

Service Appeal No. 908/2015

Date of Institution: 06.08.2015

Date of Decision: 09.03.2020

Ghulam Muhammad

Vs

**The Secretary Government of Khyber Pakhtunkhwa
Agriculture, Livestock & Cooperation Department
Peshawar and 1 other.**

Judgment/Order:

09.03.2020

MUHAMMAD HAMID MUGHAL, MEMBER (J) Learned counsel for the appellants and Mr. Riaz Paindakheil learned Assistant Advocate General present.

Learned counsel for the appellants contended that the instant service appeal pertains to the matter of up-gradation and the appellants (Retired District Officer Agriculture BS-18) seeks back benefits and pensionary benefits of BS-19 due to re-designation/up-gradation of his post from BS-18 to BS-19 vide Notification dated 10.03.2011.

Learned AAG argued that the controversy revolves around the issue of up-gradation hence this Tribunal has got no jurisdiction to entertain the present service appeal.

Arguments of learned counsel for the appellants and learned Assistant Advocate General heard. File perused.

This Tribunal while relying upon the judgments of august Supreme Court of Pakistan titled "**Regional Commissioner of Income Tax Company Zone, Income Tax Officer, Peshawar Vs. Syed Manawar Ali and others**" (2016-SCMR-859) and "**FEDERAL PUBLIC SERVICE COMMISSION through Secretary----Petitioner Versus ANWAR UL HAQ (PRIVATE SECRETARY) ISLAMABAD and others----Respondents** (2017 SCMR 890) has already held that this Tribunal has got no jurisdiction vis a vis the issue of up gradation.

Resultantly the present service appeal is hereby returned for want of jurisdiction. The appellants may approach the proper forum for the redressal of his grievance under the law. Parties are left to bear their own. File be consigned to the record room.


(Hussain Shah)
MEMBER

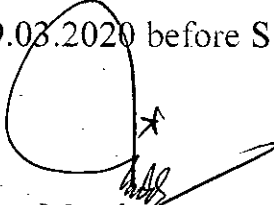

(Muhammad Hamid Mughal)
MEMBER

ANNOUNCED

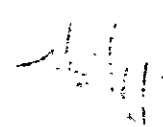
09.03.2020

18.02.2020

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned by way of last chance. To come up for arguments on 09.03.2020 before S.B.


Member



Member



27.09.2019


Junior to counsel for the appellant present. Learned Addl: AG for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourn. Being an old case of 2015, last opportunity be granted. To come up for arguments on 03.10.2019 before D.B.

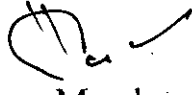

Member


Member

03.10.2019


Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned by way of last chance. To come up for arguments on 12.12.2019 before D.B.


Member


Member

12.12.2019

Appellant absent. Aizaz Procurement Officer representative of the respondent department present. Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 18.02.2020 before D.B. Appellant be put to notice for the date fixed.


Member


Member

18.06.2019 Junior to learned counsel for the appellant present. Mr. Riaz Painsa Kheil learned Assistant Advocate General present. Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 06.08.2019 before D.B.



Member



Member

06.08.2019 Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present.

Learned counsel for the appellant requests for adjournment.

Adjourned to 27.09.2019 before D.B.



Member



Chairman


27.09.2019 Appellant absent. Learned counsel for the appellant absent. However junior to counsel for the appellant present and seeks adjournment. Being an old case, last opportunity is granted for arguments. Adjourn. To come up for arguments on 03.10.2019 before D.B


Member

Member

31.01.2019

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 19.03.2019 before D.B.


Member



Member


19.03.2019

Miss Uzma Syed Advocate for appellant and Asstt. AG for the respondents present.

Learned counsel for the appellant requests for adjournment as learned senior counsel for the appellant is engaged before the Honourable High Court today in a number of cases.

Case is adjourned to 10.05.2019 before the D.B.


Member


Chairman

10.05.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 18.06.2019 before D.B.


Member


Member

16.08.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney alongwith Mr. Anwar Ul Haq Agriculture Inspector for the respondents present. Adjourned. To come up for arguments on 25.10.2018 before D.B.



(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member

25.10.2018

Due to retirement of Hon'ble Chairman, the tribunal is defunct. Therefore, the case is adjourned. To come up for same on 12.12.2018.



READER

12.12.2018

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourn. To come up for arguments on 31.01.2019 before D.B.



Member





Member

Service Appeal No. 908/2015

05.12.2017


Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Imran, Agriculture Officer for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 08.02.2018 before D.B.

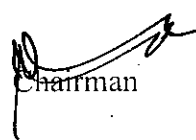

(Ahmad Hassan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

08.02.2018


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Imran, Agriculture Officer for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.04.2018 before the D.B.



Member


Chairman

12.04.2018


Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Muhammad Imran Agriculture Officer for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.06.2018 before D.B.

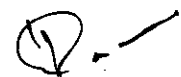

(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

27.06.2018

Appellant absent. Junior to counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 16.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

27.03.2017


Counsel for appellant and Mr. Muhammad Imran, Agriculture Officer alongwith Assistant AG for respondents present. Learned counsel for appellant seeks adjournment. Adjourned for final hearing to 17.07.2017 before D.B.


Member


Chairman


17.07.2017

Counsel for the appellant present. Mr. Muhammad Imran, Agriculture Officer alongwith Mr. Ziaullah, Deputy District Attorney for the respondents also present. The Learned Executive Member Mr. Gul Zeb Khan is away for interviews in the office of Khyber Pakhtunkhwa Public Service commission therefore, due to incomplete bench the case is adjourned for arguments to 03.11.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member

03.11.2017

Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Learned Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 05.12.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member


29.02.2016

Counsel for the appellant and Mr. Muhammad Khan, alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 20.6.2016


Member

20.06.2016

Junior to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder not submitted. Requested for time. To come up for rejoinder/ arguments on 14.11.2016.


Member

14.11.2016

Counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted. To come up for arguments on 27.03.2017.


(ABDUL LATIF)
MEMBER


(PIR BAKISH SHAH)
MEMBER

25.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as appointed as Agriculture Officer (BPS-17) and was then promoted as District Officer Agriculture (BPS-18) which post was upgraded to BPS-19 with effect from 10.3.2011 and appellant posted against the said up-graded post on 20.8.2011 in his own pay scale though entitled to be posted in BPS-19. That the appellant stood retired from service on 17.10.2011 but pensionary benefits were not granted to the appellant of the post of BPS-19 despite his entitlement where against he preferred departmental appeal on 12.5.2015 which was not responded and hence the instant service appeal on 6.8.2015.

That the appellant is entitled to pensionary benefits of BPS-19 with effect from 20.8.2011.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 23.11.2015 before S.B.


Chairman

23.11.2015



None present for appellant. Mr. Muhammad Imran, Agriculture Officer alongwith Addl. A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 29.2.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 908/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13.08.2015	<p>The appeal of Mr. Ghulam Muhammad resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24-8-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>25-8-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>

This is an appeal filed by Mr. Ghulam Muhammad today on 06/08/2015 against the impugned order dated 22.08.2011 against which he preferred/made a departmental appeal on 12.05.2015 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellants/counsel. The appellants would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1188/ST,

Dt. 7/8/2015.

Saadullah
REGISTRAR
for SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir,

Re-submitted after completion

Saadullah Khan

13/08/15

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 908 /2015


Ghulam Muhammad Versus Secretary & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	Service History	"A"	4
3.	Notification of Up-gradation, 10.03.2011	"B"	5-7
4.	Order of Posting in B-19, 20.08.2011	"C"	8-11
5.	Representation,	"D"	12-13

Dated: 6.08.2015

Through

Appellant

(Saadullah Khan Marwat)
Advocate
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph: 0300-5872676

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWARS.A No. 908 /2015

Ghulam Muhammad S/o Yar Muhammad,
R/o House Near Post Officer Lakki Marwat,
Ex-District Director Agriculture, Lakki Marwat. . . Appellant

**A.W.F. Province
Service Tribunal**

Slary No. 939

Dated 06-8-2015

Versus

1. Secretary, Govt. of KP, Agriculture, Livestock & Cooperation Department, Peshawar.
2. Director General, Agriculture (Extension), KP, Peshawar. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER NO. SOE(AD)23-19/2009 DATED 22.08.2011 WHEREBY APPELLANT WAS POSTED AS DISTRICT DIRECTOR AGRICULTURE B-19 BUT IN OWN PAY AND SCALE OF B-18 FOR NO LEGAL REASON.

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That appellant was initially appointed as Agriculture Officer, BPS-17 on 03.01.1980 and was then on 14.10.2004 he was promoted to the post of Subject Matter Specialist (Supervisory) BPS-17 to award him Rs. 150/- per month as special pay.

2. That on 13.01.2005, appellant was further promoted to the post of District Officer Agriculture BPS-18. (Copy of history of Service as annex "A")

3. That on 10.03.2011, the competent authority was pleased to accord sanction to the re-organization/up-gradation and

re-submitted to-day
and filed.

Registrar,

13/8/15

6/8/15

re-designation of 250 posts of Agriculture Extension Wing of the department in BPS-20, 19, 18 & 17. (Copy as annex "B")

4. That on 20.08.2011, the competent authority order the posting, transfer and adjustment of various officers against the re-designated post. The name of appellant was placed at Serial No. 06 as District Director Agriculture B-19 in own pay and scale. (Copy as annex "C")
5. That on 12.05.2015, appellant submitted representation before the authority to award him the benefits of B-19 and also pensionary benefits of B-19 since 10.03.2011 i.e the date of up-gradation of the post but in vain. (Copy as annex "D")

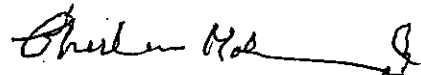
Hence this Appeal, inter alia, on the following grounds:-

GROUND S:

- a. That appellant has neat and clean service record in his credit.
- b. That on 10.03.2011, sanctioned regarding up-gradation of post at the ratio of 1:15:34:50 for placement in various pay scales, so at the time appellant was performing his duties as District Officer Agriculture B-18 he was then entitled to all benefits of B-19.
- c. That in the whole service law, there exists no concept of own pay scale.
- d. That as per the verdicts of the apex court, every Civil Servant is entitle for benefits of the grade/post on which he performs his duties.
- e. That since 20.08.2011 appellant used to perform his duties in the department as District Director Agriculture B-19, so he was legally entitled for all the benefits of the grade. By

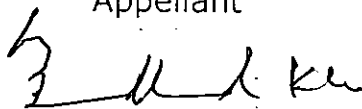
not awarding the said benefits despite his written request, the act of respondents based on malafide.

It is, therefore, most humbly prayed that on acceptance of the Appeal, order dated 20.08.2011 be modified to the extent of B-19 with all benefits of the grade, with such other relief as may be deemed proper and just in circumstances of the case.

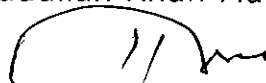


Appellant

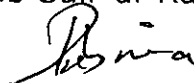
Through



Saadullah Khan Marwat



Arbab Saif-ul-Kamal



Miss Rubina Naz
Advocates,

Dated: 6 .08.2015

A

4

OFFICE OF THE DISTRICT ACCOUNTS OFFICER LAKKI MARWAT.

No.DAO/LMT/Pay Roll/2010-11

Dated

/2011.

HISTORY OF SERVICE

Name	Ghulam Muhammad
Father's Name	Yar Muhammad
Date of Birth	18.10.1951
Date of Retirement	17.10.2011 (A.N.)
Religion	Islam
National Identity Card No.	11201-0360139-1
Domicile	Lakki Marwat (KPK)

Post Held	BPS	Stations	Period		Remarks
			From	To	
Agriculture Officer	17	Tajazai	3.1.80	16.2.82	-
Farm Manager	17	Serai Naurang	17.2.82	1.10.82	-
Agriculture Officer	17	Lakki Marwat	2.10.82	6.9.83	-
Agriculture Officer	17	Tajazai	7.9.83	9.12.89	-
Agriculture Officer	17	Lakki-II	10.12.89	10.9.2000	-
Farm Manager	17	Serai Naurang	11.9.2000	7.1.2002	-
Agriculture Officer	17	Lakki-II	8.1.2002	13.10.2004	-
Subject Matter Specialist	17	D.I.Khan	14.10.2004	12.1.2005	-
District Officer Agriculture	17	Lakki Marwat	13.1.2005	8.5.2009	-
District Officer Agriculture	18	Lakki Marwat	9.5.2099	17.10.2011	Date of Superannuating

ATTESTED

District Accounts Officer
Lakki Marwat

B

5

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRIL: LIVESTOCK & COOP: DEPARTMENT.

Dated Peshawar, the 10/13/2011

NOTIFICATION.

NO. SOE(AD)23-19/2009.-

In pursuance of the Government of Khyber Pakhtunkhwa, Finance Department letter No.FD/SO(FR)7-13/2010/Vol.II, dated 17/1/2011, the competent authority is pleased to accord sanction to the re-organization / up-gradation and re-designation of 250 posts of Agriculture Extension Wing of this Department at the ratio of 1 : 15 : 34 : 50 for placement in BS-20, 19, 18 and 17 respectively under the four tier Service Structure with immediate effect as given below:-

A. BS-20 @ 1 % OF THE TOTAL STRENGTH, 2.50 OUT OF 250 POSTS:

S. NO.	Name of existing post and pay scale	No of Posts	New Name/ Re designation of the post under four tier formula, if any	No. of Posts
1	Director General Agriculture Extension Department, Khyber Pakhtunkhwa, BS -20	01	Director General Agriculture Extension Department Khyber Pakhtunkhwa, BS-20	01
2	Principal, Agricultural Training Institute, BS -19	01	Principal, Agriculture Training Institute, Peshawar, BS -20	01
3	Director Agriculture Extension FATA, BS -19	01	Director General Agriculture Extension FATA BS -20	01
	Sub Total	03	Sub Total	03

B. BS-19 @ 15% OF THE TOTAL STRENGTH, 37.50 OUT OF 250 POSTS:

S. No.	Name of existing post and pay scale	No of Posts	New Name/ Re designation of the post under 04 tier formula, if any	No of Posts
1.	Project Director Barani Agriculture Dev. Project BS-19	01	Director Field Operation HQ, Khyber Pakhtunkhwa, BS-19	01
2.	Plant Protection Officers, BS -18	01	Director Plant Protection HQ, BS-19	01
3.	Horticulturist HQ, BS -18	01	Director Horticulture HQ BS-19	01
4.	Deputy Director of Agriculture HQ (Eco: & Marketing) BS -18	01	Director Agriculture Marketing HQ BS-19	01
5.	Agricultural Officer, BS - 17	01	Director Coordination, Planning & Monitoring HQ BS -19	01
6.	Subject Matter Specialist (Agronomy), BS -17:(Supervisory)	01	Director Model Farm Services Center, HQ (BS-19).	01
7.	Subject Matter Specialist (Extension), BS -17 (Supervisory)	01	Director Seed, HQ (BS-19).	01
8.	Senior Instructor ATI Peshawar, BS -18	01	Vice Principal, ATI BS -19	01
9.	Senior Instructor ATI Peshawar, BS -18	01	Director Training / Training Coordinator ATI, BS-19	01
10.	District Officers Agriculture BS -18	24	District Directors Agriculture BS-19	24
11.	Plant Protection Officer, FATA, BS-18	01	Director Plant Protection FATA, BS-19	01
12.	Deputy Director Agriculture FATA Peshawar, BS-18	01	Regional Director Agriculture (North) FATA, Peshawar BS-19	01
13.	Deputy Director Agriculture FATA, DIKhan BS -18	01	Regional Director Agriculture (South) FATA DIKhan, BS-19	01
14.	Assistant Horticulture Officer BS-17) (Sup)	01	Director Horticulture FATA, HQ BS -19	01
	Sub Total:	37	Sub Total:	37

ATTESTED

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C. BS-18 @ 34% OF THE TOTAL STRENGTH, 85 OUT OF 250 POSTS:

S. No.	Name of existing post and pay scale	No of Posts	New Name / Re designation of the post under four tier formula, if any	No of Posts
1.	Subject Matter Specialist, BS -17 (Supervisory)	01	Deputy Director (Planning, Monitoring & Evaluation) HQ, BS -18	01
2.	Agricultural Officer, BS-17	01	Deputy Director (Plant Protection), HQ, BS-18	01
3.	Agricultural Officer, BS-17	01	Deputy Director (Horticulture) HQ BS-18	01
4.	Deputy Director Agriculture (Information) BS-18	01	Deputy Director Agriculture (Information) BS-18	01
5.	Assistant Director (Coordination & Public Relation), BS-17 (Supervisory)	01	Deputy Director (Coordination & Publication) BS-18	01
6.	Sr: Instructor Agri: Training Institute, BS-18	02	Sr: Instructor Agri: Training Institute, BS-18	02
7.	Jr: Instructor Agri: Training Institute, BS-17 (Supervisory)	02	Sr: Instructor Agri: Training Institute, BS-18	02
8.	Assistant Plant Protection Officer / Agricultural Officers, BS - 17	24	Subject Matter Specialist (Plant Protection) BS-18	24
9.	Assistant Agronomist / Agri: Officers, BS -17	16	Subject Matter Specialist (Agronomy & Extension) BS -18	16
10.	Assistant Horticulture Officer / Agri: Officers, BS-17 (Supervisory)	16	Subject Matter Specialist (Horticulture) BS-18	16
11.	Agricultural Officers, BS-17	07	Deputy Director Farms BS-18	07
12.	Agency Agriculture Officer FATA, BS-18	07	Agency Officer Agriculture FATA, BS-18	07
13.	Assistant Horticulture Officer FATA Peshawar, BS-17 (Supervisory)	01	Regional Horticulture Specialist (North) FATA, Peshawar, BS-18	01
14.	Assistant Horticulture Officer FATA DIKhan, BS-17 (Supervisory)	01	Regional Horticulture Specialist (South) FATA, D.I.Khan, BS-18	01
15.	Assistant Publicity Officer FATA, BS-17 (Supervisory)	01	Deputy Director Agriculture (Planning & Monitoring) FATA, HQ BS-18	01
16.	Assistant Plant Protection Officer FATA, Peshawar BS-17 (Supervisory)	01	Regional Plant Protection Officer (North) FATA, Peshawar, BS-18	01
17.	Assistant Plant Protection Officer FATA, BS-17 (Supervisory)	01	Regional Plant Protection Officer (South) FATA, D.I.Khan, BS-18	01
18.	Extra Assistant Director Agriculture (E&M) FATA, BS-17 (Supervisory)	01	Deputy Director Agriculture (Marketing) FATA, BS-18	01
	Sub Total:	85	Sub Total:	85

D. BS-17 @ 50% OF THE TOTAL STRENGTH, 125 OUT OF 250 POSTS

S. No.	Name of existing post and pay scale	No of Post	New Name/ Re designation of the post under four tier formula, if any	No of Posts
1	Agricultural Officers / Agricultural Officers (Female) and Instructors BS-17	124	Agricultural Officers / Instructors BS-17	124
2	Assistant Agriculture Information Officer, BS-17	01	Agriculture Officer (Public Relation & Publication) BS-17	01
	Sub Total:	125	Sub Total:	125
	Grand Total A+B+C+D	3+37+85+125 =		250

Note:- Promotion against the up-graded and re-designated posts in the above mentioned service structure shall be made in accordance with the service rules to be framed in the light of the provisions of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989, by making necessary amendments in the service rules of the department notified vide No.SOE (AD)3 (2) 201/2007-08 dated 22/9/2008.

SECRETARY AGRICULTURE.

ATTESTED

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99

Endst.No.FD/SO(FR)7-13/2010/Vol.II

Dated Peshawar, the 13/3/2011

Copy forwarded for information and necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Accountant General (PR), Peshawar.
3. All the District / Agency Accounts Officers in Khyber Pakhtunkhwa.



(ANDLEEB NAZ)
SECTION OFFICER (FR)
FINANCE DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA.

Endst. No.SOE(AD)23-19/2009

Dated Peshawar, the 13/3/2011

Copy forwarded for information to:-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. PSO to Chief Minister, Khyber Pakhtunkhwa.
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Additional Chief Secretary, FATA Secretariat, Warsak Road, Peshawar.
5. PS to Minister for Agriculture, Khyber Pakhtunkhwa.



(SAKHI-UR-REHMAN)
SECTION OFFICER-ESTT:

Endst. No.SOE(AD)23-19/2009

Dated Peshawar, the 13/3/2011

Copy forwarded for information to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department with reference to his letter number quoted above.
2. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
3. The Secretary Finance Department FATA Secretariat Warsak Road, Peshawar.
4. Chief Planning Officer, Agriculture, Livestock & Cooperation Department.
5. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa.
6. The Director General, Agriculture (Extension) FATA, Khyber Pakhtunkhwa, Peshawar.
7. The Principal, Agricultural Training Institute, Peshawar.
8. The Director Information, Khyber Pakhtunkhwa, Peshawar.
9. All District Coordination's Officers in Khyber Pakhtunkhwa.
10. All Executive Districts Officers (Agriculture) in Khyber Pakhtunkhwa.
11. All District Officers Agriculture, in Khyber Pakhtunkhwa.
12. The Manager, Government Printing Press, Khyber Pakhtunkhwa, Peshawar for publication in the next gazette.


(SAKHI-UR-REHMAN)
SECTION OFFICER-ESTT:

Di Nawaz.

ATTESTED


8

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 20/8/2011

ORDER:

NO. SOE (AD)23-19/2009.-

In pursuance of this Department notification of even number dated 10/3/2011, the competent authority is pleased to order the posting/transfer and adjustment of the following officers against the re-designated posts as a result of award of "Four Tier Service Structure" to the employees of Agriculture (Extension) Department with immediate effect in the interest of public service till further orders:-

S. No	Name of officer	From	To	Remarks.
1.	Muhammad Tasleem (BS-19)	Project Director, BADP (BS-19).	Director Field Operation HQ (BS-19) with additional charge of Director General, Agriculture (Extension), Khyber Pakhtunkhwa.	Against vacant upgraded post.
2.	Shadi Khan (BS-18)	DOA, Tank (BS-18)	District Director Agriculture (BS-19), Tank (in his own pay & scale)	--do--
3.	Saadullah Khan (BS-18)	Horticulturist HQ (BS-18)	Director Horticulture (BS-19), HQ, Peshawar (ops).	--do--
4.	Muhammad Younas (BS-18)	DOA, Abbottabad (BS-18)	District Director Agriculture (BS-19) Abbottabad (ops)	--do--
5.	Abdur Rashid (BS-18).	PPO HQ (BS-18)	Director Plant Protection HQ (BS-19) (ops).	--do--
6.	Ghulam Muhammad (BS-18)	DOA, Lakki Marwat (BS-18)	District Director Agriculture, Lakki Marwat BS-19 (ops)	--do--
7.	Ishtiaq Ahmad (BS-18)	DOA, Kohat (BS-18).	District Director Agriculture, Kohat BS-19 (ops).	--do--
8.	Qayum Jan (BS-18).	Sr. Instructor, ATI, (BS-18).	Vice Principal, ATI, (BS-19) (ops).	--do--
9.	Muhammad Saleem (BS-18)	DOA, Mardan (BS-18)	District Director Agriculture, Mardan (BS-19) (ops).	--do--
10.	Iftikhar Hussain (BS-18)	DOA, Hangu (BS-18)	District Director Agriculture, Hangu (BS-19) ops.	--do--
11.	Muhammad Iqbal (BS-18)	DOA, Haripur (BS-18)	SMS Agronomy and Extension (BS-18) o/o DDA, Abbottabad	--do--
12.	Muhammad Naseem (BS-18)	DOA, Battagram (BS-18)	District Director Agriculture, Battagram (BS-19) ops.	--do--
13.	Fazal Mabood (BS-18).	DDA (E&M) HQ (BS-18).	Director Agriculture Marketing, HQ (BS-19) (ops).	--do--
14.	Hassan Taj (BS-18)	DOA, Swabi (BS-18).	District Director Agriculture, Swabi (BS-19) ops.	--do--
15.	Muzaffar Khan (BS-18)	DOA, Peshawar (BS-18)	District Director Agriculture, Peshawar (BS-19) ops.	--do--
16.	Zainullah Shah (BS-18).	DOA, Bannu (BS-18).	District Director Agriculture, Bannu (BS-19) ops.	--do--
17.	Ahmad Nawaz (BS-18)	DOA, DIKhan (BS-18)	District Director Agriculture, DIKhan BS-19 (ops).	--do--
18.	Muhammad Israr (BS-18)	Senior Instructor, ATI, (BS-18).	Director Training / Training Coordinator ATI (BS-19) ops.	--do--
19.	Muhammad Imran (BS-17) Sup.	DOA, Kohistan (BS-18)	District Director Agriculture, Kohistan (BS-19) ops.	--do--
20.	Haq Nawaz (BS-17) Sup.	Asstt. Agronomist, Abbottabad (BS-17) Sup.	SMS Plant Protection (BS-18) o/o Distt. Director Agri: Mansehra (ops).	--do--
21.	Zulfiqar Ahmad (BS-18)	Waiting for posting.	District Director Agri:, Haripur (BS-19) ops.	--do--
22.	Muhammad Khan (BS-17) Sup	APPO, Mardan (BS-17) Sup.	SMS Plant Protection o/o Distt. Director Agri. Mardan (BS-18) ops.	--do--

ATTESTED

23.	Fazli Maula (BS-17) Sup	AHO, (BS-17) Sup. Swat with additional charge of DOA, Swat	District Director Agriculture, Swat (BS-19) ops.	--do--
24.	Obaidullah (BS-17) Sup	DOA, Shangla (BS-18)	District Director Agriculture, Dir Lower (BS-19) ops.	--do--
25.	Iqbal Hussain (BS-18)	EDO Agri: Shangla (BS-19) (ops).	District Director Agriculture, Shangla BS-19 (ops) with additional charge of EDO Agri. Shangla.	--do--
26.	Sultan Hussain Shah (BS-17) Sup.	DOA, Nowshera (BS-18)	District Director Agriculture, Nowshera (BS-19) ops.	--do--
27.	Ehsanullah (BS-17)	DOA, Charsadda (BS-18) ops	District Director Agriculture, Charsadda (BS-19) ops.	--do--
28.	Khurshid Akbar (BS-17) Sup	Asstt: Agronomist HO, Kohat (BS-17) Sup.	SMS Agronomy and Extension o/o Distt. Director Agri., Swabi (BS-18) ops.	--co--
29.	Nisar Ahmad (BS-17) Sup	APPO, Abbottabad (BS-17) Sup.	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri. Abbottabad.	--do--
30.	Javed Maqbool Butt (BS-17) Sup	Asstt. Director (C&PR) (BS-17) Sup. o/o DDA (I).	Dy. Director (Coordination and Publication) o/o DDA (I) (BS-18) ops.	--do--
31.	Muhammad Iqbal (BS-17) Sup.	APPO, Malakand (BS-17) Sup	District Director Agri., Malakand (BS-19) (ops).	--do--
32.	Wazir Ahmad (BS-17)	AHO, Abbottabad (BS-17) Sup.	SMS Horticulture o/o the District Director Agri: Mansehra (BS-18) ops.	--do--
33.	Naveed Iqbal (BS-17) Sup.	APPO, Mansehra (BS-17) Sup.	District Director Agriculture, Mansehra (BS-19) ops.	--do--
34.	Kamal Din (BS-17)	Asstt. Agronomy o/o DOA, Peshawar (BS-17) Sup.	SMS Agronomy and Extension o/o the District Director Agri: Peshawar (BS-18) ops.	--do--
35.	Mr. Muhammad Sajawal Khan (BS-18)	Waiting for Posting with effect from 27/6/2011.	Dy. Director (Planning, Monitoring and Evaluation HQ (BS-18) against vacant post (current side).	--do--
36.	Fazal Rahman (BS-17)	AAIO o/o DDA (I) BS-17 Peshawar.	Agril. Officer (Public Relation & Publication) o/o the DDA (I) Peshawar (BS-17).	--do--
37.	Zahir Ullah Khan (BS-17)	DOA, Karak (BS-18)	SMS Plant Protection (BS-18) ops o/o District Director Agriculture, Karak.	--do--
38.	Siddiqu Muhammad (BS-18)	Waiting for posting.	Distt. Director Agriculture, Karak (BS-19) ops.	--do--
39.	Abid Kamal (BS-17)	DOA, Buner (BS-18) ops	District Director Agriculture, Buner (BS-19) ops.	--do--
40.	Hussain Ahmad (BS-17)	APPO o/o DOA, Bannu (BS-17) Sup. Ops	SMS Plant Protection o/o Distt. Director Agri: Bannu (BS-18) ops.	--do--
41.	Shams-ur-Rehman (BS-17)	APPO o/o DOA, Peshawar (BS-17) Sup. ops	SMS Plant Protection o/o Distt. Director Agri. Peshawar (BS-18) ops.	--do--
42.	Sakhi Marjan (BS-17)	APPO o/o DOA, Kohat (BS-17) Sup. Ops	SMS Plant Protection o/o Distt. Director Agri., Kohat (BS-18) ops.	--do--
43.	Adalat Khan (BS-17)	APPO o/o the DOA, Swat (BS-17) ops	SMS Plant Protection o/o Distt. Director Agri., Swat (BS-18) ops.	--do--
44.	Aamir Khan (BS-17)	Agril: Officer o/o DOA, DIKhan (BS-17).	Dy. Director Farm, Rakh Zandani DIKhan (BS-18) ops.	--do--
45.	Muhammad Ismail (BS-17)	Agril: Officer o/o DOA, DIKhan (BS-17).	Agril: Officer, Panyala o/o Distt. Director Agri., DIKhan (BS-17).	--do--
46.	Abdul Haleem (BS-17)	Agril: Officer o/o DOA, DIKhan (BS-17).	Dy. Director Farm Ratta Kulachi, DIKhan (BS-18) ops.	--do--
47.	Muhammad Irfan (BS-17)	Agril: Officer o/o DOA, DIKhan	Dy. Director Farm Rakh Manghan, DIKhan (BS-18) ops.	--do--
48.	Abdul Qayum (BS-17)	AO (BS-17) o/o DOA, Mardan	SMS Agronomy & Extension o/o Distt. Director Agri., Mardan BS-18 (ops)	--do--
49.	Muhammad Waseem (BS-17)	AO (BS-17) o/o DOA, Mardan	Dy. Director Farm, Jamra Farm, Mardan (BS-18) ops.	--do--

ATTESTED

50.	Muhammad Naeem (BS-17)	AO (BS-17) o/o DOA, Swabi	SMS Horticulture & Extension o/o Distt. Director Agri., Swabi BS-18 (ops)	--do--
51.	Amir Khattam (BS-17)	AO (BS-17) o/o DOA, Swabi	SMS Plant Protection o/o Distt. Director Agri., Swabi BS-18 (ops)	--do--
52.	Haji Muhammad (BS-17)	AO (BS-17) o/o DOA, Malakand	SMS Horticulture o/o Distt. Director Agri., Malakand BS-18 (ops)	--do--
53.	Kishwar Ali (BS-17)	AO (BS-17) o/o DOA, Swat	SMS Horticulture o/o Distt. Director Agri., Swat BS-18 (ops)	--do--
54.	Muhammad Siddique (BS-17)	AO (BS-17) o/o DOA, Swat	SMS Agronomy & Extension o/o Distt. Director Agri., Swat BS-18 (ops)	--do--
55.	Masood ur Rehman (BS-17)	AO (BS-17) o/o DOA, Mansehra	SMS Agronomy & Extn. o/o Distt. Director Agri., Mansehra BS-18 (ops)	--do--
56.	Mukhtar ur Rehman (BS-17)	AO (BS-17) o/o DOA, Mansehra	SMS Horticulture o/o Distt. Director Agri., Abbottabad BS-18 (ops)	--do--
57.	Altaf-ur-Rehman (BS-17)	AO (BS-17) o/o DOA, Mansehra	Agril: Officer o/o Distt. Director Agri. Kohistan against the vacant post.	--do--
58.	Faisal Khurshid (BS-17)	AO (BS-17) o/o DOA, Swabi	Agricultural Officer (BS-17) o/o Distt. Director Agriculture, Mansehra.	--do--
59.	Muhammad Tariq (BS-17)	AO (BS-17) o/o DOA, Abbottabad	Dy Director Farms, Haripur BS-18 (ops)	--do--
60.	Muhammad Tahir (BS-17)	AO (BS-17) o/o DOA, Haripur	SMS Plant Protection BS-18 o/o DDA, Battagram (ops)	--do--
61.	Tariq Mehmood (BS-17)	AO (BS-17) o/o DOA, Haripur	SMS Plant Protection BS-18 o/o DDA, Haripur (ops)	--do--
62.	Sajjad Ahmad (BS-17)	AO (BS-17) o/o DOA, Haripur	SMS Horticulture o/o DDA, Haripur BS-18 (ops)	--do--
63.	Yousaf Ali (BS-17)	AO (BS-17) o/o DOA, Hangu	SMS Plant Protection BS-18 o/o Distt. Director Agri., Hangu (ops)	--do--
64.	Anwar Khan (BS-17)	AO (BS-17) o/o DOA, Tank	SMS Plant Protection BS-18 o/o Distt. Director Agri., Tank (ops)	--do--
65.	Murad Ali (BS-17)	AO (BS-17), waiting for posting	Repatriated/posted SMS Plant Protection o/o Distt. Director Agri., Buner BS-18 (ops)	--do--
66.	Asghar Khan (BS-17)	AO (BS-17) o/o DOA, Buner	SMS Horticulture o/o Distt. Director Agri., Buner BS-18 (ops)	--do--
67.	Muhammad Uzair (BS-17)	AO additional charge of DOA, Dir Upper (BS-18)	Distt. Director Agri., Dir Upper BS-19 (ops)	--do--
68.	Muhammad Saeed (BS-17)	Instructor, ATI (BS-17)	Senior Instructor, ATI, BS-18 (ops)	--do--
69.	Fazal Wahab (BS-17)	Junior Instructor ATI, (BS-17) Sup.	Instructor (BS-17) ATI, Peshawar vice No. 68.	--do--
70.	Ehtisham (BS-17)	Agril: Officer (BS-17) o/o DOA, Peshawar	Instructor (BS-17) ATI, Peshawar.	--do--
71.	Muhammad Imran (BS-17)	Agril: Officer (BS-17) o/o DOA, Peshawar	SMS Horticulture (BS-18) ops o/o Distt. Director Agri., Peshawar.	--do--
72.	Abdul Nasir (BS-17)	Agril: Officer (BS-17) o/o DOA, Charsadda	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri., Charsadda.	--do--
73.	Hidayat Ullah (BS-17)	Agril: Officer (BS-17) o/o DOA, Charsadda	SMS Horticulture BS-18 o/o Distt. Director Agri., Charsadda (ops)	--do--
74.	Khisro Nawaz Ahmad (BS-17)	CMP-II Project, Charsadda w.e.from 1.7.2011.	Repatriated / posted as SMS Agronomy & Extn. BS-18 o/o Distt. Director Agri., Charsadda (ops)	--do--
75.	Mohammad Ghani (BS-17)	Agril: Officer (BS-17) o/o DOA, Karak	SMS Agronomy & Extn. (BS-18) ops o/o Distt. Director Agri., Karak.	--do--
76.	Khuda Yar (BS-17)	Agril: Officer (BS-17) o/o DOA, Bannu	SMS Agronomy & Extn. BS-18 o/o Distt. Director Agri., Bannu (ops)	--do--
77.	Gul Daraz (BS-18)	Waiting for posting	SMS Plant Protection (BS-18) o/o Distt. Director Agriculture, Lakki Marwat.	--do--
78.	Asif Saleem (BS-17)	AO, Nowshera (BS-17)	SMS Plant Protection (BS-18) o/o Distt. Director Agril. Nowshera (ops)	--do--

ATTESTED

79 Amanullah
(BS-17)

AO, o/o DOA, DIKhan
(BS-17)

SMS Plant Protection (BS-18) ops
o/o Distt. Director Agri: DIKhan

--do--

Note:- This order will be effective with effect from 1-7-2011 for the purpose of drawl of pay & allowances.

SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar with the request to circulate the same to all officers concerned.
2. The Director General, Agriculture (Extension) FATA, Khyber Pakhtunkhwa, Peshawar.
3. The Principal, Agricultural Training Institute, Khyber Pakhtunkhwa, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. The Additional Accountant General (PR) Sub-Office, Peshawar.
6. All the District / Agency Accounts Officers, in Khyber Pakhtunkhwa.
7. All Heads of the attached Department of Agriculture, Livestock & Cooperation Department.
8. The Chief Planning Officer, Agriculture, Livestock & Cooperation Department.
9. All Section Officers in the Agriculture Department.
10. The Manager, Government Printing Press, Peshawar.
11. The Director of Information Government of Khyber Pakhtunkhwa, Peshawar.
12. PS to Chief Minister, Khyber Pakhtunkhwa.
13. PS to Chief Secretary, Khyber Pakhtunkhwa.
14. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
15. Personal files of the officers concerned.

317
(MUHAMMAD ZAHID)
SECTION OFFICER - ESTT.

DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA,
PESHAWAR

Endst. No. 12/2/Estt/ 14212-352 /DG Dated Peshawar: the 20/2 /2011

Copy forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Principal, Agricultural Training Institute, Peshawar.
3. The Director Field Operation, HQ office
4. All District Directors Agriculture, Khyber Pakhtunkhwa.
5. All District Accounts Officers, Khyber Pakhtunkhwa.
6. The Deputy Director Agriculture (Information) Peshawar.
7. The officers concerned
8. The Assistant Accounts Officer, HQ office.
9. The Pay Clerk, HQ office.

For information and necessary action.

DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA
PESHAWAR

ATTESTED

ATTESTED

(GHULAM MUHAMMAD)
Ex-District Director Agriculture
Lakki Marwat

- 1. The Director General Agriculture (Extension), Khyber Pakhtun Khwa Peshawar, w/r to the undersigned application No.873 dated 19.9.2011 in the subject case (Copy enclosed for ready reference).
- 2. The Accountant General Khyber Pakhtun Khwa Peshawar.

Copy to:-

(GHULAM MUHAMMAD)
Ex-District Director Agriculture
Lakki Marwat

Dated: 12.05.2015.

Thank you very much in anticipation.

I, therefore, pray that my case may be reconsidered and my pension may be calculated in BS-19 with effect from the date of my retirement (17.10.2011).

Director Agriculture Lakki Marwat, was given no pensionary benefits of the BS-19. Although adjusted and working against a post of BS-19 (District Director Agriculture Lakki Marwat), was given no pensionary benefits of the BS-19. The undersigned, although properly up-graded and posted against a post of BS-19 was not given the financial benefits to have been accrued. He retired from service with effect from 17.10.2011.

- 1. Notification No.SOE(AD)23-19/2009 dated 10.03.2011, wherein the Post of District Officers Agriculture in KPK have been upgraded from BS-18 to BS-19 (refer S.No.10) appendix-A.
- 2. Notification No.SOE(AD)23-19/2009 dated 20.8.2011, wherein the undersigned (Ghulam Muhammad S.No.6) was posted against BS-19, appendix-B.

Please refer to the Govt. of KPK; Agriculture, Livestock and Cooperation Department letters give as under:

APPEAL

The Secretary to Government
of Khyber Pakhtun Khwa,
Agriculture, Livestock & Cooperation Deptt:
Peshawar.

Subject:-
R/Sir,

To:

[Handwritten mark]

[Handwritten mark]

OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE, LAKKI MARWAT

No. 873 /DD (Agri).

Dated Lakki the 19/9 2011

Phone & Fax No. 0969-511469


To:

The Director General Agriculture,
(Extension), Khyber Pakhtun Khwa,
Peshawar.

Subject:-
Promotion to BS-19

An application in respect of the undersigned for Promotion to BS-19 is submitted herewith for favour of information and onward submission to higher authorities please.

Incl:- (AS ABOVE)


District Director Agriculture,
Lakki Marwat.


ATTESTED

13

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Appeal No.908/2015

Mr. Ghulam Muhammad s/o Yar Muhammad
Ex- District Director Agriculture Lakki Marwat

APPELLANT

VERSUS

- 1- Secretary to Government of Khyber Pakhtunkhwa
Agriculture Livestock & Cooperative
Department Peshawar
- 2- Director General, Agriculture (Extension)
Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2

PRELIMINARY OBJECTIONS

- 1- That the appellant has got no locus standi to file the instant appeal.
- 2- That the appeal is not maintainable in its present form and liable to be dismissed.
- 3- That the appellant has no cause of action to file the instant appeal.
- 4- That the appellant has deliberately concealed the material fact from this Hon'ble Services Tribunal.
- 5- That the appellant has not come to this Hon'ble Service Tribunal with clean hand.
- 6- That the appeal is time barred.
- 7- That this Honorable Tribunal has got no Jurisdiction to entertain the appeal.
- 8- That the appeal is bad for mis-joinder and non-joinder of necessary parties.

ON FACTS

- Para-1 Correct.
- Para-2 Correct to the extent that the appellant was promoted from BS-17 (Supervisorery) to BS-18 Post and posted as District Officer Lakki Marwat.
- Para-3 Correct to the extent to Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department accord sanction to the re-organization / up-gradation and re-designation of 250 posts of Agriculture Extension Wing under the four tier service structure 37.50 posts for placement in BS-19 vide notification No SOE(AD)23-19/2009 dated 10-03-2011, (Annexure-A).
- Para-4 Correct to the extent according to the notification issued by the Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department dated 10-03-2011, the post of District Officer Agriculture BS-18 was upgraded and re-designated as District Director Agriculture BS-19, the Government issued posting transfer orders of BS-18 Officers to the post of District Director Agriculture BS-19 post along with the appellant in his own pay scale vide office order No

SOE(AD)23-19/2009, dated 20-08-2011, (Annexure-B). It is further stated that as per Law own pay scale creates no right or any other benefits of the incumbent.

Para-5

Correct to the extent that the appellant was retired from the service with effect from 17-10-2011, (AN) on attaining the age of superannuation vide Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department, Notification No SOE(AD)21-245/87 dated 04-07-2011, (Annexure-C). After laps of four years, the appellant submitted appeal for financial benefits of BS-19 post. The post was upgraded on 10-03-2011, while the Service Recruitment rules amended/notified vide Government Khyber Pakhtunkhwa Notification No SOE (AD) 2 (2) 429 / 2011 dated 20-04-2012, (Annexure-D), after retirement of the appellant.

GROUNDS

Para-a Correct.

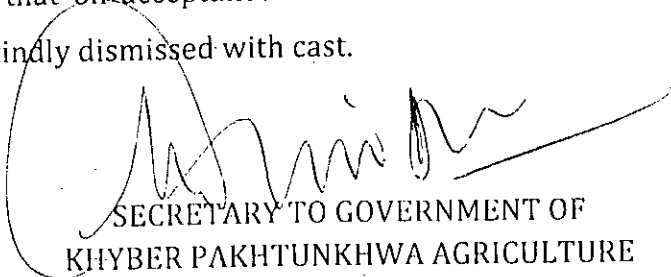
Para-b Correct to the extent at that time the appellant was in BS-18 Officer however he was not entitled the benefit of BS-19 post as posting as own pay scale creates no rights in favor of appellant.

Para-C Incorrect. That the posts of District Officer Agriculture, BS-18 up-graded and re-designated as District Director Agriculture BS-19, the appellant was posted against the post in his own pay scale.

Para-d In correct each and every case has its own merits and to be decided on its own merits.

Para-e In Correct. Detail comments given in Para-5. Beside the above the appellant was working as District Director Agriculture Lakki BS-19 in his own pay scale and was not promoted to the BS-19 regularly so not in entitled for the relief.

It is hereby humbly prayed that on acceptance on the instants' comments, the appeal of the appellant may kindly dismissed with cast.


SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA AGRICULTURE
LIVESTOCK & COOPERATIVE DEPARTMENT
PESHAWAR

103000
DIRECTOR GENERAL,
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Appeal No.908/2015

Mr. Ghulam Muhammad s/o Yar Muhammad
Ex- District Director Agriculture Lakki Marwat

APPELLANT

VERSUS

- 1- Secretary to Government of Khyber Pakhtunkhwa
Agriculture Livestock & Cooperative
Department Peshawar
- 2- Director General, Agriculture (Extension)
Khyber Pakhtunkhwa, Peshawar.

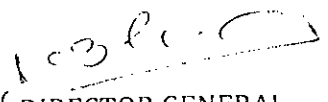
RESPONDENTS

COUNTER AFFIDAVIT

We the undersigned hereby solemnly declare / affirm that the contents of the Para-wise reply / comments are true and correct to the best of our knowledge and belief and nothing has been kept secret from this Honorable Tribunal.

RESPONDENTS

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND COOPERATION
DEPARTMENT PESHAWAR


(DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA PESHAWAR

(A)

Annex - A

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRIL: LIVESTOCK & COOP: DEPARTMENT.

Dated Peshawar, the 10/3/2011

NOTIFICATION

NO.SOE(AD)23-19/2009.- In pursuance of the Government of Khyber Pakhtunkhwa, Finance Department letter No.FD/SO(FR)7-13/2010/Vol.II, dated 17/1/2011, the competent authority is pleased to accord sanction to the re-organization / up-gradation and re-designation of 250 posts of Agriculture Extension Wing of this Department at the ratio of 1 : 15 : 34 : 50 for placement in BS-20, 19, 18 and 17 respectively under the four tier Service Structure with immediate effect as given below:-

A. BS-20 @ 1% OF THE TOTAL STRENGTH, 2.50 OUT OF 250 POSTS:

S. NO.	Name of existing post and pay scale	No of Posts	New Name/ Re designation of the post under four tier formula, if any	No. of Posts
1	Director General Agriculture Extension Department, Khyber Pakhtunkhwa, BS -20	01	Director General Agriculture Extension Department Khyber Pakhtunkhwa, BS-20	01
2	Principal, Agricultural Training Institute, BS -19	01	Principal, Agriculture Training Institute, Peshawar, BS -20	01
3	Director Agriculture Extension FATA, BS -19	01	Director General Agriculture Extension FATA BS -20	01
	Sub Total	03	Sub Total	03

B. BS-19 @ 15% OF THE TOTAL STRENGTH, 37.50 OUT OF 250 POSTS:

S. No.	Name of existing post and pay scale	No of Posts	New Name/ Re designation of the post under 04 tier formula, if any	No of Posts
1	Project Director Barani Agriculture Dev. Project BS-19	01	Director Field Operation HQ, Khyber Pakhtunkhwa, BS-19	01
2	Plant Protection Officers, BS -18	01	Director Plant Protection HQ, BS-19	01
3	Horticulturist HQ, BS -18	01	Director Horticulture HQ BS-19	01
4	Deputy Director of Agriculture HQ (Eco: & Marketing) BS -18	01	Director Agriculture Marketing HQ BS-19	01
5	Agricultural Officer, BS - 17	01	Director Coordination, Planning & Monitoring HQ BS - 19	01
6	Subject Matter Specialist (Agronomy), BS -17 (Supervisory)	01	Director Model Farm Services Center, HQ (BS-19)	01
7	Subject Matter Specialist (Extension), BS -17 (Supervisory)	01	Director Seed, HQ (BS-19)	01
8	Senior Instructor ATI Peshawar, BS -18	01	Vice Principal, ATI BS -19	01
9	Senior Instructor ATI Peshawar, BS -18	01	Director Training / Training Coordinator ATI, BS-19	01
10	District Officers Agriculture BS -18	24	District Directors Agriculture BS-19	24
11	Plant Protection Officer, FATA, BS-18	01	Director Plant Protection FATA, BS-19	01
12	Deputy Director Agriculture FATA Peshawar, BS-18	01	Regional Director Agriculture (North) FATA, Peshawar BS-19	01
13	Deputy Director Agriculture FATA, Dikhan BS -18	01	Regional Director Agriculture (South) FATA Dikhan, BS-19	01
14	Assistant Horticulture Officer BS-17 (Sup)	01	Director Horticulture FATA, HQ BS -19	01
	Sub Total:	37	Sub Total:	37

C. BS-18 @ 34% OF THE TOTAL STRENGTH, 85 OUT OF 250 POSTS:

S. No.	Name of existing post and pay scale	No of Posts	New Name / Re designation of the post under four tier formula, if any	No of Posts
1.	Subject Matter Specialist, BS -17 (Supervisory)	01	Deputy Director (Planning, Monitoring & Evaluation) HQ, BS -18	01
2.	Agricultural Officer, BS-17	01	Deputy Director (Plant Protection), HQ, BS-18	01
3.	Agricultural Officer, BS-17	01	Deputy Director (Horticulture) HQ BS-18	01
4.	Deputy Director Agriculture (Information) BS-18	01	Deputy Director Agriculture (Information) BS-18	01
5.	Assistant Director (Coordination & Public Relation), BS-17 (Supervisory)	01	Deputy Director (Coordination & Publication) BS-18	01
6.	Sr. Instructor Agri: Training Institute, BS-18	02	Sr. Instructor Agri: Training Institute, BS-18	02
7.	Jr. Instructor Agri: Training Institute, BS-17 (Supervisory)	02	Sr. Instructor Agri: Training Institute, BS-18	02
8.	Assistant Plant Protection Officer / Agricultural Officers, BS - 17	24	Subject Matter Specialist (Plant Protection) BS-18	24
9.	Assistant Agronomist / Agri: Officers, BS -17	16	Subject Matter Specialist (Agronomy & Extension) BS -18	16
10.	Assistant Horticulture Officer / Agri: Officers, BS-17 (Supervisory)	16	Subject Matter Specialist (Horticulture) BS-18	16
11.	Agricultural Officers, BS-17	07	Deputy Director Farms BS-18	07
12.	Agency Agriculture Officer FATA, BS-18	07	Agency Officer Agriculture FATA, BS-18	07
13.	Assistant Horticulture Officer FATA Peshawar, BS-17 (Supervisory)	01	Regional Horticulture Specialist (North) FATA, Peshawar, BS-18	01
14.	Assistant Horticulture Officer FATA D.I.Khan, BS-17 (Supervisory)	01	Regional Horticulture Specialist (South) FATA, D.I.Khan, BS-18	01
15.	Assistant Publicity Officer FATA, BS-17 (Supervisory)	01	Deputy Director Agriculture (Planning & Monitoring) FATA, HQ BS-18	01
16.	Assistant Plant Protection Officer FATA, Peshawar BS-17 (Supervisory)	01	Regional Plant Protection Officer (North) FATA, Peshawar, BS-18	01
17.	Assistant Plant Protection Officer FATA, BS-17 (Supervisory)	01	Regional Plant Protection Officer (South) FATA, D.I.Khan, BS-18	01
18.	Extra Assistant Director Agriculture (E&M) FATA, BS-17 (Supervisory)	01	Deputy Director Agriculture (Marketing) FATA, BS-18	01
	Sub Total:	85	Sub Total:	85

D. BS-17 @ 50% OF THE TOTAL STRENGTH, 125 OUT OF 250 POSTS

S. No.	Name of existing post and pay scale	No of Post	New Name/ Re designation of the post under four tier formula, if any	No of Posts
1	Agricultural Officers / Agricultural Officers (Female) and Instructors BS-17	124	Agricultural Officers / Instructors BS-17	124
2	Assistant Agriculture Information Officer, BS-17	01	Agriculture Officer (Public Relation & Publication) BS-17	01
	Sub Total:	125	Sub Total:	125
	Grand Total A+B+C+D		3+37+85+125 =	250

Note:- Promotion against the up-graded and re-designated posts in the above mentioned service structure shall be made in accordance with the service rules to be framed in the light of the provisions of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989, by making necessary amendments in the service rules of the department notified vide No.SOE (AD)3 (2) 201/2007-08 dated 22/9/2008.

SECRETARY AGRICULTURE.

Assistant Account Officer
to Director General Agriculture
Extension/ H.P.A. Province Peshawar

353

47

365

FR)7-13/2010/Vol.II

Dated Peshawar, the 17/3/2011

Copy forwarded for information and necessary action to:-

- 1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2. Additional Accountant General (PR), Peshawar.
- 3. The District / Agency Accounts Officers in Khyber Pakhtunkhwa.

And
(ANDILIB NAZ)

SECTION OFFICER (FR)
FINANCE DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA.

NS SOI (AD)23-19/2009

Dated Peshawar, the 13/2011

Copy forwarded for information to:-

- 1. Secretary to Governor, Khyber Pakhtunkhwa.
- 2. PSO to Chief Minister, Khyber Pakhtunkhwa.
- 3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 4. PS to Additional Chief Secretary, FATA Secretariat, Warsak Road, Peshawar.
- 5. PS to Minister for Agriculture, Khyber Pakhtunkhwa.

hmd
(SAKHI-UR-REHMAN)
SECTION OFFICER-ESTT:

NS SOI (AD)23-19/2009

Dated Peshawar, the 13/2011

Copy forwarded for information to:-

- 1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department with reference to his letter number quoted above.
- 2. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
- 3. The Secretary Finance Department FATA Secretariat Warsak Road, Peshawar.
- 4. The Joint Planning Officer, Agriculture, Livestock & Cooperation Department.
- 5. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa.
- 6. The Director General, Agriculture (Extension) FATA, Khyber Pakhtunkhwa, Peshawar.
- 7. The Principal, Agricultural Training Institute, Peshawar.
- 8. The Director Information, Khyber Pakhtunkhwa, Peshawar.
- 9. All District Coordination's Officers in Khyber Pakhtunkhwa.
- 10. All Executive Districts Officers (Agriculture) in Khyber Pakhtunkhwa.
- 11. All District Officers Agriculture, in Khyber Pakhtunkhwa.
- 12. The Manager, Government Printing Press, Khyber Pakhtunkhwa, Peshawar for publication in the next gazetteer.

hmd
(SAKHI-UR-REHMAN)
SECTION OFFICER-ESTT:

hmd
Assistant Accounts Officer
To Director
(Extension) Agriculture
Khyber Pakhtunkhwa Peshawar

Andil Naz

387
Ammit-B

(B)

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 20/8/2011

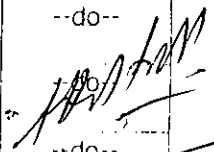
REF:

SOE (AD)23-19/2009.-

In pursuance of this Department notification of

number dated 10/3/2011, the competent authority is pleased to order the posting/transfer and adjustment of the following officers against the re-designated posts as a result of award of "Four Tier Service Structure" to the employees of Agriculture (Extension) Department with immediate effect in the interest of public service till further orders:-

Name of officer	From	To	Remarks.
1. Muhammad Taseem (BS-19)	Project Director, BADP. (BS-19).	Director Field-Operation HQ (BS-19) with additional charge of Director General, Agriculture (Extension), Khyber Pakhtunkhwa.	Against vacant upgraded post.
2. Shadi Khan (BS-18)	DOA, Tank (BS-18)	District Director Agriculture (BS-19), Tank (in his own pay & scale)	--do--
3. Saadullah Khan (BS-18)	Horticulturist HQ (BS-18)	Director Horticulture (BS-19), HQ, Peshawar (ops).	--do--
4. Muhammad Younas (BS-18)	DOA, Abbottabad (BS-18)	District Director Agriculture (BS-19) Abbottabad (ops)	--do--
5. Muhammad (BS-18)	PPO HQ (BS-18)	Director Plant Protection HQ (BS-19) (ops).	--do--
6. Muhammad (BS-18)	DOA, Lakki Marwat (BS-18)	District Director Agriculture, Lakki Marwat BS-19 (ops)	--do--
7. Ishaq Ahmad (BS-18)	DOA, Kohat (BS-18).	District Director Agriculture, Kohat BS-19 (ops).	--do--
8. Qayum Jan (BS-18).	Sr. Instructor, ATI, (BS-18).	Vice Principal, ATI, (BS-19) (ops).	--do--
9. Muhammad Saleem (BS-18)	DOA, Mardan (BS-18)	District Director Agriculture, Mardan (BS-19) (ops).	--do--
10. Bukhar Hussain (BS-18)	DOA, Hangu (BS-18)	District Director Agriculture, Hangu (BS-19) ops.	--do--
11. Muhammad Iqbal (BS-18)	DOA, Haripur (BS-18)	SMS Agronomy and Extension (BS-18) o/o DDA, Abbottabad	--do--
12. Muhammad Naseem (BS-18)	DOA, Battagram (BS-18)	District Director Agriculture, Battagram (BS-19) ops.	--do--
13. Fazal Mabood (BS-18).	DDA (E&M) HQ (BS-18).	Director Agriculture Marketing, HQ (BS-19) (ops).	--do--
14. Hassan Faj (BS-18)	DOA, Swabi (BS-18)	District Director Agriculture, Swabi (BS-19) ops.	--do--
15. Muzaffar Khan (BS-18)	DOA, Peshawar (BS-18)	District Director Agriculture, Peshawar (BS-19) ops.	--do--
16. Zaidullah Shah (BS-18).	DOA, Bannu (BS-18).	District Director Agriculture, Bannu (BS-19) ops.	--do--
17. Amjad Nawaz (BS-18)	DOA, DIKhan (BS-18)	District Director Agriculture, DIKhan BS-19 (ops).	--do--
18. Muhammad Israr (BS-18)	Senior Instructor, ATI, (BS-18)	Director Training / Training Coordinator ATI (BS-19) ops.	--do--
19. Muhammad Imran (BS-17) Sup.	DOA, Kohistan (BS-18)	District Director Agriculture, Kohistan (BS-19) ops.	--do--
20. Haq Nawaz (BS-17) Sup.	Asstt. Agronomist, Abbottabad (BS-17) Sup.	SMS Plant Protection (BS-18) o/o Distt. Director Agri: Mansehra (ops).	--do--
21. Zulfiqar Ahmad (BS-18)	Waiting for posting.	District Director Agri., Haripur (BS-19) ops.	--do--
22. Muhammad Khan (BS-17) Sup	APPO, Mardan (BS-17) Sup.	SMS Plant Protection o/o Distt. Director Agri. Mardan (BS-18) ops.	--do--


 Assistant Secretary
 To Director
 (Extension) K.P.K. Province Peshawar

23. Farid Maula (BS-17) Sup	AHO, (BS-17) Sup. Swat with additional charge of DOA, Swat	District Director Agriculture, Swat (BS-19) ops.	--do--
24. Obaidullah (BS-17) Sup	DOA, Shangla (BS-18)	District Director Agriculture, Dir Lower (BS-19) ops.	--do--
25. Iqbal Hussain (BS-18)	EDO Agri: Shangla (BS-19) (ops).	District Director Agriculture, Shangla BS-19 (ops) with additional charge of EDO Agri. Shangla.	--do--
26. Sultan Hussain Shah (BS-17) Sup.	DOA, Nowshera (BS-18)	District Director Agriculture, Nowshera (BS-19) ops.	--do--
27. Emanullah (BS-17)	DOA, Charsadda (BS-18) ops	District Director Agriculture, Charsadda (BS-19) ops.	--do--
28. Anwar Ghid Akbar (BS-17) Sup.	Asstt: Agronomist HO, Kohat (BS-17) Sup.	SMS Agronomy and Extension o/o Distt. Director Agri., Swabi (BS-18) ops.	--do--
29. Asad Anwar (BS-17) Sup.	APPO, Abbottabad (BS-17) Sup.	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri. Abbottabad.	--do--
30. Asad Maqbool Butt (BS-17) Sup.	Asstt. Director (C&PR) (BS-17) Sup. o/o DDA (I).	Dy. Director (Coordination and Publication) o/o DDA (I) (BS-18) ops.	--do--
31. Muhammad Iqbal (BS-17) Sup.	APPO, Malakand (BS-17) Sup	District Director Agri., Malakand (BS-19) (ops).	--do--
32. Asad Anwar (BS-17) Sup.	AO, Abbottabad (BS-17) Sup.	SMS Horticulture o/o the District Director Agri: Mansehra (BS-18) ops.	--do--
33. Asad Anwar (BS-17) Sup.	APPO, Mansehra (BS-17) Sup.	District Director Agriculture, Mansehra (BS-19) ops.	--do--
34. Asad Anwar (BS-17) Sup.	Asstt. Agronomy o/o DOA, Peshawar (BS-17) Sup.	SMS Agronomy and Extension o/o the District Director Agri: Peshawar (BS-18) ops.	--do--
35. Mir. Muhammad Sajawal Khan (BS-17)	.Waiting for Posting with effect from 27/6/2011.	Dy. Director (Planning, Monitoring and Evaluation HQ (BS-18) against vacant post (current side).	--do--
36. Fazal Rahman (BS-17)	AAIO o/o DDA (I) BS-17 Peshawar.	Agril. Officer (Public Relation & Publication o/o the DDA (I) Peshawar (BS-17).	--do--
37. Zahir Mah Khan (BS-17)	DOA, Karak (BS-18)	SMS Plant Protection (BS-18) ops o/o District Director Agriculture, Karak.	--do--
38. Asad Anwar (BS-17)	Waiting for posting.	Distt. Director Agriculture, Karak (BS-19) ops.	--do--
39. Asad Anwar (BS-17)	DOA, Buner (BS-18) ops	District Director Agriculture, Buner (BS-19) ops.	--do--
40. Asad Anwar (BS-17)	APPO o/o DOA, Bannu (BS-17) Sup. Ops	SMS Plant Protection o/o Distt. Director Agri: Bannu (BS-18) ops.	--do--
41. Asad Anwar (BS-17)	APPO o/o DOA, Peshawar (BS-17) Sup. ops	SMS Plant Protection o/o Distt. Director Agri. Peshawar (BS-18) ops.	--do--
42. Asad Anwar (BS-17)	APPO o/o DOA, Kohat (BS-17) Sup. Ops	SMS Plant Protection o/o Distt. Director Agri., Kohat (BS-18) ops.	--do--
43. Asad Anwar (BS-17)	APPO o/o the DOA, Swat (BS-17) ops	SMS Plant Protection o/o Distt. Director Agri., Swat (BS-18) ops.	--do--
44. Asad Anwar (BS-17)	Agril: Officer o/o DOA, DIKhan (BS-17).	Dy. Director Farm, Rakh Zandani DIKhan (BS-18) ops	--do--
45. Muhammad Ismail (BS-17)	Agril: Officer o/o DOA, DIKhan (BS-17).	Agril: Officer, Panyala o/o Distt. Director Agri., DIKhan (BS-17).	--do--
46. Abdul Nazem (BS-17)	Agril: Officer o/o DOA, DIKhan (BS-17).	Dy. Director Farm Ratta Kulachi, DIKhan (BS-18) ops.	--do--
47. Muhammad Irfan (BS-17)	Agril: Officer o/o DOA, DIKhan	Dy. Director Farm Rakh Manghar, DIKhan (BS-18) ops.	--do--
48. Abdul Qayum (BS-17)	AO (BS-17) o/o DOA, Mardan	SMS Agronomy & Extension o/o Distt. Director Agri., Mardan BS-18 (ops)	--do--
49. Muhammad Waseem (BS-17)	AO (BS-17) o/o DOA, Mardan	Dy. Director Farm, Jamra Farm, Mardan (BS-18) ops.	--do--

50. Ad Nazem
51. Jattain
52. Juhammar
53. War Ali
54. Ghannar
55. S-17

50/ Naorem	AO (BS-17) o/o DOA, Swabi	SMS Horticulture & Extension o/o Distt. Director Agri., Swabi BS-18 (ops)	--do--
51/ attam	AO (BS-17) o/o DOA, Swabi	SMS Plant Protection o/o Distt. Director Agri., Swabi BS-18 (ops)	--do--
52/ Muhammad	AO (BS-17) o/o DOA, Malakand	SMS Horticulture o/o Distt. Director Agri., Malakand BS-18 (ops)	--do--
53/ Swat Ali	AO (BS-17) o/o DOA, Swat	SMS Horticulture o/o Distt. Director Agri., Swat BS-18 (ops)	--do--
54/ Muhammad Siddique	AO (BS-17) o/o DOA, Swat	SMS Agronomy & Extension o/o Distt. Director Agri., Swat BS-18 (ops)	--do--
55/ Masood ur Rehman	AO (BS-17) o/o DOA, Mansehra	SMS Agronomy & Extn. o/o Distt. Director Agri., Mansehra BS-18 (ops)	--do--
56/ Mukhtar ur Rehman	AO (BS-17) o/o DOA, Mansehra	SMS Horticulture o/o Distt. Director Agri., Abbottabad BS-18 (ops)	--do--
57/ Altaf ur-Rehman	AO (BS-17) o/o DOA, Mansehra	Agril: Officer o/o Distt. Director Agri. Kohistan against the vacant post.	--do--
58/ Faisal Khurshid	AO (BS-17) o/o DOA, Swabi	Agricultural Officer (BS-17) o/o Distt. Director Agriculture, Mansehra.	--do--
59/ Muhammad Tariq	AO (BS-17) o/o DOA, Abbottabad	Dy Director Farms, Haripur BS-18 (ops)	--do--
60/ Muhammad Tahir	AO (BS-17) o/o DOA, Haripur	SMS Plant Protection BS-18 o/o DDA, Battagram (ops).	--do--
61/ Tariq Mehmood	AO (BS-17) o/o DOA, Haripur	SMS Plant Protection BS-18 o/o DDA, Haripur (ops).	--do--
62/ Sajjad Ahmad	AO (BS-17) o/o DOA, Haripur	SMS Horticulture o/o DDA, Haripur BS-18 (ops)	--do--
63/ Yousef Ali	AO (BS-17) o/o DOA, Hangu	SMS Plant Protection BS-18 o/o Distt. Director Agri., Hangu (ops).	--do--
64/ Anwar Khan	AO (BS-17) o/o DOA, Tank	SMS Plant Protection BS-18 o/o Distt. Director Agri., Tank (ops).	--do--
65/ Farid Ali	AO (BS-17), waiting for posting	Repatriated/posted SMS Plant Protection o/o Distt. Director Agri., Buner BS-18 (ops)	--do--
66/ Asghar Khan	AO (BS-17) o/o DOA, Buner	SMS Horticulture o/o Distt. Director Agri., Buner BS-18 (ops).	--do--
67/ Muhammad Uzair	AO additional charge of DOA, Dir Upper (BS-18)	Distt. Director Agri., Dir Upper BS-19 (ops)	--do--
68/ Muhammad Saied	Instructor, ATI (BS-17)	Senior Instructor, ATI, BS-18 (ops)	--do--
69/ Fazal Wahab	Junior Instructor ATI, (BS-17) Sup.	Instructor (BS-17)ATI, Peshawar vice No. 68.	--do--
70/ Ghulam	Agril: Officer (BS-17) o/o DOA, Peshawar	Instructor (BS-17) ATI, Peshawar.	--do--
71/ Muhammad Imran	Agril: Officer (BS-17) o/o DOA, Peshawar	SMS Horticulture (BS-18) ops o/o Distt. Director Agri., Peshawar.	--do--
72/ Abdul Nasir	Agril: Officer (BS-17) o/o DOA, Charsadda	SMS Plant Protection (BS-18) ops o/o Distt. Director Agri., Charsadda.	--do--
73/ Hidayat Ullah	Agril: Officer (BS-17) o/o DOA,, Charsadda	SMS Horticulture BS-18 o/o Distt. Director Agri., Charsadda (ops)	--do--
74/ Khisro Nawaz Ahmad	CMP-II Project, Charsadda w.e.from 1.7.2011.	Repatriated / posted as SMS Agronomy & Extn. BS-18 o/o Distt. Director Agri., Charsadda (ops)	--do--
75/ Mohammad Ghani	Agril: Officer (BS-17) o/o DOA,, Karak	SMS Agronomy & Extn. (BS-18) ops o/o Distt. Director Agri., Karak.	--do--
76/ Khuda Yar	Agril: Officer (BS-17) o/o DOA,, Bannu	SMS Agronomy & Extn. BS-18 o/o Distt. Director Agri., Bannu (ops)	--do--
77/ Gul Daraz	Waiting for posting	SMS Plant Protection (BS-18) o/o Distt. Director Agriculture, Lakki Marwat	--do--
78/ Asif Saleem	AO, Nowshera (BS-17)	SMS Plant Protection (BS-18) o/o Distt. Director Agril. Nowshera (ops)	--do--

Assistant Secretary Officer
to Director Agriculture
(Extension) P.K. Province Peshawar.

|| AMANULLAH
|| (BS-177)

|| AO, G/O DOA, D.K.H.W.
|| (BS-177)

SMS Plant Protection (BS-18) ops
G/O Dist. Director Agri. D.K.H.W.

NOTES: This order will be effective with effect from 1-7-2011 for the purpose of
drawal of pay & allowances.

SECRETARY AGRICULTURE
SECRETARY

1. No. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar with the request to circulate the same to all officers-concerned.
2. The Director General, Agriculture (Extension) FATA, Khyber Pakhtunkhwa, Peshawar.
3. The Principal, Agricultural Training Institute, Khyber Pakhtunkhwa, Peshawar.
4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. The Additional Accountant General (PR) Sub-Office, Peshawar.
6. All the District / Agency Accounts Officers, in Khyber Pakhtunkhwa.
7. All Heads of the attached Department of Agriculture, Livestock & Cooperation Department.
8. The Chief Planning Officer, Agriculture, Livestock & Cooperation Department.
9. All Section Officers in the Agriculture Department.
10. The Manager, Government Printing Press, Peshawar.
11. The Director of Information Government of Khyber Pakhtunkhwa, Peshawar.
12. PS to Chief Minister, Khyber Pakhtunkhwa.
13. PS to Chief Secretary, Khyber Pakhtunkhwa.
14. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
15. Personal files of the officers concerned.

277
(MUHAMMAD ZAHID)
SECTION OFFICER ESTT:

DIRECTORATE GENERAL AGRICULTURE (EXTENSION) KHYBER PAKHTUNKHWA
PESHAWAR

Dist No 12/2/Estt/ 14212-358/DG Dated Peshawar: the 20/2/2011

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Principal, Agricultural Training Institute, Peshawar.
3. The Director Field Operation, HQ office
4. All District Directors Agriculture, Khyber Pakhtunkhwa.
5. All District Accounts Officers, Khyber Pakhtunkhwa.
6. The Deputy Director Agriculture (Information) Peshawar.
7. The officers concerned
8. The Assistant Accounts Officer, HQ office.
9. The Pay Clerk, HQ office.

For information and necessary action.

DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA
PESHAWAR

Ammer C

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRI: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 4/7/2011.

NOTIFICATION.

NO. SOE (AD) 21-245/87.-

In terms of provisions of Rule-20 of the Khyber Pakhtunkhwa Civil Servants Revised leave Rules, 1981 and instructions contained there under issued from time to time, sanction is hereby accorded to the encashment of Leave Preparatory to Retirement, equal to 180-days pay in favour of Mr. Ghulam Muhammad, District Officer Agriculture (BS-18), Lakki Marwat.

2 In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Act 1973, the officer will retire from service with effect from 17-10-2011 (A.N) on attaining the age of superannuation.

SECRETARY AGRICULTURE.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar w/r to his letter No.11293 dated 23/6/2011.
2. The Executive District Officer (Agriculture), Lakki Marwat.
3. The District Officer Agriculture, Lakki Marwat.
4. The District Accounts Officer, Lakki Marwat.
5. Officer concerned.

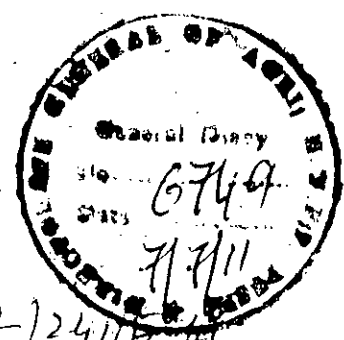
P 275

(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT:

SP
6/7/11

ELI
MM
7/7

Muhammad
Assistant Accounts Officer
To Director General
Agriculture
(Extension) Peshawar



Endst. No. 12/24/11/23/11

Copy to -

- (1) The EDO Agr. Lakki Marwat
- (2) The DOA, — do
- (3) The DAC, — do
- (4) The officer concerned.

Suppld



Annexure

Amir D.

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

Dated Peshawar, the April 20, 2012

NOTIFICATION


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

APPENDIX

PART-I

PROFESSIONAL STAFF

S No	Nomenclature of post.	Qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1	2	3	4	5
1	Director General, Agriculture (Extension) Khyber Pakhtunkhwa / Director General Agriculture (Extension) FATA / Principal, Agricultural Training Institute, Peshawar (BPS-20).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Officers (BPS-19) of the Agriculture Extension Wing having M.Sc Agriculture or B.Sc Degree in Agriculture from a recognized Agriculture University
2	Directors Field Operation / Plant Protection / Horticulture / Agriculture Marketing / Coordination, Planning and Monitoring / Model Farm Services Centre / Seed / Training and Training Coordinator Agriculture Training Institute / Director Agriculture / District Directors Agriculture / Vice Principal, Agriculture Training Institute and Executive District Officer Agriculture (BPS-19).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Officers (BPS-18) of the Agriculture Extension Wing with seven years service in BS-18 or 12 years service in BS-17 and above having M.Sc Agriculture or B.Sc Degree in Agriculture from a recognized Agriculture University.
3	Deputy. Directors (Planning, Monitoring and Evaluation) / Plant Protection / Horticulture / Agriculture Marketing /Agriculture(Information) / Coordination and Publication /Senior Instructors, Agriculture Training Institute /subject Matter Specialists Plant Protection/Agronomy and Extension / Horticulture / Plant Protection Officers / Deputy. Director Farms / Agency Officers	--	--	By promotion, on the basis of seniority cum fitness, from amongst the BS-17 Agricultural officers / Instructor/Agriculture Officer Public Relation and Publication of Agriculture Extension Wing with five years' service as such, having M.Sc Agriculture or B.Sc Degree in Agriculture from a recognized Agriculture University.
25	Agriculture and Horticulture Specialists (BPS-18).	--	--	

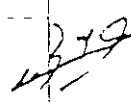
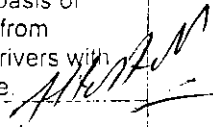


 Assistant Accounts Officer
 To Director General Agriculture
 (Extension) K.P.K Province Peshawar

	Agriculture Officers / Agriculture Officers / Public Relation and Publication and Instructors (BPS-17).	At least 2 nd Division M.Sc/ B.Sc (Hons) Degree in Agriculture from a recognized Agricultural University.	21 to 32 years	a). Twenty-five percent promotion, on the basis seniority cum fitness, amongst the holders of the post of Agricultural Inspectors with least fifteen years service as Agricultural Inspector and Assistant; and b). seventy-five per cent by initial recruitment.
5	Instructor Islamiyat (BPS-16)	Molvi Fazil or Sanadul Faraghat from Wafaqi Madrasa or equivalent, sanad from a recognized religious institution.	21 to 32 years.	By initial recruitment.
6	Equipment Engineers (BPS-16)	(a) Secondary School Certificate from a recognized Board; and (b) Diploma in Electronics from a recognized Polytechnic Institute or College of Technology with two years experienced of Audio Video equipment installation maintenance and repair with sufficient knowledge of handling such equipment.	18 to 28 years.	By initial recruitment.
	Artists (BPS-11)	(a) Secondary School Certificate from a recognized Board; and (b) Diploma or certificate in fine art from a recognized institute, with two years experience of commercial art.	18 to 28 years.	By initial recruitment.
8	Electricians (BPS-11)	(a) Secondary School Certificate from a recognized Board; and (b) Diploma in Electrical from a recognized Institute with appropriate technical knowledge of repairs, maintenance and handling of Electric Supply / Lines / equipment.	18 to 28 years.	By initial recruitment.
9	Penal Operators (BPS-11)	(a) Secondary School Certificate from a recognized Board; and (b) Diploma in Electronics from a recognized Institute with sufficient knowledge of handling console / audio video equipment and its repair and maintenance.	18 to 28 years.	By initial recruitment.
10	Physical Instructors (BS-11).	Secondary School Certificate from a recognized Board with junior Diploma in physical education or Ex-Service man who hold Secondary School Certificate and served the defence force for at least five years as non-commission officer.	18 to 28 years.	By initial recruitment.
11	Photographers (BS-11).	(a) Secondary School Certificate from a recognized Board, and (b) Certificate in photography from a	18 to 28 years.	By initial recruitment.

12
13
14
15

319

		with three years experience in portrait / landscape photography with appropriate knowledge and practice of commercial photography.		
12	Video Camera Operators (BPS-10).	At least 2 nd Division Secondary School Certificate from a recognized Board with four years experience in Outdoor Photography, Documentary, Editing and Commercial.	18 to 28 years.	By initial recruitment.
13	Artist-cum-Photographers (BSPS-9).	Diploma in Arts from a recognized Institute of Arts with sufficient experience in photography.	18 to 28 years.	By initial recruitment.
14	Agriculture Inspectors (BPS-9).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst Field Assistants with at least five years service as such.
15	Field Assistants (BPS-6).	(a) At least 2 nd Division in Secondary School Certificate with science from a recognized Board; and (b) Certificate of passing two years training course from Agricultural Training Institute.	18 to 28 years.	By initial recruitment.
16	Stock Assistants (BPS-6).	(a) At least 2 nd Division in Secondary School Certificate with science from a recognized Board; and (b) Certificate of passing two years training course from Agricultural Training Institute.	18 to 28 years.	By initial recruitment.
17	Laboratory Assistants (BPS-6).	At least 2 nd Division in Secondary School Certificate with science from a recognized Board.	18 to 28 years.	(a) Fifty percent by promotion on the basis of seniority-cum-fitness, from amongst Laboratory Attendants with three years service as such, having Secondary School Certificate with science from a recognized Board; and (b) Fifty percent by initial recruitment.
18	Pharmacy Technicians (BPS-9).	Secondary School Certificate from a recognized Board with Dispenser Certificate from Health Department.	--	By initial recruitment.
19	Heavy Duty Driver (BPS-6).	Experience in driving having heavy vehicle driving licence.	18 to 40 years.	By initial recruitment.
20	Driver-Cum-Operator (BPS-6).	Middle pass having heavy Motor driving licence and experience in handling projector.	18 to 40 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the vehicle drivers with three years experience.
21	Projectionist-cum-Drivers (BS-6)	Literate possessing a valid driving licence and having three years experience in a relevant field. Note:- preference will be given to the holders of certificate in film projection.	18 to 32 years.	By initial recruitment.
22	Mechanics (BPS-5).	--	--	By transfer from amongst Fitter with three years service as such.
23	Fitters (BPS-5).	Middle pass certificate from a recognized Institute.	18 to 28 years.	By initial recruitment.
24	Budders (BPS-5).	Meddle pass with experience in budding.	18 to 40 years.	By promotion from amongst Field Worker/ Malies and Attendants
25	Electricians (BPS-5).	Secondary School Certificate from a	18 to 40 years.	By initial recruitment




 Assistant Secretary Officer
 To Director
 (Extension) K.P.K. Province Peshawar

26	Tractor Drivers (BPS-5).	recognized Board with certificate as Electrician. Having tractor driving licence with two years experience in handling Tractor.	18 to 40 years.	By initial recruitment.
27	Vehicle Drivers (BPS-4).	Experience in Driving with light vehicle driving licence.	18 to 40 years.	By initial recruitment.
28	Thresher Operators (BPS-3).	Middle pass one year experience in the Thresher Operator.	18 to 40 years.	By initial recruitment.
29	Tube Well Operators (BPS-1).	Two years experience in the operating tube wells.	18 to 45 years.	By initial recruitment.
30	Tractor Cleaners / Helpers of Driver (BPS-1).	One year experience as Cleaner.	18 to 45 years.	By initial recruitment.
31	Malies (BPS-1).	Experience in flower culture and horticulture.	18 to 45 years.	By initial recruitment.
32	Carpenters (BPS-1).	Five years experience as carpenter.	18 to 45 years.	By initial recruitment.
33	Field Workers / Cook / Depot Colies / Laboratory Attendants / Mess Boys & Sweeper (BPS-1).	Experience in the relevant field.	18 to 45 years.	By initial recruitment.

Senior Clerk (BPS-9)

PART-II
MINISTERIAL STAFF

34	Assistant Accounts Officers (BPS-17)	"		By promotion, on the basis of seniority- cum-fitness, from amongst the holders of the posts of Administrative Officers / Superintendents.
35	Administrative Officers (BPS-16).	"		"By transfer from amongst the Superintendents".
36	Superintendents (BPS-16).	"		a). Ninety percent by promotion, on the basis of seniority- cum-fitness, from amongst the holders of the posts of Assistant / Accountants with five years service as such; and b). ten percent by promotion, on the basis of seniority- cum-fitness from Senior Scale Stenographers with five years service as such.
37	Senior Scale Stenographers (BS-15).	"		By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers / Computer Operators with three years service as such.
38	Assistants / Accountants (BPS-14).	At least 2 nd Division Bachelor's Degree from a recognized University.	18 to 28 years.	(a). Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from Senior Auditors / Senior Clerks with three years service as such; and (b). twenty-five percent by initial recruitment.
39	Junior Scale Stenographers (BPS-12).	(a). Secondary School Certificate or an equivalent qualification from a recognized Board; and (b). a speed of eighty words per minute in shorthand in English and thirty-five words per minute in typing.	18 to 28 years.	By initial recruitment.
40	Computer Operators (BS-12).	At least 2 nd Division Bachelor's Degree from a recognized university with one year diploma in Information Technology	18 to 28 years.	By initial recruitment.
41	Video Camera Operator (BPS-10).	At least 2 nd Division Secondary School Certificate with two years experience in Outdoor Seismograph	18 to 28 years.	By initial recruitment.

5

Senior Clerks
(BPS-9).

Documentary Editing
and Commercial.

By promotion, on the basis of
seniority-cum-fitness, from amongst
Junior Clerks / Time Keepers / Store
Keepers and Depot Keepers with two
years service as such.

43 Senior Auditors
(BPS-8).

By promotion, on the basis of
seniority-cum-fitness, from amongst
Junior Auditors with two-years service
as such.

44 Junior Clerks
(BSPS-7).

(a). Secondary School
Certificate or an
equivalent qualification
from a recognized
Board; and
(b). a speed of thirty
words per minute in
typing.

18 to 28
years.

(a) Thirty-three percent by
promotion, on the basis of
seniority-cum-fitness from
amongst the holders of all Class-
IV posts provided that they
possess secondary school
certificate with two years service
as such; and
(b) Sixty-seven percent by initial
recruitment.

45 Junior Auditors
(BPS-6).

Secondary School
Certificate or an
equivalent qualification
from a recognized
Board;

18 to 28
years.

By initial recruitment.

46 Store Keepers/Time
Keepers and Depot
keepers (BPS-5).

Secondary School
Certificate or an
equivalent qualification
from a recognized
Board.

18 to 28
years.

By initial recruitment.

47 Calligraphers
(BPS-5).

Three years experience
in the art of calligraphy.

18 to 32
years.

By initial recruitment.

48 Daftaries (BPS-2).

Middle Pass.

18 to 45
years.

By promotion, from amongst Naib
Qasids who are middle passed.

49 Naib Qasids
(BPS-1).

Preferably literate.

18 to 45
years.

By initial recruitment.

50 Chowkidars and
Security Guards
(BPS-1)

Having experienced in
watch and ward duty.

18 to 45
years.

By initial recruitment.

SECRETARY TO GOVERNMENT OF
THE KHYBER PAKHTUNKHWA,
AGRI: LIVESTOCK AND COOP: DEPARTMENT.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:

1. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Law Department w/r to his letter No.LD/REG/1(6)76/Vol-II dated 06.01.2012.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The All District Coordination Officers, Khyber Pakhtunkhwa.
6. The All Executive District Officers (Agriculture), Khyber Pakhtunkhwa.
7. The Secretary to Governor, Khyber Pakhtunkhwa.
8. The PSO to Chief Minister, Khyber Pakhtunkhwa.
9. The PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. The PS to Additional Chief Secretary, FATA, Warsak Road, Peshawar.
11. The PS to Minister for Agriculture, Khyber Pakhtunkhwa.
12. The Director General, Agricultural (Extension), Khyber Pakhtunkhwa, Peshawar.
13. The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. He is requested that printed (preferable gazette) copies of the notification as and when published may be furnished to this Department, E&A and Law Department along with details of gazette in which is published.
14. PS to Secretary Agriculture.

Assistant Agriculture Officer
Agriculture
Peshawar

(MUHAMMAD ZAHID)
SECTION OFFICER-ESTT.

Before the K.P. Service Tribunal, Peshawar

A. No. 908/15

Shahwan Muhammad vs. Saqir & others

REPLICATION

R/S/11/11

All the aforesaid objections are illegal

and incorrect. No reason in support of the same is ever given as to why appeal should not be allowed. Appeal is not maintainable, is allowed. Concernment of material facts, conditions, time barred, is without jurisdiction and is barred for mis- & non-judicial of necessary parties.

ON FACTS :-

1. Correct.

2. As above.

3. Correct.

4. In response to the para of the

comments, it is submitted that when post

of Distt Officer, Agriculture (DOA) was

re-designated / upgraded to B-19, the apper-

stant shall be given the benefit of

the re-designation / upgraded post and

not the post in own pay scale in

B-15 because O.P.S. is taken to service

Land.

5. In response to this part of the comments it is submitted that the post D.A. Representation was redesignated on 10.3.11, which appointment was revised for service on 17.10.11 on LPR for one year, meaning thereby that his actual date of retirement will be 4.7.12, so appointment was given initially for amount of 13-19 with all service benefits.

GROUND 5:-

All the grounds of the appeal are argued and correct with out of the reply are illegal and correct with out of the reply are illegal and in correct. The same adopted message. It is, therefore, most liberty requests that the appeal be accepted as prayed for.

Applicant

Through: G. S. Kulkarni

Advocate

Advocate

Mahad, applicant's address

g, G. S. Kulkarni + declare that contents

being solemnly affirmed are true & correct to the best of my knowledge & belief with out of the reply are illegal & in correct.

I reaffirm the same on oath once again to be true & correct as per the available

Andon Mahad

Record

DEPARTMENT