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BEFORE THE KHYBER PAKHTUNKHWAH SERVICE TRIBUNAL

PESHAWAR

APPEAL NO:- 1507/23

Muhammad Ismael S/O Ajab Khan R/o Sugarcane Farm Research Institute
Charsadda Road, Mardan..... (Appellant)

VS

1. Secretary Agriculture Civil Secretariat Peshawar KPK
2. Director General Research Agriculture University Peshawar
3. Admin Officer, DG Office Research Agriculture University Peshawar
4. Director Sugar Crops Research Institute Charsadda Road Mardan
..... (Respondents)

Khyber Pakhtunkhwa
Service Tribunal

Disc. No. 8681

Dated 30-10-23

AMENDED Appeal Under Section 4 of The Service Tribunal Act-1974 against the order dated 31-10-2022 wide which the appellant service is suffered and the promotion of the appellant is further delayed due to illegal inclusion of "Technical Staff Batch" into the promotion structure of "Clerical staff Batch" which is illegal against the law, rules and regulations of the said department.

Respectfully Sheweth,

The appellant submits as under.

- A. That the appellant was recruited in the agriculture department at Sugarcane Farm Charsadda Road Mardan (SCRI) as Naib Qasid On dated 01-10-2010 and is performing his duty with full devotion. Copies are attached.
- B. That the appellant submitted a departmental appeal on dated 5-12-2022 and resultant departmental order was issued on dated 06-01-2023 for necessary action in favour of the appellant but no action was taken by the respondents. Copies are attached
- C. That after the departmental appeal and order the appellant instituted a civil suit against the respondents in the court of Civil Judge Mardan on the basis of malafide intentions of the respondents. Copy attached
- D. That on dated 12-07-2023 the suit of appellant was returned by the Honourable Court of Civil Judge Mardan due to lack of jurisdiction to the Service Tribunal, that's why the instant service appeal on the following grounds amongst others:- Copy attached.

GROUND

1. That according to the rules and regulation of the said department every Staff Batch has its own separate promotional structure and promotions are granted accordingly without disturbing other staff batches, but the order dated 31-10-2022 is illegal and against law and rules (Copies of order and Promotion structures).
2. That due to the illegality, malafide and mal-practice of the said department they included "Technical Staff Batch" in the promotional structure of "Clerical Staff Batch" although the service structure for

both is present and the policy is well defined the seniority number of the appellatant was so much disturbed that the seniority list came back to 1995 from 2014

- 3. That the Technical staff has its own promotional structure, but the department has illegally hired "Arts Matriculates" in technical staff due to which they are not eligible for the said post and promotions within the promotional structure of Clerical Staff Batch and it is also a fact that the respondents have no policy and moral standing that how the laboratory assistants from technical staff can become clerical staff in light of the policy 2022.
- 4. That the department hired the said staff on their own sweet will and now illegally including them in the promotional structure of clerical staff batch which is a clear cut invasion on the rights of the appellatant and the appellatant has been deprived of his right of defence.
- 5. That the dependents should be restrained not to violate from the rules and regulations of the said department and to this effect temporary injunctions should also be granted in favour of the appellatant.
- 6. That the appellatant is a poor person and a sole bread earner of his large family and there is no other source of income.

Therefore it is humbly prayed before your honour that the impugn order dated 31-10-2022 may kindly be set aside and the appellatant may kindly be reinstated in the said seniority list with all back and benefits.

Any other remedy which is deemed appropriate and not specifically asked for may also be granted to the appellatant

Ismael

Muhammad

(Appellant)
[Signature]

Through Counsel
Alamzeb & Sajjad Ali
Advocates
District Courts Mardan

[Signature]
30-10-23

AFFIDAVIT:

It is certified that the content of the appeal are true and correct with best of my knowledge and nothing has been concealed from the court.

Deponent

[Signature]



[Signature]
30/10/23

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DIRECTORATE GENERAL AGRICULTURE RESEARCH
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 ☎091-9221271 web: www.agrifrs.kp.gov.pk ☎091-9221270
 E-mail: dyragrifresearch@gmail.com



OFFICE ORDER

Consequent upon the recommendation of the Departmental Promotion /Selection Committee of Agriculture Research Department in its meeting held on 20.10.2022, the following Class-IV employees are hereby promoted to the post of Junior Clerks BPS-11 on regular basis with immediate effect. The officials who are promoted will be on probation for one year and extendable to another year.

S.#	NAME & DESIGNATION	INSTITUTE/STATION	PROMOTED TO THE POST
1.	Mr. Rahat Khan, Mali	Agricultural Research Institute, Tarnab, Peshawar.	Junior Clerk (BS-11)
2.	Mr. Wajid Khan, Naib Qasid	Cereal Crops Research Institute, Pirsabak, Nowshera.	Junior Clerk (BS-11)
3.	Mr. Ajab Khan Naib Qasid	Agricultural Research Station, Amnawar, Buner.	Junior Clerk (BS-11)
4.	Mr. Muhammad Basir Field Worker	Agricultural Research Station, Kohat	Junior Clerk (BS-11)
5.	Mr. Shabir Ahmad Field Worker	Directorate (SPN), Agricultural Research Institute, Tarnab, Peshawar.	Junior Clerk (BS-11)
6.	Mr. Inamullah, Chowkdar	Agricultural Research Institute, Tarnab, Peshawar.	Junior Clerk (BS-11)
7.	Mr. Muhammad Ibrar Chowkdar	Agricultural Research Institute, Tarnab, Peshawar.	Junior Clerk (BS-11)
8.	Mr. Noor Aziz Field Worker	Agricultural Research Station, Chitral.	Junior Clerk (BS-11)
9.	Mr. Khalista Gul Laboratory Attendant	Sugar Crops Research Institute, Mardan.	Junior Clerk (BS-11)

On their promotion the transfer /posting of the officials are hereby ordered in the best interest of public service.

S.#	NAME & DESIGNATION	FROM	TO	REMARKS
1.	Mr. Rahat Khan, Junior Clerk (BS-11)	Agricultural Research Institute, Tarnab, Peshawar.	Directorate (SPN), Agril. Res. Institute, Tarnab, Peshawar	Against an existing vacancy
2.	Mr. Wajid Khan, Junior Clerk (BS-11)	Cereal Crops Research Institute, Pirsabak, Nowshera.	Cereal Crops Research Institute, Pirsabak, Nowshera.	Against an existing vacancy.
3.	Mr. Ajab Khan Junior Clerk (BS-11)	Agricultural Research Station, Amnawar, Buner.	Agricultural Research Station, Harichand, Charsadda.	Vice at Sl.No. 10
4.	Mr. Muhammad Basir Junior Clerk (BS-11)	Agricultural Research Station, Kohat	Agricultural Research Institute, Tarnab, Peshawar	Against an existing vacancy.
5.	Mr. Shabir Ahmad Junior Clerk (BS-11)	Directorate (SPN), Agril. Res. Institute, Tarnab, Peshawar	Directorate (SPN), Agril. Res. Institute, Tarnab, Peshawar	Against an existing vacancy.
6.	Mr. Inamullah, Junior Clerk (BS-11)	Agricultural Research Institute, Tarnab, Peshawar.	Agricultural Research Institute, Tarnab, Peshawar.	Against an existing vacancy.
7.	Mr. Muhammad Ibrar Junior Clerk (BS-11)	Agricultural Research Institute, Tarnab, Peshawar.	Agricultural Research Institute, Tarnab, Peshawar.	Against an existing vacancy.
8.	Mr. Noor Aziz Junior Clerk (BS-11)	Agricultural Research Station, Chitral.	Agricultural Research Station, Chitral.	Against an existing vacancy.

9.	Mr. Khaista Gul Junior Clerk (BS-11)	Sugar Crops Research Institute, Mardan.	Cereal Crops Research Institute, Pirsabak, Nowshera.	Against an existing vacancy.
10.	Mr. Mudassir Aqeel Junior Clerk (BS-11)	Agricultural Research Station, Harichand, Charsadda.	Directorate General Agricultural Research, Khyber Pakhtunkhwa, Peshawar.	Against an existing vacancy.

Sd/-
DIRECTOR GENERAL

No 1130-1156 /Estt/DGAR

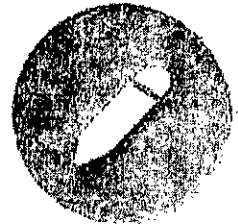
Dated Peshawar 31/10/2022

Copy to:-

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The Senior Director, Agricultural Research Institute, Tarnab, Peshawar.
3. The Director, (S&PN), Agriculture Research Institute, Tarnab, Peshawar.
4. The Director, Cereal Crops Research Institute, Pirsabak, Nowshera.
5. The Director, Sugar Crops Research Institute, Mardan.
6. The Director, Agricultural Research Station, Buner.
7. The Director, Agricultural Research Station, Chitral.
8. The Director, Barani, Agricultural Research Station, Kohat.
9. The Director, Agricultural Research Station, Harichand, Charsadda.
10. The District Accounts Officers, Nowshera, Mardan, Charsadda, Buner, Chitral and Kohat.
11. The Assistant Accounts Officer, H.Q.
12. The officials concerned.

For information and necessary action.

CM/BS
DIRECTOR GENERAL



(4)

BETTER COPY**DIRECTORATE GENERAL AGRICULTURE PESHAWAR****OFFICE ORDER**

Consequent upon the recommendation department promotion/selection committee of agricultural research department in its meeting held on 20-10-2022, the following class IV employee are hereby promoted to the post of junior clerks BPS-11 on regular basis with immediate effect. The officials who are promoted will be on probation for one year and extendable to another year.

S.No	Name of Designation	Institute/Station	Promoted to the post
1	Mr. Rahat Ali Mali	Agriculture Research institute Tarnab Peshawar	Junior Clerk BPS-11
2	Mr. Wajid Khan Naib Qasid	Cereal Crops Research Institute Pirsabak Nowshera	Junior Clerk BPS-11
3	Mr. Ajab Khan Naib Qasid	Agriculture Research Station Buner	Junior Clerk BPS-11
4	Mr. Muhammad Basir Field Worker	Agriculture Research Station Kohat	Junior Clerk BPS-11
5	Mr. Shabir Ahmad Field Worker	Directorate (SPN) Agriculture Research institute Tarnab Peshawar	Junior Clerk BPS-11
6	Mr. Inamullah Chowkidar	Agriculture Research institute Tarnab Peshawar	Junior Clerk BPS-11
7	Mr. Muhammad Ibrar Chowkidar	Agriculture Research institute Tarnab Peshawar	Junior Clerk BPS-11
8	Mr. Noor Aziz Field Worker	Agriculture Research Station Chitral	Junior Clerk BPS-11
9	Mr. Khaista Gul Laboratory Attendant	Sugar Crops Research Institute Mardan	Junior Clerk BPS-11

On their promotion the transfer/posting of the officials are hereby ordered in the best interest of public service.

Attested to be
True better copy
M. Raza

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S.#	Name of Designation	From	To	Remarks
1	Mr. Rahat Ali Junior Clerk (BPS-11)	Agriculture Research institute Tarnab Peshawar	Directorate (SPN) Agriculture Research institute Tarnab Peshawar	Against an existing Vacancy
2	Mr. Wajid Khan Junior Clerk (BPS-11)	Cereal Crops Research Institute Pirsabak Nowshera	Cereal Crops Research Institute Pirsabak Nowshera	Against an existing Vacancy
3	Mr. Ajab Khan Junior Clerk (BPS-11)	Agriculture Research Station Buner	Agriculture Research Station Harichand Charsadda	Vice at Sl.No. 10
4	Mr. Muhammad Basir Junior Clerk (BPS-11)	Agriculture Research Station Kohat	Directorate (SPN) Agriculture Research institute Tarnab Peshawar	Against an existing Vacancy
5	Mr. Shabir Ahmad Junior Clerk (BPS-11)	Directorate (SPN) Agriculture Research institute Tarnab Peshawar	Directorate (SPN) Agriculture Research institute Tarnab Peshawar	Against an existing Vacancy
6	Mr. Inamullah Junior Clerk (BPS-11)	Agriculture Research institute Tarnab Peshawar	Agriculture Research institute Tarnab Peshawar	Against an existing Vacancy
7	Mr. Muhammad Ibrar Junior Clerk (BPS-11)	Agriculture Research institute Tarnab Peshawar	Agriculture Research institute Tarnab Peshawar	Against an existing Vacancy
8	Mr. Noor Aziz Junior Clerk (BPS-11)	Agriculture Research Station Chitral	Agriculture Research institute Tarnab Peshawar	Against an existing Vacancy

No:- 1130-11156/Est/DGR


Dated:- 31-10-2023

Appeal No. 1507/2023

12.09.2023

1. Learned counsel for the appellant present and submitted an application for placing on file necessary documents. Application is allowed and necessary documents are placed on file.

2. Let pre-admission notice be issued to respondents for submission of written reply/comments. To come up for implementation report on 20.10.2023 before S.B. P.P given to parties.



(Rashida Bano)
Member (J)

KaleemUllah

10th Oct, 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Reply/comments on behalf of respondents submitted which are placed on file. Copy of the same handed over to learned counsel for the appellant. Learned counsel for the appellant submitted application for permission to file amended appeal. He may do so within a week. To come up for amended appeal as well as preliminary hearing on 29.11.2023 before S.B. P.P given to the parties.


(Muhammad Akbar Khan)
Member (I)