

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL**

Service Appeal No. 2004/2022

MAQBOOL UR REHMAN .....Appellant

Versus

GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS  
.....Respondents

**INDEX**  
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S. No.	Documents	Annexure	Page No.
1.	Para-wise reply/comments on behalf of Respondents	--	1-4
2.	Affidavit	--	05
3.	Authority Letter	--	06
4.	Letter No. SOE(AD)2(2)61/84/23944-50, 17.08.1988 with Fair Copy	A	07-08
5.	Notification dated 30.06.2011	B	9-10
6.	Letter dated: 23.02.2015	C	11
7.	Email: dated 31.03.2014	D	12



**Dr. Abdul Bari**

Director General Agriculture Research

(Respondent No. 2)

30-11-2023

Peshawar

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL**

Service Appeal No. 2004/2022

MAQBOOL UR REHMAN .....Appellant

**Versus**

1. GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY
2. THE DIRECTOR GENERAL, AGRICULTURE RESEARCH, PESHAWAR
3. THE SENIOR DIRECTOR, AGRICULTURE RESEARCH INSTITUTE, TARNAB, PESHAWAR

.....Respondents

**SUBJECT: REPLY ON BEHALF OF RESPONDENTS**

**Khyber Pakhtunkhwa  
Service Tribunal**

Respectfully Sheweth:-

Diary No. 9572

**Preliminary Objections**

Dated 29.11.2023

1. That the appellant has not undergone through two years mandatory training to build his capacity.
2. That the instant appeal is based on illegal demands against the respondents, hence, the instant appeal is not maintainable in its present form and liable to be dismissed with cost.
3. That the appellant is wasting the precious time of this Hon`ble Court by filing the instant appeal.
4. That the appellant has no locus standi and this instant appeal warrants dismissal in limine.
5. That the appellant has deliberately concealed the important facts from this Hon`ble Tribunal.

**ON FACTS: -**

Para:1 Pertains to record.

Para:2 Incorrect. The appellant was appointed as un-trained Field Assistant. Moreover, the appellant also did not undergo or successfully complete the required two



years training course from Agriculture Training Institute Peshawar as per instructions contained in Government of NWFP, Agriculture Food and Cooperation Department's letter No. SOE(AD)2(2)61/84/23944-50, 17.08.1988 (**Annex-A**).

Para:3-4 It is submitted for the convenience of this Hon'ble Tribunal that the Government vide **Notification dated 30.06.2011** (**Annex-B**) formulated a 3-teir service structure wherein, the curriculum of Field Assistant was revised and duration on the course was enhance from two years to three years (diploma course). Therefore, to cover the required duration of extra one year, the said condensed course was devised/arranged for only those Field Assistants who already have successfully completed two years training course or had 2-years diploma of Field Assistant from Agriculture Training Institute.

Moreover, the Principal, Agriculture Training Institute, Peshawar vide his letter No. 255/PATI, dated 23/02/2025 and via an electronic mail also clarified that all those Field Assistants who do not possess two years certificate course of Field Assistants are not eligible for the condensed course (**Annex-C & D**). The operative paras of the letter are also reproduced as under;

**“the agriculture training institute had made it very clear in the initial stage that the untrained field assistants are not eligible/allowed for condensed course, even if they are granted permission by mistake of Agriculture Training Institute, or the recommendation of their supervising officers.....”**

**In view of the above, this office is of the firm opinion that untrained Field Assistants are not eligible for further promotion even if they are mistakenly got a chance of attending clearing the condensed course”.**

As the appellant was an untrained Field Assistant, was not eligible for further promotion, therefore, he was excluded from the seniority list maintained for Field Assistants.



Para:5-6 As mentioned in aforementioned paras, the appellant being untrained Field Assistant, was not eligible for further promotion. Hence, to entertain his appeal

is meaningless, as it will become precedence in future and would increase litigation.

Para: 10 Not admitted, as details are clearly given in above paras. Moreover, the appellant being not genuinely aggrieved person from any act of the replying department may not be allowed to raise any grounds whatsoever.

### GROUNDS

Para:A-B The appellant after his appointment as untrained Field Assistant did not successfully complete or undergo the required two years training course from Agriculture Training Institute Peshawar as per instructions of the Administrative Department.

Para: C-D Not admitted. Hence, denied with the remarks that promotion granted without fulfilling mandatory training/diploma is against the natural principle of parity. Moreover, the appellant's contention does not hold any ground as the Agricultural Training Institute clarified that untrained Field Assistants are not eligible for further promotion.

Para: E-F Not admitted. Promotion is not a vested right, but depends on the eligibility as well as fitness of the candidate. The Appellant was appointed as untrained Field Assistant and as per instructions issued by the Government in 1988, he has not undergone mandatory training to build his capacity. Therefore, being untrained and not having required 2-year diploma, he is not fit/eligible for further promotion.

Para: G Not admitted, hence denied with the remarks that promotion orders were issued in respect of trained Field Assistants who earlier acquired Diploma of Field Assistant from an Agriculture Training Institute. Moreover, no untrained Field Assistant has been promoted to next higher grade.

Para: H The said para has no relevancy with the replying department.


Para: I The Hon`ble Tribunal will be further satisfied at the time of arguments.

It is therefore, most respectfully prayed that on acceptance of the submissions made herein above, the instant service appeal may please be dismissed having no legal footings.


**Respondent No. 1**  
**Nadeem Aslam Chaudhry**

  
**Chief Secretary**  
Govt. of Khyber Pakhtunkhwa, Peshawar

**Respondent No. 2**  
**Dr. Abdul Bari**

  
**Director General**  
Agriculture Research Khyber Pakhtunkhwa,  
Peshawar

**Respondent No. 3**  
**Dr. Masood Jan**

  
**Senior Director**  
Agriculture Research Institute, Tarnab,  
Peshawar

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL**

Service Appeal No. 2004/2022

MAQBOOL UR REHMAN .....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary
2. The Director General, Agriculture Research, Peshawar
3. The Senior Director, Agriculture Research Institute, Tarnab, Peshawar

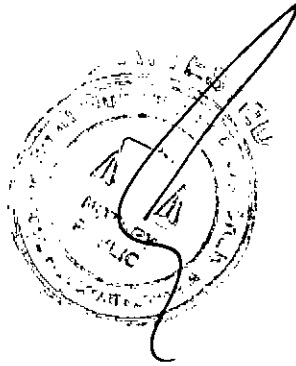
.....Respondents

**AFFIDAVIT**

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I, **DR. ABDUL BARI, Director General Agric. Research, Peshawar**, do hereby solemnly affirms that the contents of para-wise reply/comments are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

It is further stated on the Oath that in this appeal, the answering respondents have neither been placed *ex-parte* nor their defense has been struck-off. .



*Dr. Abdul Bari*

Dr. Abdul Bari

CNIC# 1560208024309

Mob# 03469409577

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL**

Service Appeal No. 2004/2022

MAQBOOL UR REHMAN ..... **Appellant**

**Versus**

- 1. Government of Khyber Pakhtunkhwa through Chief Secretary
- 2. The Director General, Agriculture Research, Peshawar
- 3. The Senior Director, Agriculture Research Institute, Tarnab, Peshawar

..... **Respondents**

**AUTHORITY**

\*\*\*\*\*

The following officers are hereby authorized to appear before this Hon'ble Tribunal on behalf of Resp. No 1,2 &3 in the afore-mentioned service appeal on each and every date, till final decision.

1. **Muhammad Ilyas Khan** (Sr. Statistician: BS-19), ARI Tarnab Peshawar
2. **Adnan Ahmad** (Research Officer, BS-17), ARI, Tarnab Peshawar

The above-named officers are also authorized to submit all relevant documents/record in connection with the above case.

**ON BEHALF OF RESPONDENT NO. 1**

**Respondent No. 2**



**Dr. Abdul Bari  
Director General**

Agriculture Research Khyber Pakhtunkhwa,  
Peshawar

**Respondent No. 3**



**Dr. Masood Jan  
Senior Director**

Agriculture Research Institute, Tarnab,  
Peshawar

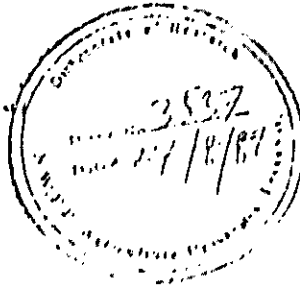
GOVERNMENT OF H.P.  
AGRICULTURE, FOOD & COOP. DEPT.  
DEPARTMENT

NO. SOE(AD)2(2)61/84/  
DATED PESHAWAR THE \_\_\_\_\_ / 1988

27  
sup

To

The Principal,  
Agricultural Training Institute,  
H. N. T. P., Peshawar.



SUBJECT: FIELD ASSISTANTS TRAINING

Memo:

I am directed to refer to your letter No. 10052/  
PATI dated 2-8-1988 on the subject noted above.

The un-trained Field Assistants working in  
Research Wing of Agriculture Department have to be  
trained in three batches of 15-16 each. In addition  
to this the Field Assistants from less developed areas  
should be trained to meet the urgent needs of the  
department.

(Moorul Hall)  
Section Officer (Establishment).

Encls: No. SOE(AD)2(2)61/84/2-3944-58 Dated Pesh: the 17/10/1988

Copy forwarded to the:

- 1- Director Research (TIPAN) H.P. Agricultural University Peshawar, with the request to kindly send the names alongwith full particulars of 16 un-trained Field Assistants to the Principal, Agril. Training Institute for training, well before 1-9-1988, as the training is commencing from 1-9-1988.
- 2- Director General, Agril. Extension
- 3- Director General, ARI, Tarnab.
- 4- Director of Agriculture (PATA).
- 5- Director, Agricultural Engineering Tarnab.
- 6- Director, Water Management, H.P.
- 7- Dy: Director, Soil Conservation, H.P.

with the directions  
not to induct/  
recruit un-trained  
field assistants  
in future because  
it will be a  
violation of  
service rules.

(Moorul Hall)  
Section Officer (Establishment).

Attest  
10  
[Signature]



GOVERNMENT OF NWFP  
AGRICULTURE, FOOD & COOPERATION  
DEPARTMENT  
NO.SOL(AD)2(2)61/84/  
DATED PESHAWAR, THE \_\_\_\_\_/1988.

To

The Principal,  
Agricultural Training Institute,  
N.W.F.P, Peshawar.

SUBJECT: FIELD ASSISTANTS TRAINING

Memo:

I am directed to refer to your letter No. 10052/ PATI dated 2-8-1988 on the subject noted above.

The un-trained field assistants working in Research wing of Agriculture department have to be trained in three batches of 15-16 each. In addition to this the field assistant from less developed areas should be trained to meet the emergent needs of the department.

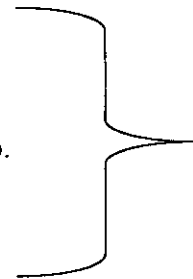
sd/xx  
(Noor ul Haq)  
Section Officer (Establishment)

Endst. No. SOE(AD)2(2)61/84 23944-50

dated Pesh: The 17/08/1988.

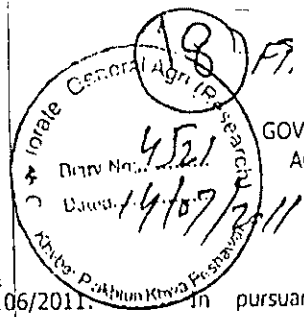
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- 1- Director research (TIPAN)NWFP Agriculture University Peshawar, with the request to kindly send the names along with full particulars of 16 untrained field assistants to the Principal, Agriculture training institute for training, well before 1-9-1988, as the training is commencing from 1-9-1988.
- 2- Director General, Agril. Extension.
- 3- Director General, ARI, Tarnab.
- 4- Director of Agriculture (FATA).
- 5- Director, Agriculture Engineering, Tarnab.
- 6- Director, Water management, NWFP.
- 7- Dy: Director, Soil conservation, NWFP.



With the directions not to induct/recruit un-trained field assistants in future because it will be a violation of defined rules.

sd/xx  
(Noor ul Haq)  
Section Officer (Establishment)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
 AGRIL: LIVESTOCK AND COOP: DEPTT:  
 Dated Peshawar, the 30/6/2011.

**NOTIFICATION.**  
 NO. SOE (AD)VI-106/2011.

In pursuance of the Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) letter No. SO(FR)/FD/7-13/2010/Vol.II dated 28-6-2011, the competent authority has been pleased to upgrade 1054 posts of Field Assistant (BS-6) and Agriculture Inspectors (BS-9), working in Agriculture (Extension) Research, Water Management and Soil Conservation Department, including FATA, as per details mentioned in the minutes of the meeting vide paras 4-7 reproduced below:-

**SETTLED AREA.**

S.No.	Department	No. of posts of Fields Assistant.	No. of posts of Agriculture Inspector.
1.	Agriculture Extension	539	47
2.	Agricultural Research	207	---
3.	Soil Conservation	44	4
4.	Water Management	8	---
	Total:-	798	51

**FATA AREA**

S.No.	Department	No. of posts of Fields Assistant.	No. of posts of Agriculture Inspector.
1.	Agriculture Extension FATA	189	12
2.	Agriculture Research FATA	4	---
	TOTAL:-	193	12

*WA*

- i. Basic pay scale of Field Assistant at first entry into government service be upgraded from BS-6 to BS-9.
- ii. 25% of the total posts of Field Assistant may be allowed as Agriculture Inspector BS-11 in each wing of Agriculture Department.
- iii. 33% of total sanctioned posts of Agriculture Inspector be allowed BS-11 to BS-14 as Agriculture Supervisor in each wing of Agriculture Department subject to minimum service of 15 years as Agriculture Inspector or Field Assistant.
- iv. The curriculum of Field Assistant class will be revised and duration of the course will be enhanced from two years to three years (diploma course) for Field Assistant.
- v. 06 months condensed course in the relevant field in the respective wing of the Agriculture Department will be conducted for in service staff and they will clear the examination in two terms otherwise they will be compulsorily retired from service.
- vi. The educational qualification for initial appointment of Field Assistant would be the same i.e. Matric with science on account of enhancement of course duration from two to three years.

*Asst*

**SECRETARY TO GOVERNMENT OF  
 KHYBER PAKHTUNKHWA**

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

Dated Peshawar the 30/6/2011

(10)

Copy forwarded for information and necessary action to:-

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

(SHAUKAT ULLAH)  
SECTION OFFICER (FR)  
FINANCE DEPARTMENT.

Endst.No.SOE(AD)VI-106/2011

Dated Peshawar, the 30/6/2011.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Agricultural Research, Khyber Pakhtunkhwa, Peshawar.
3. The Director General, On-Farm Water Management, Khyber Pakhtunkhwa, Peshawar.
4. The Director General, Agriculture (Extension), FATA, Khyber Pakhtunkhwa, Peshawar.
5. The Director (FATA) Agricultural Research Institute, Tarnab, Peshawar.
6. The Director, Soil Conservation, Khyber Pakhtunkhwa, Peshawar.
7. The Section Officer-Estab: FATA Secretariat, Peshawar.
8. The Section Officer (FR) Finance Department w/r to his letter number quoted above.
9. The Budget Officer-VII, Finance Department.
10. All Section Officers in the Agriculture Department.
11. The Manager Government Printing Press, Peshawar.
12. The Director of Information, Khyber Pakhtunkhwa, Peshawar.
13. PS to Minister for Agriculture, Khyber Pakhtunkhwa, Peshawar.
14. PS to Secretary Agriculture.

(MUHAMMAD ZAHID)  
SECTION OFFICER-ESTT:

M

11358

/Estt/DGAR dated Peshawar the 16/07/2011

Copy of the above is forwarded to:

1. The Director General, ARI, Tarnab, (Peshawar).
2. The Director General Outreach, Agril.Res.Khyber Pakhtunkhwa, Peshawar.
3. The Director, Agric.FATA, Agric.Res. Instt. Tarnab (Peshawar).
4. All Directors/Station Incharge of Agril.Res.System in Khyber Pakhtunkhwa.

for information and necessary action

Adm. Officer (Estt)  
Directorate General  
Agriculture Research  
Khyber Pakhtunkhwa Peshawar.

**AGRICULTURAL TRAINING INSTITUTE, PESHAWAR**

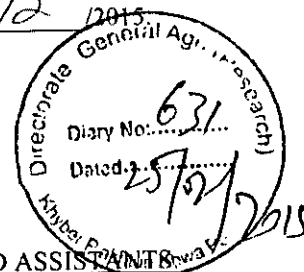
JAMRUD ROAD, OPP ISLAMIA COLLEGE

Ph # 9216259, Fax # 9216375

(11)  
507No. 255 /PATIdated Peshawar, the 23/2 /2015

To

The Director General,  
Agriculture Research,  
Khyber Pakhtunkhwa Peshawar.

Subject: - APPLICATION FOR UPGRADATION OF UNTRAINED FIELD ASSISTANTS

Memo:

Reference your letter No. 944/DGAR, dated 02-12-2015.

In this regard it is submitted that as per Administrative Department instructions contained in letter No. SOE(AD) 2 ( 2 ) 61/84/23944-50, dated 17-08-1988 ( Copy attached ) the un-trained Field Assistants were required to be sent to Agricultural Training Institute, for training ( 2 years F.A. course ). Moreover, the said letter also contained the directives of not recruiting untrained Field Assistants in future being violation of service rules.

While conducting the condense course, the Agricultural Training Institute, had made it very clear in the initial stage that the untrained Field Assistants are not eligible /allowed for the condensed course, even if they are granted registration by mis-take of Agricultural Training Institute, or the recommendation of their supervising Officers. The supervising Officers / training venues were further requested to pin point such Field Assistants and report to Agricultural Training Institute. Copy of the e-mail dated 31-03-2014 is enclosed for ready reference.

In view of the above, this office is of the firm opinion that untrained Field Assistants are not eligible for further promotion even if they have mistakenly got a chance of attending / clearing the condensed course.

It is further requested that particulars of such individuals may kindly be intimated to this office at the earliest so that their certificates may be with held or treated separately from the trained Field Assistants.

Principal

Agricultural Training Institute,  
Peshawar

No. \_\_\_\_\_ /PATI

dated Peshawar, the \_\_\_\_\_ /2015

Copy forwarded to

1. Director General Agriculture Extension, Khyber Pakhtunkhwa Peshawar for information please.
2. Director On Farm Water Management Khyber Pakhtunkhwa Peshawar for information please.

A.O.F  
I ma by Today

24/2

//

Principal

Agricultural Training Institute,  
Peshawar

Attest  
  
25

Annex - D

12

S11

From: Asad Ali <aliasad68@gmail.com>

Date: Mon, Mar 31, 2014 at 11:33 AM

Subject: Un-trained FA are not eligible for condensed course

To: Baseer Muhammad

<baseerjan1978@gmail.com>, jmkhan1965@yahoo.com, DOAswabi@yahoo.com, doamanshira@gmail.com, slhat jan <send2sihat@gmail.com>, muhammad uzair <districtdirectoragrish@gmail.com>, obaid ullah <obaid\_ullah58@yahoo.com>, nisarulhaq1@hotmail.com, ddaswat@yahoo.com, shah\_khattak129@yahoo.com, Murad Ali <muradali33@gmail.com>, imran khan <imranxtension@gmail.com>, inamco inamco <inamcoi@yahoo.com>, malik.zulfiqar@hotmail.com, sakhi\_200012@yahoo.com, haji\_muhammad1@yahoo.com, dd atorghar@gmail.com, mfsc.hangu@gmail.com, khanmumtaz77@yahoo.com, Zain Ullah Shah <ddabxu@gmail.com>, Arsalan khan <arsalan7179@gmail.com>, agri\_charsadda@yahoo.com, agri89@yahoo.com, muhammadnasim61@gmail.com, gulzar hussain <agrickeram@gmail.com>, ddapeshawar@gmail.com, Fazli Wahab <fazliwahab@gmail.com>, atiqahmadalizai@yahoo.com

Dear Sirs,

It is hereby clarified that all those FAs who do not possess the 2-years' certificate course of Field Assistant are not eligible for the condensed course.

Therefore kindly search for such individuals and do not allow them to sit in the condensed course. The ATI has tried its level best not to register such untrained FAs, however, if by our mistake some individuals are granted registration for the condensed course, kindly pin point such individuals and inform this office accordingly.

Thanks and Regards.

Asad Ali | Senior Instructor

Agricultural Training Institute (ATI)

Agriculture Extension Department

Government of Khyber Pakhtunkhwa

Off +92 91 9216259

Cell +92 333 9697983

Attest  
[Signature]  
[Stamp]