPS-9) vide office order No 3671-75 dated on  
29.10.2014.

12. That feeling aggrieved of the unmerited /unlawful promotions of his juniors ignoring appellant of his legitimate right of promotion, he made and representation twice a time which has not been decided uptil now and mandatory stipulated period of 90 days for waiting the decision of the authority has since been elapsed. Since the respondent authorities are not prepared to listen to the genuine grievance of the appellant towards seniority and consequent promotion from the date when his junior is promoted hence this appeal inter alia on the following grounds .

#### Grounds

A. That the impugned order is illegal unconstitutional and void as initios and is liable to be set aside it is further averred that abuse of discretion by a public functionary violates Art 4 of constitution, appellant rights to be dealt with in accordance with law was violated which is granted in Art 4 of the constitution of Pakistan 1973.

B. That the respondents have also violated Art 25 and 27 of the constitution of the Islamic Republic of Pakistan 1973 which guarantees equality of all citizen and safeguard against discrimination in services.

discrimination in services.

Further, the impugned order is liable to be set aside on the ground of violation of the fundamental rights of the petitioner under Article 14 of the Constitution of India.

It is also submitted that the impugned order is liable to be set aside on the ground of violation of Article 14 of the Constitution of India.

1973

It is further submitted that the impugned order is liable to be set aside on the ground of violation of Article 14 of the Constitution of India. The impugned order is liable to be set aside on the ground of violation of Article 14 of the Constitution of India.

It is also submitted that the impugned order is liable to be set aside on the ground of violation of Article 14 of the Constitution of India.

1973

Further, the impugned order is liable to be set aside on the ground of violation of Article 14 of the Constitution of India.

It is further submitted that the impugned order is liable to be set aside on the ground of violation of Article 14 of the Constitution of India. The impugned order is liable to be set aside on the ground of violation of Article 14 of the Constitution of India.

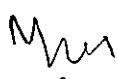
1973

It is also submitted that the impugned order is liable to be set aside on the ground of violation of Article 14 of the Constitution of India.

Handwritten marks and scribbles at the bottom left corner of the page.

- 6
- C. That great injustice has been done to the appellant by the respondents he has been left high and dry. Respondent No4 illegal promotion is the result of nepotism and killing of merit.
- D. That after no consideration was given by the respondents to the departmental representation. Appellant has come to this Honourable Tribunal to get justice.
- E. That appellant shall urge any other points at the time of arguments with the permission of this Honourable Tribunal .

It is premise it is respectfully prayed that upon acceptance of this appeal respondent No.4 promotion to the post of field watcher by the remaining respondent.

Dated 17. 02. 2015  Appellant

Through Counsel

  
Sohrab Khan Advocate  
High Court  
At Judicial Complex Swabi



*[Handwritten signature]*

At Judicial Complex Swabi  
High Court  
Sohrab Khan Advocate

Through Counsel

Dated 17.03.2018 At Swabi  
Respondent

to the post of field watcher by the remaining  
acceptance of this appeal respondent MOA promotion  
non part bar by requested as it is premise as it

arguments with the permission of this Honorable Tribunal

That appellant shall urge any other points at the time of

Honorable Tribunal to get justice.

departmental representation Appellant has come to this

That after no consideration was given by the respondents to the

illegal promotion is the result of nepotism and killing of merit

respondents he has been left high and dry. Respondent MOA

That great injustice has been done to the appellant by the

(7)

**BEFORE THE SERVICE TRIBUNAL PESHAWAR**

*Mukhtiar Ahmad*

**VERSUS**

*District Officer Soil Conservation Swabi and others*

**APPEAL UNDER SECTION 4 OF SERVICE**

**TRIBUNAL ACT, 1973.**

Subject: **APPLICATION FOR CONDONATION OF**  
**DELAY IF ANY.**

*Respectfully Sheweth,*

1. *That the above titled case has been filed today.*
2. *That the appellant is the subordinate of respondent No. 1.*
3. *That the respondent No. 1 told the appellant that in future any post will be vacated as Field Watcher, then I will adjust you, therefore, he will not go to the court against us that was the reason. I didn't come to this Honourable Court, in time and file a second departmental appeal*
4. *That there is no legal impediment in the condoned of delay, if any.*

***It is therefore, most humbly prayed that on acceptance of this application, the delay may kindly be condoned.***

Through

Applicant *Mun*

  
**SUHRAB KHAN**

*Advocate, High Court,*

*Peshawar.*

**BEFORE THE SERVICE TRIBUNAL PESHAWAR**

8

***Mukhtiar Ahmad***

**VERSUS**

***District Officer Soil Conservation Swabi and others***

**AFFIDAVIT**

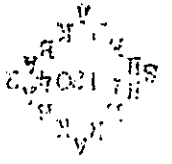
*I, Mukhtiar Ahmad Son of Muhammad Sarwar Resident of Village Sabi Khel, Tehsil Topi District Swabi, do hereby solemnly affirm and declare on oath that all the contents of instant condonation application are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated from this Honourable Court.*

*M*

**DEPONENT**



ATTESTED



*Handwritten signatures and initials.*

SECRETARY TO DISTRICT COMMISSION OFFICE, AMRITSAR

- 1. The District Coordination Officer Amritsar.
- 2. The District Accounts Officer Amritsar.
- 3. The District Officer Agriculture (Extn. Smtt.) Amritsar.
- 4. The District Commissioner Amritsar.
- 5. The District Officer.
- 6. The Controller.

Copy forwarded to:-

497-38/120 (Agri.) District Officer, Amritsar, the 4/12/2004.

District Coordination Officer Amritsar

1. The appointment will be partly on contract basis.
2. The appointment will be initially for three years however to be extendable subject to satisfactory performance.
3. They will be paid the salary in BS-1 (Gr. 1570-95-2200).
4. If they wish to resign, they will receive one month notice or will deposit one month salary in lieu of notice.
5. The posts are not pensionable.
6. They will have to produce a medical certificate at their own expense.
7. The Medical Superintendent District Hospital Amritsar will be required under the rules before joining the duty.
8. He JVA/DA will be allowed on account of joining duty.
9. They will be governed by such rules and orders relating to leave, travelling allowance medical attendance & pay etc. as may be issued by the Government for the category of Government servants to which they belong.
10. If they accept the post on those conditions they should report for duty within 15 days.
11. The offer will be considered as cancelled if no reply is received by 20.12.2004 or if they fail to report for duty up to the above date.

**TERMS & CONDITIONS:-**

1. Mr. Manoj Kumar S/O Gauri Sharma.
2. Mr. Rajesh Kumar S/O Gauri Sharma.
3. Mr. Rajesh Kumar S/O Gauri Sharma.
4. Mr. Rajesh Kumar S/O Gauri Sharma.
5. Mr. Rajesh Kumar S/O Gauri Sharma.
6. Mr. Rajesh Kumar S/O Gauri Sharma.
7. Mr. Rajesh Kumar S/O Gauri Sharma.
8. Mr. Rajesh Kumar S/O Gauri Sharma.

Appointed as Assistant District Officer of Amritsar.  
 Appointed as Assistant District Officer of Amritsar.  
 Appointed as Assistant District Officer of Amritsar.  
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 Appointed as Assistant District Officer of Amritsar.  
 Appointed as Assistant District Officer of Amritsar.  
 Appointed as Assistant District Officer of Amritsar.

**PERSONNEL**

OFFICE OF THE DISTRICT COORDINATION OFFICER, AMRITSAR.



*Handwritten marks and signatures.*

OFFICE OF THE  
DISTRICT COORDINATION OFFICER, SWABI.

No. 1085/11 HRDO Dated 26/5/2004.

(B)  
10

To : The Secretary,  
To Government of NWFP,  
Agriculture Livestock and Dairy Development, Department,  
Peshawar.

Subject: APPOINTMENT OF CLASS-IV.

Memorandum.

It is being brought into your kind notice that some vacancies of Field Workers / Chowkidars in BPS-1 were advertised (Annexure "A"). Subsequently, the Provincial Government vide SOS(P(E&AD)1-16/2003 dated 7/4/2004 (Annexure "B") imposed ban on fresh recruitment. However, the relaxation of ban is to be obtained from worthy Chief Minister, NWFP through the concerned Administrative Department. The Establishment Department was contacted to provide the list of surplus pool to be absorbed against the said vacancies and NOC was obtained (Annexure "C").

According to the schedule, interview was held on 4<sup>th</sup> May 2004 by the following selection committee constituted according to Establishment Department NWFP letter No. SOR.V(E&AD)1-2/02 dated 30/7/2003.

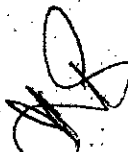
1. EDO Agriculture For Administrative Department because the representative of the Provincial Government did not attend inspite of written information and authorize the EDO (Agri) to represent the Provincial Government.

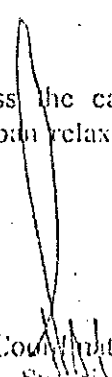
2. District Officer (Agriculture)
3. District Officer (Soil Conservation).
4. HRDO.

72 candidates were interviewed by the committee and after thorough scrutiny of credential and formal interview, the following candidates were recommended for appointment (Annexure "D"):-

1. Niaz Muhammad s/o Sultan Muhammad r/o Serai (Charbagh)
2. Gul Nawaz Khan s/o Wasal Khan r/o Kotha.
3. Fazal Subhan s/o Rasool Khan r/o kotha.
4. Zainul Wahab s/o Fazal Rehman r/o Sikandari.
5. Maqbool Ahmad s/o Sana Ullah r/o Marghuz
6. Sanaul Haq s/o Inam ul Haq r/o Marghuz (Retired son quota)
7. Mukhtiar Ahmad s/o Muhammad Sarwar r/o Topi (deceased son)
8. Abid Anwar s/o Faiz Muhammad r/o Dohobian (deceased son on the vacant post w.e.f 21/5/2004).

You are requested to kindly process the case so that formal approval of worthy Chief Minister NWFP is accorded for ban relaxation for the above appointments.

  
**ATTESTED**

  
District Coordination Officer,  
Swabi





OFFICE ORDER

(B)

19

In compliance of Deputy Secretary (Reg:III ) Govt of Khyber Pakhtunkhwa Establishment & Admn: Department (Regulation Wing) Notification No. FOR-V (E & ADD) 2-7/2003 dated Peshawar 01 November, 2006 under Chapter -B and on the selection of Departmental Selection Committee (District ) meeting held on 21-09-2010 in the office of the Undersigned Mr. Muhammad Naem S/o Maseet Gul of Shahmansoor, Mohallah Gulatai Tehsil and District Swabi is hereby appointed as Chowkidar (B-1) Grade RS :2970-90-5670/- with usual allowances (on regular contract basis) in the office of the District Officer Soil Conservation Swabi with immediate effect in the interest of public Service.

Salary etc will be drawn under head of account 04. Economic Affairs, 042 -Agriculture, Food, irrigation, Forestry, & Fishing, 0421-Agriculture 042103- Agriculture Research and Extension Service (SU-6154).

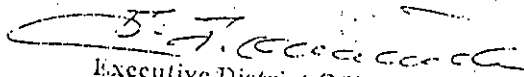
TERMS /CONDITIONS

1. The appointment is purely made on regular contract basis without Pension or Gratuity benefit etc and he will be entitled to contributory provident fund at such rates / manner as per prescribed by the Government form time to time.
2. He will be on probation period for 06 months after receipt of this office order.
3. He will be produce health and Medical certificate from the medical superintendent /DHQ Hospital, Swabi.
4. In case of resignation he will be bound to give one month prior notice to the Deptt: Or forfeited one month pay in lieu of to the Government.
5. If he accept the post on these condition, he should report for duty to the District officer Soil Conservation Swabi within 07 days after receipt of this office order and his services will be devoted to the Department for 24 Hours.
6. The Offer will be considered as Cancelled if no reply is received within stipulated period or he fail to report for duty upto the above date.

Sd/- Zahoor Ahmad Khattak  
E.D.O, Agriculture Swabi

No. 897-900 /EDO, Agriculture Dated Swabi the 22/9/2010

- Copy to:
1. The District Coordination Officer Swabi.
  2. The District Accounts Officer Swabi.
  3. The District Officer Soil Conservation Swabi.
  4. Mr. Mohammad Naem S/o Maseet Gul of Shahmansoor Tehsil and District for Swabi necessary action.

  
Executive District Officer  
Agriculture Swabi

**ATTESTED**

OFFICE ORDER

(E)

420  
-13-

Mr. Muhammad Nacem Chowkidar office of the District Officer Soil Conservation, Swabi is adjusted against the vacant post of field Watcher in the office of District Officer, Soil Conservation, Swabi with immediate effect in the interest of public service.

Sd/-  
Director  
Soil Conservation  
Khyber Pakhtunkhwa  
Peshawar.

Endst.No. 9028-30 /DSC,

Dated at Pesh. the 21/8 /2013

Copy forwarded to:-

1. ✓ The District Officer Soil Conservation, Swabi.
2. ✓ The District Accounts Officer, Swabi.
3. Official concerned,

For information and necessary action.

*Bullat*  
Director  
Soil Conservation  
Khyber Pakhtunkhwa  
Peshawar

*+1/2/2013*

*Seen file*

*Seen DOSE SB*

*JD*  
**ATTESTED**

خدمت جناب سیکرٹری صاحب محکمہ سائیل کنزرویشن کے پی کے، پشاور

محکمہ اپیل بر خلاف حکم ڈائری کرنا، سائیل کنزرویشن، پشاور مورف 21/8/2013  
جلی رو سے محمد نعیم چوکیدار، دفتر ڈسٹرکٹ آفیسر سائیل کنزرویشن، صوابی کو  
خلاف قانون طور پر، فیلڈ واچر کی آسامی پر تحینات کیا گیا ہے۔

جناب عالی! اپیلانٹ حسب ذیل عرض پر داز ہے :-

1- یہ کہ اپیلانٹ کی تقرری 4<sup>12</sup>/<sub>2004</sub> کو دیگر سات امیدواران کے ہمراہ  
بطور چوکیدار بجکم ڈی سی او صاحب صوابی محل میں آئی اور دسمبر 2004  
سے تاحال اپیلانٹ دفتر سائیل کنزرویشن آفیسر صوابی میں خدمات  
سہ انجام کر رہا ہے، نقل حکم تقرری لف ہے۔

2- یہ کہ اپیلانٹ کا والد محمد سرور، سائیل کنزرویشن میں اسٹنٹ تھا  
اور انکی وفات پر سائیل کنزرویشن میں ملازمین کے بچوں کے لئے فختوں  
کوٹہ سے محل میں آئی تھی۔

3- یہ کہ 2006ء میں اپیلانٹ کے مجکمہ میں فیلڈ واچر کی آسامی خالی ہوئی  
پر اپیلانٹ نے اس پر تقرری کے لئے درخواست دی لیکن اسے جواب ملا  
کہ اس پر تقرری سینیاری کی بنیاد پر ہوتی ہے۔ اور وہ جو نیئر ہے۔

4- یہ کہ حال ہی میں اپیل کنڈہ کے دفتر میں فیلڈ واچر کی آسامی خالی  
ہوئی جس پر آپ جو نیئر چوکیدار محمد نعیم کی تقرری کا حکم جناب ڈائری کر  
صاحب سائیل کنزرویشن پشاور نے مورف 31/8/2013 کو صادر کیا۔ حالانکہ  
محمد نعیم چوکیدار 22/9/2010 کو بھرتی ہوا تھا۔ اور اپیلانٹ سے 6 سال جو نیئر  
ہے۔ بقولات ہر دو احکام لف ہیں۔

5- یہ کہ حکم ڈائری کرنا صاحب مورف 21/8/2013 خلاف قانون و انصاف ہے۔ اور اسکی  
منوخی مطلوب ہے اور اپیلانٹ کا حق ہے کہ اسے سینیئر ہونے کی بنا پر فیلڈ  
واچر کی آسامی پر تحینات فرمایا جائے۔

بحالات و جوهات بالا استدعا ہے کہ حکم زیر اپیل منسوخ فرمایا جا کر اپیلانٹ کو  
بطور فیلڈ واچر تحینات کرنے کا حکم صادر فرمایا جائے :-

اپیلانٹ

مختیار احمد ولد محمد سرور (مرحوم)

چوکیدار۔ دفتر سائیل کنزرویشن، صوابی۔

20-9-2013

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

NO.SOE(AD)/VI-106/2013/*Swabi*  
Dated Peshawar, the 30/10/2013

Mr. Mukhtiar Ahmad,  
S/o Muhammad Sarwar (late),  
Showkdar O/o Soil Conservation, Swabi.

SUBJECT:- APPEAL FOR ADJUSTMENT AS FIELD WATCHER

Reference to your appeal dated 20/9/2013 on the subject and to inform  
that your appeal was considered by the competent authority and filed at this stage.

(MUHAMMAD SHERAZ)  
SECTION OFFICER-ESTT:

Encl. of even No. & Date.

Copy for information to the:

1. P.S to Secretary Agriculture, Livestock and Cooperative department,  
Khyber Pakhtunkhwa, Peshawar.
2. P.S to Additional Secretary, Agriculture.
3. P.S to DS (Admin:) Agriculture Department.
4. Master file.

SECTION OFFICER-ESTT:

Received  
District Officer  
Soil Conservation Officer  
Swabi

ATTESTED

خدمت جناب سیکٹری صاحب ذمیت محکمہ سائل نٹروژن و فاسفورس پشاور

حکامہ ایل بخلاف حکم ڈائریکٹر صاحب، سائل نٹروژن و فاسفورس پشاور

محمد نسیم چولیدار، دفتر ڈسٹرکٹ آفیسر، سائیل نٹروژن و فاسفورس، موہنجہ و بخلاف قانون خود پر  
فیلڈ واپر تعینات کیا گیا ہے۔

(H)

حساب لکھ 16

یہ کہ ایپلانٹ کے تقریباً 2004ء کی ڈائریکٹریٹ میں آگے اور دسمبر 2005ء سے تا حال ایپلانٹ دفتر سائیل  
ڈی سے اور صاحب موہنجہ میں آگے اور دسمبر 2005ء سے تا حال ایپلانٹ دفتر سائیل  
نٹروژن و فاسفورس میں ملاخیزات سرانجام دے رہا ہے۔

غیر یہ کہ ایپلانٹ کا والد محمد سرور، سائیل نٹروژن و فاسفورس میں آگے اور آگے وفات  
پر سائیل فو تقریباً 2005ء میں ملازمین کے بحوالہ مختلف ڈی سے عمل میں آئے تھے یہ

نہ کہ وہ ایپلانٹ کے محکمہ میں فیلڈ واپر کے آگے خالی ہوئے پر ایپلانٹ نے  
اس پر موٹو لیکٹور درخواست دی۔ لیکن اسے جواب ملا کہ اس پر پورے  
بنیاد کے بنیاد پھوٹے ہیں۔ اور وہ جوئے ہے۔

یہ کہ حال میں دفتر میں فیلڈ واپر خالی ہوئے ہیں۔ اس پر ایک جوئے چولیدار محمد نسیم  
آگے پورے سائل نٹروژن و فاسفورس صاحب سائل نٹروژن و فاسفورس پشاور نے مامد نوایا۔ حالانکہ  
محمد نسیم چولیدار 8 سالوں جوئے ہے۔

نہ کہ یہ کہ حکم ڈائریکٹر صاحب بخلاف قانون انصاف ہے۔ اور آگے منسوخ مطلوب  
ہے۔ اور ایپلانٹ مامد ہے کہ اسے سیکرٹری نے بنیاد پر فیلڈ واپر آگے پر تعینات فرمایا  
محالات و جرحات بلا شرم ہے۔ یہ حکم ڈائریکٹر منسوخ فرمایا جائے ایپلانٹ کو بطور  
فیلڈ واپر تعینات آگے مامد فرمایا جائے۔

ATTESTED

ایپلانٹ برن

مختیار احمد ولد محمد سرور (موجود)

چولیدار دفتر سائل نٹروژن و فاسفورس موہنجہ

03/12/2014

محمد صاحب خلیل تحصیل لڑی گاؤں و ڈائریکٹر لڑی ضلع مولی

on the said application the Secretary Govt of Kerala  
vide letter dt 30 Jan 2015 transferred the matter to the DG said  
intimate / delegated the matter to the DG said  
and in respect of the said letter the  
DG submitted his reply vide dt No 97 P D G S C  
expansely.



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

NO.SOE(AD)VI-106/2014/SC/Swabi  
Dated Peshawar, the January 30, 2015

To

The Director General,  
Soil Conservation,  
Khyber Pakhtunkhwa Peshawar

SUBJECT:- DEPARTMENTAL APPEAL AGAINST THE ORDER OF DISTRICT OFFICER  
SOIL CONSERVATION SWABI


I am directed to refer to your letter No.97 dated 19.01.2015 on the subject noted above and to request for clarification that the nature of job changes, is that allowed in rule, was the applicant inducted as Chowkidar, is there a provision in rules?

  
(DAULAT KHAN)  
SECTION OFFICER-ESTT:

Endst. Of even No. & Date.

Copy to the:

1. P.S to Secretary Agriculture department.

  
ATTESTED





13  
10/10/11  
10/10/11  
10/10/11

10/10/11  
10/10/11

(J)

18



DIRECTORATE GENERAL OF SOIL & Water CONSERVATION KHYBER PAKHTUNKHWA  
Agricultural Training Institute Jamrud. Road Peshawar  
Phone 091-9216130 Fax 091-5842912  
Email: [directorsoilconservation@hotmail.com](mailto:directorsoilconservation@hotmail.com)



No. 97 /DGSC,  
To.

Dated at Pesh: the 19/11 /2015

The Section Officer (Estt.)  
Government of Khyber Pakhtunkhwa  
Agriculture, Livestock, Fisheries & Coop:  
Department, Peshawar.


SUBJECT:-


DEPARTMENTAL APPEAL AGAINST THE ORDERS OF  
DISTRICT OFFICER, SOIL CONSERVATION SWABI.

MEMO:

Please reference your office memo. No.SOE (AD)  
VI-106/2014/Swabi dated 03-12-2014

It is submitted for your information that there is no specific rules for promotion of Chowkidar to Field Watcher because both are of the same scale (BPS-01) but of different nature of duty. Hence the transfer of Mr. Mohammad Naeem from the post of Chowkidar to Field Watcher is not against the rules, please.

  
Director General  
Soil Conservation  
Khyber Pakhtunkhwa  
Peshawar.

  
ATTESTED

19-

damullah

| 10 | 11 | 12 | 13 | 14 | 15 | 9  |                                    | 8   |  | 7                   |                                 | 6                    |                                 | 5                   |  | 4                   |                                 | 3                    |                                 | 2                   |  | 1                   |                                 |                      |                                 |
|----|----|----|----|----|----|--|------------------------------------|---|--|---------------------|---------------------------------|----------------------|---------------------------------|---------------------|--|---------------------|---------------------------------|----------------------|---------------------------------|---------------------|--|---------------------|---------------------------------|----------------------|---------------------------------|
|    |    |    |    |    |    | Signature and Designation of the Head of the Office or other Officer | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc) | Signature of the Head of the Office or other Officer | Date of appointment | Additional pay for extra duties | Pay for extra duties | Additional pay for extra duties | Date of appointment | Signature of the Head of the Office or other Officer | Date of appointment | Additional pay for extra duties | Pay for extra duties | Additional pay for extra duties | Date of appointment | Signature of the Head of the Office or other Officer | Date of appointment | Additional pay for extra duties | Pay for extra duties | Additional pay for extra duties |
|    |    |    |    |    |    |  |                                    |   |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |
|    |    |    |    |    |    |  |                                    |   |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |
|    |    |    |    |    |    |  |                                    |   |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |
|    |    |    |    |    |    |  |                                    |   |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |
|    |    |    |    |    |    |  |                                    |   |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |
|    |    |    |    |    |    |  |                                    |   |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |
|    |    |    |    |    |    |  |                                    |   |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |
|    |    |    |    |    |    |  |                                    |   |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |
|    |    |    |    |    |    |  |                                    |   |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |                     |  |                     |                                 |                      |                                 |

TEST

SOIL CONSERVATION OFFICER SWABI

| 1  | 2   | 3  | 4                                | 5   | 6   | 7                                | 8                                     | 9   | 10  | 11   | 12   | 13  | 14  |
|--|---|--|----------------------------------|---|---|----------------------------------|---------------------------------------|---|---|--|--|---|---|
| Name of last<br>Name of official<br>and whether<br>permanent or<br>temporary | Whether sub-stip<br>dial or officiate<br>and whether<br>permanent or<br>temporary | If appointment<br>(i) under<br>speciality<br>(ii) whether<br>under<br>(iii) Government<br>under<br>S.S. (P.)<br>rule 320 of<br>C.S. (P.)<br>(iv) | Pay in<br>substantive<br>post    | Additional<br>pay for<br>qualifying<br>experience | Other em-<br>oluments<br>under the<br>term<br>"pay" | Date of<br>appoint-<br>ment      | Signature of<br>Government<br>service | Signature and<br>Designation of<br>the Head<br>of the<br>Office or other<br>Attending<br>Officer in<br>charge of<br>columns<br>1 to 8 | Date of<br>termination<br>or appoint-<br>ment | Reason of<br>termination<br>(such as<br>promotion,<br>transfer,<br>dismissal<br>etc) | Signature of<br>the Head of<br>the office of<br>other Atten-<br>ding Officer | Allocation of periods of<br>leave on a weekly or monthly basis<br>leave not exceeding 320<br>days to which leave shall<br>be entitled which is available<br>is attached to another<br>Government<br>service | Reference to pay<br>band, pay grade,<br>pay or category<br>of Government<br>service |
| دورہ ملازمت  | ناقص استق<br>نام نظام   | رکھ کھانہ  | MSR<br>1102/-                    | نام نظام  | لاڈلہ   | ملازمت                           | ملازمت                                | ملازمت  | ملازمت  | ملازمت   | ملازمت   | ملازمت  | ملازمت  |
| Handwritten notes and signatures   | Handwritten notes and signatures  | Handwritten notes and signatures   | Handwritten notes and signatures | Handwritten notes and signatures                  | Handwritten notes and signatures                    | Handwritten notes and signatures | Handwritten notes and signatures      | Handwritten notes and signatures  | Handwritten notes and signatures              | Handwritten notes and signatures   | Handwritten notes and signatures   | Handwritten notes and signatures  | Handwritten notes and signatures  |

ATTESTED



ATTACHED

AD

Referenced to a wife shall be construed as reference to husband where the Government servant is woman.

11) any other relative of the Government servant or his wife, when residing with and wholly dependent upon the Government but does not include a wife legally separated from the Government servant or a child or step-child who is no longer in any way dependent upon him or of whose custody the Government servant is deprived by law.

1) his wife, child or step-child, whether residing with the Government or not;

Members of Government servant's family includes:-  
Rule 3(1)(c) of Government servants (Conduct) Rules, 1954.

Signature of *P. W. K. S.*

Signature *[Handwritten Signature]*

(The date of initial appointment.)

1964 on 31st of December, 1991 on 26.7.87.  
in Rule 3(1)(c) of the Government servants (Conduct) Rules, are held by me and members of my family, family, as defined, movable described in the proforma overleaf duly signed here by declare that the assets, immovable and movable and

1. Name and designation with Grade *Zam Ullah*  
*Zam Ullah* S/O of *Sheel Malik*

DECLARATION

- 1.
- 2.
- 3.

2. Occupational group (if any) *Govt. Servt.*  
*S. J. [Handwritten]*

3. Name of organization where serving *[Handwritten]*  
*[Handwritten]*

to be attained by officers in grade-17 and above only in the Int. declaration under the revised instructions.

PROVISIONS

31st December, 1991 / on 26-7-87 (Initial appointment)

Declaration of assets for the year ending on

(F)

(M)

23

OFFICE ORDER.


Mr. Zain Ullah Field Assistant BPS-09 office of District Officer Soil Conservation Swabi is hereby transferred/posted against the vacant post of Field Assistant in the office of District Officer Soil Conservation, Malakand at Batkhela in the interest of public service with immediate effect.

Sd/-(S.K.Marwat)  
Director  
Soil Conservation  
Khyber Pakhtunkhwa,  
Peshawar.

Endst.No. 3171-75 DSC, Dated at Peshawar, the 29-10- 2014

Copy forwarded to:-

1. The District Officer Soil Conservation, Malakand at Batkhela & Swabi.
2. ✓ The District Account Officer Swabi.
3. The Agency Account Officer Malakand at Batkhela.
4. The official concerned,  
for information and necessary action.

  
Director  
Soil Conservation  
Khyber Pakhtunkhwa,  
Peshawar

  
**ATTESTED**

(2)

# بعدالت سروس ٹریڈ یونٹ کے نام



مستند  
ڈسٹرکٹ  
Consulate  
RCC  
جناب  
بنام

محترم

مورثہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام کے صاحب کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز  
دیکل صاحب اور ارضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دینے جو اب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا سامانہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی تمام دورہ پر ہوا یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی  
نہ کر کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المزومہ 18 ماہ 2012

واہ العہد

کے لئے منظور ہے۔

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بمقام



**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**S.A No. 137/2015

Mukhtiar Ahmad

Versus

District Officer &amp; others

**WRITTEN STATEMENT ON BEHALF OF  
RESPONDENT NO. 4.****Respectfully Sheweth:****Preliminary Objection:-**

1. That the appeal is not maintainable as no vested right of appellant was ever infringed.
2. That R. No. 4 was not promoted to the post of Field Watcher BPS-01 as he was prior to the same in BPS-01 as Chowkidar and by now is also in BPS-01.
3. That the appeal is miserably time barred as departmental appeal of appellant was rejected on 30.10.2013.
4. That service law nowhere bore 2<sup>nd</sup> departmental appeal when the former was rejected on 30.10.2013.
5. That the appeal of appellant was based on malafide.

**ON FACTS:-**

1. Para No. 1 of the appeal does not pertain to R. No. 4.
2. As above. But R. No. 4 has also educational qualification of SSC.
3. Does not pertain to R. No. 4.
4. Correct.
5. Needs no comments on behalf of R. No. 4.

6. In response to para No. 6 of the appeal, it is submitted that the post of Field Watcher also carries BPS-01. R. No. 4 was never promoted to the post of Field Watcher BPS-01 but adjusted against the said vacant post.
- 7-8. Correct as per available record. The departmental appeal of appellant was rejected on 30.10.2013, so the appeal is hopelessly time barred.
9. In response to this para of the appeal, it is stated that the law on the subject nowhere contains subsequent representation.
10. Does not pertain to R. No. 4.
11. Not correct. No undue favour was extended to R. No. 4. No right of appellant was ever infringed. Promotion to the next higher grade/post shall take place as and when required. No fundamental rights of appellant was ever infringed.
12. Not correct. Appellant is never aggrieved of the adjustment order as Field Watcher BPS-01 of R. No. 4 and as stated earlier, there exists remedy of only one appeal in the law.

Moreso, the appeal is hopelessly time barred as 1<sup>st</sup> appeal of appellant was rejected on 30.10.2013 and he should file the instant appeal before the Hon'ble Tribunal within one month.

**GROUND:-**

- a. Not correct. The impugned order is per the mandate of law and requires no interference. No power was ever abused and appellant was dealt with as per law and constitution.
- b. Not correct. No Article of the constitution is ever violated.
- c. Not correct. No injustice has been done in the matter as R. No. 4 was Chowkidar BPS-01 and was subsequently adjusted as Field Watcher BPS-01. No promotion ever took place.

d. Not correct. Due consideration was paid to the representation of appellant. Justice will be done to every aggrieved person, if aggrieved.

e. Allowed.

It is, therefore, most humbly requested that the appeal of appellant, without substance, devoid of merit, time barred and none maintainable, be dismissed with cost.

*M. Atiq*

R. No. 4

Through

*Saadullah Khan Marwat*

Saadullah Khan Marwat

Dated: .11.2015

*Arbab Saif-ul-Kamal*

Arbab Saif-ul-Kamal

&

*Miss Robina Naz*

Miss Robina Naz,  
Advocates,

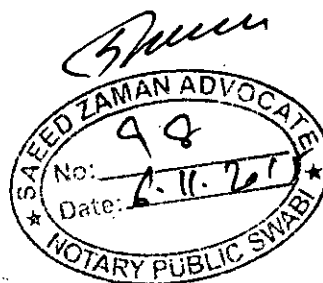
### COUNTER AFFIDAVIT

I, Naeem Khan S/o Masit Gul, R/o Shahmansoor Gulati, Sawabi, do hereby solemnly affirm and declare that contents of the Written Statement are true and correct to the best of my knowledge and belief and that of the appellant are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

*M. Atiq*

DEPONENT



بعد الت جناب سرسٹریٹس ٹریبیونل سوپر سرجہ پشاور

مخانب ایلانٹ

مختار احمد بنام محمد شہزاد حسن و عمرہ

دعوی اپیل

باعضیت شریک اینٹیکہ

⊙ ⊙

مستندہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیسٹیکسٹنڈنٹ اڈا سہان سہرودتے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے بارہنی نامہ تقریر ثالث و فیصلہ برعکس یہی جواب دہی اور اقبال دعوی اور لیکچرنگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعوی اور درخواست ہر قسم کی تقدیر اور اس پر استدلال کر لینے کا اختیار ہوگا نیز لیکچرنگری پر پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور ترمیمی نیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا عدسے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا کالت نامہ دیکھ دیا کہ سند ہے۔

المترقوم ۱۱/۹

۱۵

القصد القصد القصد

۱۱  
ارباب سید اکمال  
سید اللہ خان فرقت  
ایڈووکیٹ  
ایڈووکیٹ  
عن رؤیتہ تاز  
ایڈووکیٹ

Before the Justice Tribunal  
Leshanon

Mukhtare Ahmad v/ Seal Leshanon

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Appeal v/s 4 of STAT

Subject: Application to receive fine  
as follows.

Respectfully Sheweth:

① That in the above title case  
today date is fine.

② That the appellant will receive  
fine today.

~~Attested  
22/12/15~~

is therefore hereby prayed  
that the appellant may be allowed  
to receive fine.

Mukhtare Ahmad

Therese Counsel 

22/12/15

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

Appeal No. 137/2015

Mr. Mukhtiar Ahmed S/O Muhammad Sarwar resident of village Sarai Khel,  
Tehsil Topi District Swabi.

.....PETITIONER

**Versus**

1. The District Officer Soil Conservation Swabi.
2. Director Soil Conservation K.P.K, Peshawar.
3. Secretary Agriculture, Government of Khyber Pakhtunkhwa, Agriculture Livestock and Cooperative Department, Peshawar,
4. Mr. Naeem Khan son of Masit Gul R/O Shahmansoor Gulati Tehsil and District Swabi.

.....RESPONDENTS

**Reply for and on behalf of Respondents No. 1, 2 & 3.**

**Preliminary Objection.**

1. That the appeal is not maintainable as no vested right of appellant was ever infringed.
2. That respondent No. 4 was not promoted to the post of Field Watcher BPS-01 as he was prior to the same in BPS-01 as Chowkidar and by now is also in BPS-01.
3. That the appeal is miserably time barred as departmental appeal of appellant was rejected on 30-10-2013.
4. That service law does not contain the provision of 2<sup>nd</sup> departmental appeal when the former was rejected on 30-10-2013.
5. That the appeal of appellant was based on malafide intention.

**On Facts:**

1. Agreed that the appellant was appointed vide order No. 427-39 dated on 04-12-2004 as Chowkidar, through the deceased employee son policy.
2. Correct to the extent that pertains to sword, needs no comments.
3. Incorrect the post of Chowkidar/Filed Watcher are the same posts (BS-01) No promotion policy/criteria exist in the standing service rules of the Department from the post of Chowkidar to Field Watcher. It is just change of nomenclature/duties, which is a routine process for BS-01 employees.
4. Correct to the extent that the respondent No.4 had been appointed as Chowkidar vide office order No. 897-900 dated 22-09-2010.
5. Agreed that the appellant is six years senior than respondent No.4
6. Incorrect, the post of Chowkidar/Filed Watcher are the same posts (BS-01). No promotion policy/criteria exist in the standing service rules of the Department from the post of Chowkidar to Field Watcher.
7. Correct to the extent that the appellant had filed a departmental appeal dated on 20-09-2013 against the illegal promotion cadre change of respondent No.4 but it is once again clarified that it is not promotion.
8. Correct to the extent that the reply of departmental appeal was given by the section officer ESTT vide office order No. SOE (AD) VI-106/2013 dated on 30-10-2013 to appellant and the same was rejected.
9. Correct to the extent that another department appeal was filed by the present appellant on 03-12-2014 before respondent No.3, though the service law contain no such provision.
10. Agreed, the posts of Chowkidar/Field Watcher are in BS-01 and nomenclature can be changed on need basis when occurs.
11. Incorrect there is no provision in the standing service rules of the Department that Field Watcher can be promoted to that post of Field Assistant. Anybody who owns three years Field Assistant Diploma can be considered for initial recruitment of Field Assistant and not promotion. Both Chowkidar/Field Watcher if having three years diploma of Field Assistant can be considered for initial appointment to the post of Field Assistant. Mr. Zainulaah had been initially recruited as Chowkidar then his designation was changed to Field Watcher on 26-07-1987. During his service he improved his qualification and got Diploma of Field Assistant after Secondary School Certificate from Agriculture Training Institute, Peshawar. On the basis of diploma he had been initially recruited to the post of Field Assistant and had not been promoted from the post of Field Watcher.
12. Incorrect the post of Chowkidar/Filed Watcher are the same posts (BS-01) and no promotion from the post of Chowkidar to Field Watcher took place. It is just that change of nomenclature/duties.

Question of promotion from the post of Chowkidar to the post of Field Watcher does not arise in case of Mr. Naeem Khan son of Masit Gul R/O Shahmansoor Gulati Tehsil and District Swabi as there is no provision in the Standing/Recruitment/Promotion Rules of the Department (Copy attached for ready reference)

**GROUNDS:**

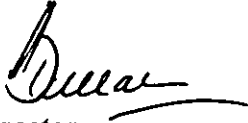
- A. Not correct. The impugned order is as per the mandate of law and no requires no interference. No power was ever abused and appellant was dealt with as per law and constitution.
- B. Not correct. No Article of the constitution is ever violated.
- C. Not correct. No injustice has been done in the mater as respondent No. 4 was Chowkidar BPS-01 and was subsequently adjusted as Field Watcher BPS-01. No promotion ever took place.
- D. Not correct, Due consideration was paid to the representation of appellant. Justice will be done to every aggrieved person, if aggrieved.
- E. The respondent also seek permission to raise additional grounds at the time of arguments.

It is, therefore, most humbly requested that the appeal of appellant, without substance, devoid of merit, time barred and not maintainable, be dismissed with cost.

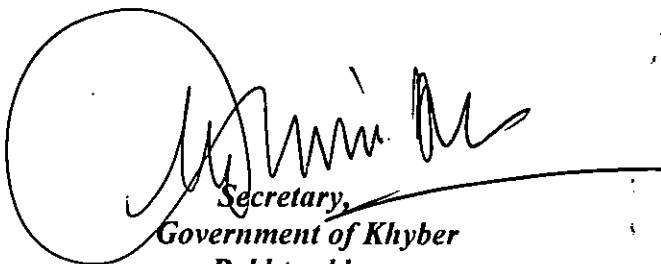
*(Respondent No 1)*


  
**District Officer  
Soil Conservation  
Swabi**

*(Respondent No 2)*

  
**Director  
Soil Conservation  
Khyber Pakhtunkhwa  
Peshawar**

*(Respondent No.3)*

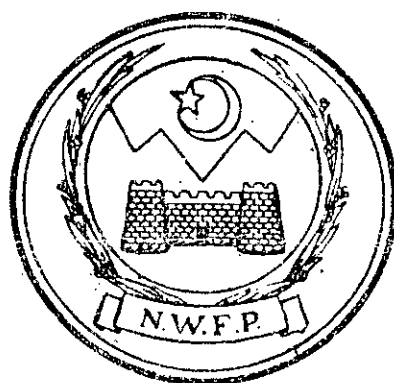
  
**Secretary,  
Government of Khyber  
Pakhtunkhwa,  
Agricultural, Livestock's &  
Cooperative Department,  
Peshawar**

  
  
**Munsoor Gulati,  
and District Swabi.**



# GOVERNMENT OF N.W.F.P.

## SERVICES & GENERAL ADMINISTRATION DEPARTMENT



# MANUAL

of

## Service/Recruitment Rules, North-West Frontier Province

Compiled by: O&M Wing, S&GAD

Printed by the Manager,  
State & Dep. Forest, Govt. of N.W.F.P.

*Dulla*  
DIRECTOR  
Soil Conservation  
Khyber Pakhtunkhwa  
Peshawar

**PROFORMA SHOWING PROPOSED AMMENDMENT IN THE EXISTING SERVICE RULES APPLICABLE TO THE POST OF  
ADDITIONAL DIRECTOR SOIL CONSERVATION (BPS-19) IN SOIL CONSERVATION OF AGRICULTURE DEPARTMENT**

| Sr. No | Nomenclature of post.  |  |  | Minimum qualification for appointment by initial recruitment or by transfer. | Minimum qualification for appointment by promotion |          |        | Age Limit for initial recruitment | Method of Recruitment.  |                  |                         |
|--------|--|--|--|--|--|----------|--------|-----------------------------------|---|------------------|-------------------------|
|        | Existing (a)   | Proposed (b)   | Reasons (c)  |  | Existing   | Proposed | Reason |                                   | Existing (a)  | Proposed(b)      | Reasons                 |
| 1      | 2  |  |  | 3  | 4  |          |        | 5                                 | 6   |                  |                         |
| 1.     | Director, Soil Conservation) BPS-19                          | Director/ Additional Director/ Executive District Officer Agri. Soil Conservation BPS-19 | The Existing Service rules of the Department does not contain provision for promotion to the post of Additional Director Soil Conservation | --   | --   | --       | --     | --                                | By promotion on the basis of seniority-cum-fitness from amongst Deputy Director, Soil Conservation/ District Officer, Soil Conservation, having seven years service in BS-18 or twelve years service in BS-17 and above in respective Wing. | Same as Existing | Same as in column-2 (c) |
| 2.     | Deputy Director/ District Officer, Soil Conservation (BS-18) | --   | --   | --   | --   | --       | --     | --                                | By Promotion on the basis of seniority-cum-fitness from amongst Soil Conservation Assistants (BS-17) having five years service as such  | --               | --                      |

| 1  | 2                           | 3  | 4  | 5   | 6  |    |    |                       |  |    |    |
|----|-----------------------------|----|----|---|----|----|----|-----------------------|--|----|----|
| 2  | Soil Conservation Assistant | -- | -- | M. Sc Agriculture or M. Sc. (Hons.) Agriculture B.Sc. (Hons.) Agriculture obtained after four years of academic instructions after F.Sc., or degree in Agricultural Engg: from a recognized University. | -- | -- | -- | 21-35 Years           | (a) Seventy five percent by initial recruitment; and<br>(b) Twenty five percent by promotion on the basis of seniority-cum-fitness from amongst Soil Conservation Inspectors with at least ten years total service as Field Assistant and Soil Conservation Inspector. | -- | -- |
| 4  | Soil Conservation Inspector | -- | -- | --  | -- | -- | -- | --                    | By promotion on the basis of seniority-cum-fitness from amongst Field Assistants with at least five years service as such.   | -- | -- |
| 5  | Field Assistant             | -- | -- | a) Secondary School Certificate from a recognized Board; and<br>b) (b) Certificate of passing Field Assistant Training Course -from Agriculture Training Institute with at least one-year duration.     | -- | -- | -- | 18 to 25 years        | By initial recruitment.  | -- | -- |
| 6  | Driver                      | -- | -- | Possessing a valid Driving Licence  | -- | -- | -- | 18 to 45 years        | By initial recruitment.  | -- | -- |
| 17 | Field Watcher/Helper        | -- | -- | <u>Can speak and write Urdu.</u>  | -- | -- | -- | <u>18 to 45 years</u> | <u>By initial recruitment.</u>   | -- | -- |

گیت چنا - سرسبز ٹریبونل پشاور

فختیار احمد (نا) ڈسٹرکٹ انچارجنگ ڈسٹرکٹ کورٹ پشاور

اپیل نمبر دفعہ 4 سرسبز ٹریبونل اپیل 1974

فختیار احمد کی درخواست نمٹانے والی اپیل جو جوہات ذیل سبب ذیل ہے۔

1۔ کہ میں سول عدالت نے من سال سے وعدہ کیا کہ اگر آپ سال کے بعد میں کو واپس لے لیں تو میں آپ کو Promotion دے دوں گا۔ ایسے وعدے من سال کو اپنے پاس کو واپس لے لیا جائے گا۔

گیت چنا سے خارج کی درخواست من سال کے پاس کو واپس لے لیا جائے گا۔

میں نے من سال سے وعدہ کیا کہ اگر آپ سال کے بعد میں کو واپس لے لیں تو میں آپ کو Promotion دے دوں گا۔

میں نے من سال سے وعدہ کیا کہ اگر آپ سال کے بعد میں کو واپس لے لیں تو میں آپ کو Promotion دے دوں گا۔

25/08/74

فختیار احمد (ساز)

Hugh Counsel

Javed Muhammad  
Advocate High Court  
Oath Commissioner  
Distt. Court Peshawar.