


**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR  
SERVICE APPEAL NO. 1172/16**

DR. NAZEER HUSSAIN SHAH  
VS  
GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS

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**On Behalf of Respondents No. 1, 3  
&4**

  
**(Muhammad Javed Marwat)**  
**Secretary Agriculture**  
Govt. of Khyber Pakhtunkhwa  
Agric. Department  
(Respondent No. 02)

i

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

Service Appeal No.1172/2016

DR. Nazeer Hussain Shah

**APPELLANT**

**VERSUS**

Govt. of Khyber Pakhtunkhwa & Others.

**RESPONDENTS**

**REQUEST FOR SUBMISSION OF ADDITIONAL DOCUMENTS**

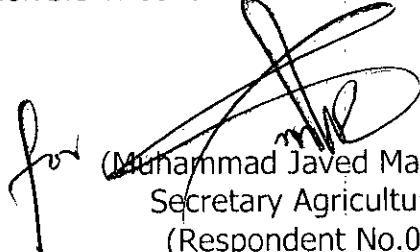
Respectfully Sheweth:-

That the above titled case is pending adjudication before this Hon'ble Tribunal which is fixed on 26-04-2024.

That the Hon'ble Service Tribunal vide order dated 05.04.2024 directed the respondents to submit additional documents in the instant appeal.

That next date of hearing is fixed on 26-04-2024.

It is therefore, humbly prayed that respondents may kindly be allowed to place the additional documents before the Hon'ble Tribunal in the instant appeal.

  
(Muhammad Javed Marwat)  
Secretary Agriculture  
(Respondent No.02)

**SECRETARY**  
**Govt. of Khyber Pakhtunkhwa**  
**Agriculture Department**

ii

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


SERVICE APPEAL NO. 1172/16

DR. NAZEER HUSSAIN SHAH  
VS  
GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS

**AUTHORITY LETTER**

I hereby authorize Mr. Touheed Iqbal, Assistant Director Planning, (BPS-17 o/o the Director General Agriculture Research Peshawar to submit the additional documents before the Hon`ble Tribunal in aforementioned service appeal.

He is also authorized to pursue the service appeal(s) on behalf of official respondents on each and every date till final order/judgment.

  
**(Muhammad Javed Marwat)**  
**Secretary Agriculture**  
Govt. of Khyber Pakhtunkhwa  
Agric. Department  
(Respondent No. 02)

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

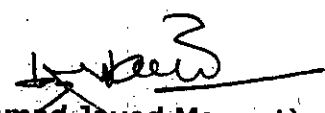
SERVICE APPEAL NO. 1172/16

DR. NAZEER HUSSAIN SHAH  
VS  
GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS

**AFFIDAVIT**

It is hereby affirmed and declared on oath that the additional documents are the true copies of the official record, duly attested by the representative of this Department. All the additional documents are correct, to the best of my knowledge and nothing has been concealed from the Hon`ble Tribunal.

Deponent

  
**(Muhammad Javed Marwat)**  
**Secretary Agriculture**  
Govt. of Khyber Pakhtunkhwa  
Agric. Department  
(Respondent No. 02)

1  
Fair copy attached  
as A.Ca.

Amended

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK, FISHERIES & COOPERATIVE  
DEPARTMENT

Dated Peshawar, the June 21, 2012

**Notification:**

**SOE(AD)II(2)391/2012.** In pursuance of Section-8 (1) of NWFP Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, final seniority list of officers in BPS-19 of Agriculture Research Wing, Agriculture Department, Khyber Pakhtunkhwa, as stood on 31<sup>st</sup> December, 2011, is notified/ circulated:-

Name of officer with academic qualifications	Date of Birth and domicile	Date of 1st entry in to Govt. service	Regular appointment/ promotion to present post			Present appointment	Remarks
			Date	BS	Method of Recruitment		
Dr. Nazeer Hussain Shah M.Sc. (Hons) Agriculture Ph.D USA	12.3.1957 D.I.Khan	25.12.1979 Regular	25.11.2008	19	Promotion	Director General, Agriculture Research Khyber Pakhtunkhwa Peshawar	
Dr. Abdul Latif M.Sc (Hons) Agri Ph.D UK	04.02.1983 Bannu	01.02.1989 Regular	8.02.2009	19	Promotion	Director General Outreach	
Dr. Naveed Akhtar M.Sc (Hons) Agri Ph.D UK	15.4.1962 Peshawar	29.07.1987 Regular	6.02.2009	19	Promotion	Director, HARS, Abbottabad	

Notified that the above list is final and undisputed

CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

Indst. No. and Date event:  
Copy forwarded to the:-  
Secretary to Governor, Khyber Pakhtunkhwa.  
Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.  
Director General, Agriculture Research, Khyber Pakhtunkhwa, Peshawar  
AG to Chief Secretary, Khyber Pakhtunkhwa.  
PS to Secretary Agriculture, Livestock and Coop: Khyber Pakhtunkhwa.  
Officers Concerned  
Ministry of Govt. Printing Press, Peshawar

A.Hed  
TOUHAID  
Assistant Director  
Directorate General Agriculture Research  
Peshawar

MUHAMMAD ZAHID  
SECTION OFFICER-ESTT

Abdullah  
Asstt. Accounts Officer  
Agril. Research Institute  
Peshawar

Aa

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK FISHERIES AND COOPERATIVE  
DEPARTMENT

FAIR COPY

Dated: Peshawar: June 21, 2012

Notification

No. SOE(AD)II(2)391/2012. In pursuance of Section-8(1) of NWFP Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer), Rules 1989, final seniority list of officers of BS-19 of Agriculture Research Wing, Agriculture Department Khyber Pakhtunkhwa as stood on 31<sup>st</sup> December, 2011 is notified/circulated: -

S. No.	Name of officer with academic qualifications	Date of Birth and domicile	Date of 1st entry in to Govt. service	Regular appointment/ promotion to present post			Present appointment	Remarks
				Date	BS	Method of Recruitment		
1	Dr.Nazeer Hussain Shah M.Sc. (Hons) Agriculture Ph.D USA	12.03.1957 D.I.Khan	26.12.1979 Regular	26.12.1979 30.05.1992 25.11.2008	BS-17 BS-18 BS-19	By initial recruitment By initial recruitment By promotion	Director General Agric. Research Khyber Pakhtunkhwa	Seniority determined as per merit order assigned by Public Service Commission
2	Dr.Abdul Latif M.Sc Hons Agri: Ph.D UK	04.02.1963 Bannu	01.02.1989 Regular	01.02.1989 28.06.1994 09.02.2010	BS-17 BS-18 BS-19	By initial recruitment By initial recruitment By promotion	Director General Outreach	-do-
3	Dr.Naveed Akhtar M.Sc Hons Agri: Ph.D UK	15.04.1962 Peshawar	29.07.1987 Regular	29.07.1987 28.06.1994 09.02.2010	BS-17 BS-18 BS-19	By initial recruitment By initial recruitment By promotion	Director HARS Abbottabad	-do-

Certified that the above seniority list is final and undisputed.

Endst. No. and Date even:

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Director General, Agriculture Research, Khyber Pakhtunkhwa, Peshawar
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary Agriculture, Livestock and Coop: Khyber Pakhtunkhwa.
6. Officers Concerned
7. Manager, Govt. Printing Press, Peshawar

Sd/--  
Chief Secretary  
Khyber Pakhtunkhwa

MUHAMMAD ZAHID  
SECTION OFFICER-ESTT

2



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

1326  
15/04/14

Dated Peshawar, the April 9, 2014

**Notification:**

**NO. SOE(AD)II(2)291/2014/RW.** In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, final seniority list of officers in BPS-19 of Agriculture Research System, as stood on 31<sup>st</sup> December, 2013, is notified/ circulated:-

S. No.	Name of officer with academic qualifications	Date of Birth and domicile	Date of 1st entry in to Govt. service	Regular appointment/ promotion to present post			Present appointment	Remarks
				Date	BS	Method of Recruitment		
1	Dr.Nazeer Hussain Shah M.Sc. (Hons) Agriculture Ph.D USA	12.03.1957 D.I.Khan	26.12.1979 Regular	26.12.1979 30.05.1992 25.11.2008	BS-17 BS-18 BS-19	By initial recruitment By initial recruitment By promotion	Senior Director Outreach Directorate Outreach	Seniority determined as per merit order assigned by Public Service Commission
2.	Dr.Abdul Latif M.Sc Hons Agri: Ph.D Uk	04.02.1963 Bannu	01.02.1989 Regular	01.02.1989 28.06.1994 09.02.2010	BS-17 BS-18 BS-19	By initial recruitment By initial recruitment By promotion	Director General Agriculture Research	-do-
3.	Dr.Naveed Akhtar M.Sc Hons Agri. Ph.D UK	15.04.1962 Peshawar	29.07.1987 Regular	29.07.1987 28.06.1994 09.02.2010	BS-17 BS-18 BS-19	By initial recruitment By initial recruitment By promotion	Director Outreach Directorate Outreach	-do-

Certified that the above list is final and undisputed

Sd/-  
**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

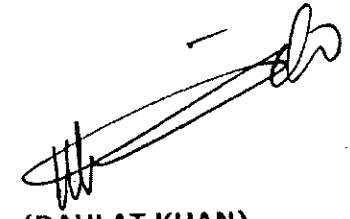
*[Signature]*  
Attested

*[Signature]*  
TOLLA  
Assistant Director  
Directorate General Agriculture Research  
KP Peshawar

Endst. No. and Date even: -

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Director General, Agriculture Research, Khyber Pakhtunkhwa, Peshawar
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary Agriculture, Livestock and Coop: Khyber Pakhtunkhwa.
6. Officers Concerned
7. Manager, Govt. Printing Press, Peshawar



(DAULAT KHAN)  
SECTION OFFICER-ESTT

DGRH.  
AOE.

15/4  
2014. 15/4



Fair Copy attached.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

103

NO. FD (PRC) 1-1/2012  
Dated Peshawar the: 16-09-2014

To: The Secretary to Govt. of Khyber Pakhtunkhwa,  
Agriculture Livestock & Cooperative Deptt.,  
Peshawar.

Subject: - APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST.

Dear Sir

I am directed to refer to your letter No. SOE(AD)6-52/2013, dated 17-09-2014 on the subject noted above and to convey concurrence of Finance Department to the grant of pay of higher post to Dr. Muzeeb Hussain Shah (BS-19), for holding the charge of the post of Senior Director Outreach (BS-20), Agriculture Research System Khyber Pakhtunkhwa in his own pay and scale w.e.f 15-04-2014 till the relinquishment of higher post subject to the fulfilment of all codal formalities following conditions:

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i. The pay of the higher post will be fixed presumptively w.e.f the date the officer assumes charge of the higher post and it will include the increments of the pay scale of the higher post for the period of higher post appointment on that post. In such cases premature increment shall not be admissible. However, the officer will be entitled to the arrears of pay and allowances from the date he assumes the charge of the higher post.

ii. On relinquishment of charge of the higher post or on transfer or on regular promotion to that higher post, the pay will be re-fixed with reference to original scale of pay of the post, held by the officer and increments earned (if any) on higher post will count for increments in his original scale as per provisions of FR-26.

iii. The pay of the higher post shall not be accounted for the calculation of emoluments towards the pension.

3. Audit copy may be prepared and sent to this Department for authentication.

*Handwritten:*  
EJ  
Depy.

Secretary Agriculture  
Diary No. 3437  
Dated 15.09.14

Yours Faithfully,

*Signature*  
Section Officer (SR-1)

*Handwritten:*  
Head  
Assistant Director  
Director  
Agriculture Research  
Peshawar

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANE DEPARMTENT  
(REGULATION WING)

No.FD(PRC)1-1/2012  
Dated Peshawar the 15-09-2014

To

The Secretary to Government of Khyber Pakhtunkhwa  
Agriculture, Livestock & Cooperative Deptt.  
Peshawar.

Subject: APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST OF  
HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST

Dear Sir,

I am directed to refer to your letter No. SOE(AD)6-52/2013, dated 00-09-2014 on the subject noted above and to convey concurrence of Finance Department to the grant of pay of higher post to **Dr. Nazeer Hussain Shah** (BS-19), for holding the charge of the post of **Senior Director Outreach** (BS-20), Agriculture Research System Khyber Pakhtunkhwa in his own pay and scale w.e.f 15.04.2014 till the relinquishment of higher post subject to the fulfilment of all codal formalities/following conditions:

- i. The pay of the higher post will be fixed presumptly w.e.f the date the officer assumes charge of the higher post and it will include the increments of the pay scale of the higher post for the period of higher post appointment on that post. In such cases premature increment shall not be addmissible. However, the officer will be entitled to the arrears of pay and allowances from the date he assumes the charge of the higher post.
  - ii. On relinquishment of the charge of the higher post or on transfer or on regular promotion to that higher post, the pay will be refixed with reference to original scale of pay of the post, held by the officer and increments carried (if any) or higher post will count for increments in his original scale as per provisions of FR-26.
  - iii. The pay of the higher post shall not be accounted for the calculation of emoluments towards pension.
3. Audit copy may be prepared and sent to this Department for authentication.

Yours Faithfully,

Section Officer (SR-I)



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**FINANCE DEPARTMENT**  
**(REGULATION WING)**

NO. FD (PRC) 1-1/2012  
Dated Peshawar the: 17-08-2012

To:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa
4. The Secretary to Chief Minister, Khyber Pakhtunkhwa
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa
6. All Heads of Attached Departments in Khyber Pakhtunkhwa
7. All District Coordination Officers in Khyber Pakhtunkhwa.
8. All Political Agents / District & Sessions Judges in Khyber Pakhtunkhwa
9. The Registrar, Peshawar High Court, Peshawar.
10. The Chairman, Public Service Commission, Khyber Pakhtunkhwa
11. The Chairman, Services Tribunal, Khyber Pakhtunkhwa

Subject: APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST.

Dear Sir,

In pursuance to the Finance Division's Office Memorandum No.F.8(4)R-2/97-1204/09 dated 24-02-2009, the Government of Khyber Pakhtunkhwa has decided that pay of the higher post will be admissible to civil servants during the period of appointment on higher post subject to the following conditions:-

- i. The officer has been appointed on the higher post by the authority competent to make appointment on that post.
- ii. The officer is fully qualified in every respect to be appointed to that higher post.
- iii. The officer discharges all the duties and responsibilities of the higher post independently and severed all connections with his lower post.
- iv. The pay of the higher post will be fixed presumptively w.e.f the date the officer assumes charge of the higher post and it will include the increments of the pay scale of the higher post for the period of higher post appointment on that post. In such cases premature increment shall not be admissible. However, the officer will be entitled to the arrears of pay and allowances from the date he assumes the charge of the higher post.
- v. On relinquishment of charge of the higher post or on transfer or on regular promotion to that higher post, the pay will be re-fixed with reference to original scale of pay of the post, held by the officer and increments carried (if any) on higher post will count for increments in his original scale as per provisions of FR-26.

*Attest*  
  
Assistant Director,  
Directorate General Agriculture Research,  
Peshawar

*WMA*

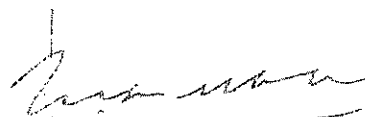
vi. The pay of the higher post shall not be accounted for the calculation of emoluments towards the pension.

vii. The Pay of the higher post will be given only with the concurrence of Finance Department.

2. All Administrative Departments are advised that only those cases may be referred to Finance Department which are covered under sub-para (i) to (iii) of para-1 above and pay of the concerned officers may be fixed / re-fixed in terms of sub-para (iv) to (vi) of para-1 above after obtaining prior concurrence of the Finance Department.

3. The above orders will be admissible w.e.f 16-12-2009.

Yours Faithfully,



(ROOH ULLAH)

Addl. Secretary (Regulation)

Endst: No .FD(PRC) 1-1 /2012,

Dated Peshawar the 17<sup>th</sup> August, 2012

A Copy is forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretaries to Government of Punjab, Sindh & Balochistan, Finance Department.
3. All Autonomous / Semi Autonomous Bodies in Khyber Pakhtunkhwa.

(MASOOD KHAN)

Deputy Secretary (Reg-II)

Endst: No & Date even.

A copy for information is forwarded to:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All the District Comptroller of Accounts in Khyber Pakhtunkhwa.
3. The Director, Local Fund Audit, Khyber Pakhtunkhwa, Peshawar
4. The Director, FMIU, Finance Department.
5. The Treasury Officer, Peshawar.
6. All the Senior District Accounts Officers, Khyber Pakhtunkhwa.
7. All the District & Agency Accounts Officers, Khyber Pakhtunkhwa.
8. All the Section Officers / Budget Officers in Finance Department, Khyber Pakhtunkhwa, Peshawar
9. The Private Secretary to Minister Finance, Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary / P.As to Special Secretary, Additional Secretaries / Deputy Secretaries in Finance Department.

**Toheed Iqbal**  
Assistant Director planning  
Directorate General Agriculture, Research  
& Extension, Peshawar

(SHAUKAT ULLAH)  
Section Officer (SR-1)

*Collect*

17/12/2012

**ITEM NO (13)**

**AGRICULTURE, LIVESTOCK AND COOPERATION DEPARTMENT**

(Meeting of PSB held on 09.03.2017)

**SUBJECT: - PROMOTION OF BS-19 OFFICER OF AGRICULTURE RESEARCH WING TO BS-20.**

Secretary Agriculture, Livestock & Cooperative apprised the Board that due to retirement, three (03) posts of BS-20 are lying vacant.

2. According to service rules the post is required to be filled as under:-

"By promotion, on the basis of seniority cum fitness, from amongst the holder of the post of Directors of Agriculture, Research Institute, Director Station, Director Outreach, Director Soil and Plant Nutrition, Director Agriculture Research (Planning), Principal Research Officer BS-19 of Agriculture Research System, having;

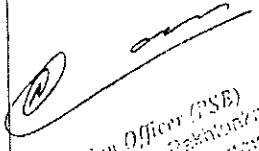
- a. Seventeen (17) years service as Research Officer in BS-17 and above in research job and,
- b. Publication of at least eight (08) research papers, on problems encountered in or relevant-to condition in Khyber Pakhtunkhwa and of such a quality which have been used as a reference by other research scientists of National and International repute.

3. The service record of the officer included in the panel was discussed as follows: -

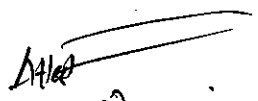
S. NO.	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1	Dr. Nazeer Hussain Shah	His date of birth is 12.03.1957. He joined government service on 26.12.1979 in BS-17. He was promoted to BS-19 on 25.11.2008. The Board observed that two enquires are pending against him.
	<i>Section Officer (PSB) Govt. of Khyber Pakhtunkhwa Livestock &amp; Department</i>	The Board recommended to defer his promotion.
2	Dr. Abdul Latif	His date of birth is 04.02.1963. He joined government service on 01.02.1989 in BS-17. He was promoted to BS-19 on 09.02.2010. According to Agriculture department he has published the required numbers of research papers. No enquiry is pending against him. His service record upto 2015 is generally good.

*Attest*

**Torheed Iqbal**  
 Assistant Director planning  
 Directorate General Agriculture Research  
 Peshawar

		The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year.
3	Dr. Naveed Akhtar	His date of birth is 15.04.1962. He joined government service on 29.07.1987 in BS-17. He was promoted to BS-19 on 09.02.2010. According to Agriculture department he has published the required numbers of research papers. No enquiry is pending against him. His service record upto 2015 is generally good.
	 Section Officer (PSB) Govt. of Khyber Pakhtunkhwa Establishment Department	The Board recommended the officer for promotion to BS-20 on regular basis. He will be on probation for a period of one year.

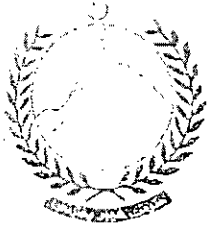
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**Touheed Iqbal**  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar

IMMEDIATE  
THROUGH FAX.

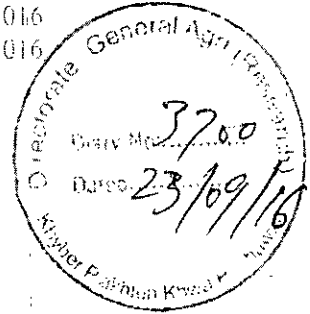
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GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK AND  
COOPERATIVES DEPARTMENT, PESHAWAR.

No. PA/AS/Inq/6-52/2016  
Dated Peshawar the 19<sup>th</sup> September, 2016



To

Mr. Nazir Hussain Shah,  
Director General, Agricultural Research System,  
Khyber Pakhtunkhwa at Agriculture University, Peshawar.

SUBJECT: INQUIRY.

PPS

I am directed to refer to your letter No. 10477-79 / Est/DGAR dated 02 09.2016 on the above noted subject and to state that to appear before the Inquiry Committee comprising of Mr. Zakir Hussain Afridi (PCS EG BS-20) Commissioner Mardan and Mr. Shoukat Ali Yousafzai Additional Secretary Agriculture on 21 09.2016 at 1100 hrs at the office of Commissioner Mardan as requested by you.

ARIF ALI SHAH,  
SECTION OFFICER (AGRI.)  
Phone # 091-9211069

Endst. No. & date even:

Copy forwarded to:

1. PS to Commissioner Mardan.
2. PA to Additional Secretary Agriculture, Livestock & Cooperation Department
3. Section Officer (Estt) Agriculture Livestock & Cooperation Department for information and with reference to letter quoted as above.
4. Master File.

SECTION OFFICER (AGRI.)

DEAR M  
21/9

A Has

Touheed Iqbal  
Assistant Director Planning  
Directorate General Agriculture Research  
KP Peshawar


14-10

INQUIRY REPORT UNDER KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES 2011 REGARDING OFFERING LAND FOR CONSTRUCTION OF REGIONAL OFFICES FOR ANTICORRUPTION ESTABLISHMENT BY DR. NAZEER HUSSAIN SHAH (BS-19) WORKING AS DIRECTOR GENERAL AGRICULTURE RESEARCH BS-20) KHYBER PAKHTUNKHWA IN OPS.


A. Background Summary.

The Provincial Government of Khyber Pakhtunkhwa approved the construction of Regional offices of Anti Corruption Establishment (ACE) vide ADP No & Code 112/150538 (2015-16). For construction of these offices, besides others the Director ACE also approached the Director General Agriculture Research Khyber Pakhtunkhwa for provision of Agriculture Research land at various Research Institutes / stations / Farms in the Province. They held a series of meetings for the purpose, such as meetings dated 20<sup>th</sup> February, 2015 and 6<sup>th</sup> August, 2015 and finally reached an internal agreement for provision of the following land for the construction of ACE offices as per detail given as under (Annex-I):

- 1) 10 kanals plot in Mardan – Charsadda road Agriculture Research Station.
- 2) 20 Kanals plot in Di Khan – Bannu road Agriculture Research Station.
- 3) 10 kanals plot in Swat, Takhta Band Agriculture Research Station.
- 4) 10 kanals plot in Kohat (opposite Kohat Jail) Agriculture Research Station.
- 5) 20 Kanals plot in sub Research Station Batta Kundi, Naran.

 The Establishment Department vide letter (Annex-II), approached the Agriculture Department and informed that the DGAR has expressed his willingness to provide plots of land in different regions of the province (Agricultural Research Institutes / Stations / Farms and sought clarification on the following points:

1 | 4

  
**Touheed Iqbal**  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar



1. Mode of Provision of this land, as to whether on market rates, depreciated value, long term lease or free of cost.
2. As to whether the suggested plots are idle or under the usage of Agriculture Research.

The Agriculture Department when inquired from the DGAR, about his commitment with ACE, that why he offered a fertile junk of land to the ACE for the construction of offices, without bringing the same in the notice of the Administrative Department (Annex-III). The DGAR couldn't satisfy the Administrative Department by explaining that he has offered barren and less valued land to the ACE under the prevailing law and rules (Annex-IV). When inquired to indicate the law & rules / authority under which he offered the land, he failed to cite any rules in this regard. On his failure to provide a cogent and legal reason for making illegal commitment, this formal inquiry was initiated against the officer concerned through an inquiry committee comprising of:

- 1) Mr. Zakir Hussain Afridi (PCS EG B5-20) Commissioner, Mardan.
- 2) Mr. Shaukat Ali Yousafzai (Technical member) Additional Secretary Agriculture.

**B. Proceedings.**

The accused officer Dr. Nazeer Hussain Shah DGAR was served with Charge sheet and statement of allegations, duly signed by the Chief Minister Khyber Pakhtunkhwa (Annex-V) with the following charges:

- a) That he misused his powers and overstepped his authority in holding meetings with Director Anti Corruption Establishment regarding the landed property of the department.
- b) That he offered a good chunk of fertile agriculture land of various stations for establishment of regional offices of ACE.

Attch

**Touheed Iqbal**  
Assistant Director Planning  
Directorate General Agriculture Research  
KP Peshawar

- c) That he provided wrong information to the ACE authorities regarding status of the land in violation of the policy of the provincial government.
- d) That he bypassed the administrative department in all the dealings in violations of rules & procedures.

He submitted his written statement to the charges leveled against him and denied the charges (Annex-VI). The departmental representative was asked to submit rebuttal statement, if he feels that the reply is not based on facts and material on record. The departmental representative submitted rebuttal statement duly approved from the competent authority against the written statement by Dr. Nazeer Hussain Shah DGAR (Annex-VII) and denied statement of DGAR with documentary proof. The accused officer was given the opportunity of personal hearing (Annex-VIII) and was offered that if he wished could provide additional documents in support of his claim in light of rebuttal statement which was shown to him. He was also offered to cross examine departmental representative. He studied the statement and refused to add anything to his earlier statement and cross examine the departmental representative. The inquiry committee cross examined both the accused officer and the departmental representative about their statements and facts of the subject case.

C. Findings.

The accused Dr. Nazeer Hussain Shah DGAR denied all the charges leveled against him in the charge sheet and stated that the Minister for Agriculture being controlling authority verbally directed him in good faith to conduct meetings with Director Anti Corruption Establishment regarding the subject case. He also gave a reference to a letter / directives issued by the CM Secretariat (Letter No. SO (A)/CMS/KPK/2015 dated 10.04.2015 pertaining to the handing over of the land for public interest (Annex-IX). He also mentioned that he showed willingness to provide idle and stagnant portion/chunk of lesser value land, located only in four districts subject to the condition of processing as per rules/approval from the competent authority. He

*[Handwritten Signature]*  
**Touheed Iqbal**  
 Assistant Director planning  
 Directorate General Agriculture Research  
 Government of Punjab

further mentioned in his statement that an inch of agriculture land has not been handed over to ACE so far, as the commitment was made conditionally subject to the approval from the competent authority as he has no power of transferring of government land. The departmental representative when asked about transfer of land and pecuniary losses also confirmed that no land has been handed over to ACE yet and no pecuniary loss has occurred to the government as per record and his available knowledge.

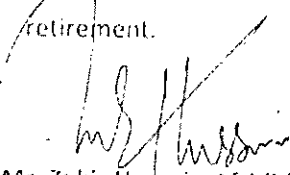
D. Conclusion.

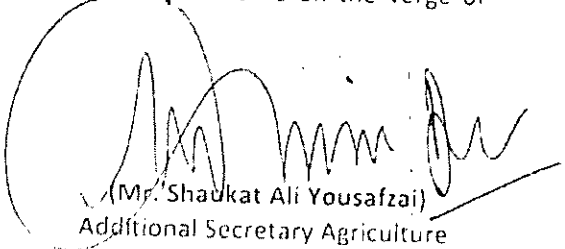
By studying all the available record of the subject case provided by the departmental representative and the accused officer, personal hearing and cross examination of the accused officer and departmental representative, the committee concludes that:



- a. Holding of meeting with other Department is no violation of any rules hence not proved
- b. Not proved as no substantial evidences produced.
- c. Not proved as no substantial evidences produced.
- d. Proved in violation of Rule-39 (4) of Rules of Business-1985 and as admitted by the officer.

Recommendation.

Although the charge of by passing the administrative department has been proved but as no agriculture department land has been handed over to the ACE and no pecuniary loss occurred to the government, the committee unanimously recommends that the officer may be awarded with a minor penalty of Censure. Lenient view has also been taken due to the fact that the accused officer is on the verge of retirement.

  
 (Mr. Zakir Hussain Afridi (PCS EG BS-20)  
 Commissioner, Mardan.  
 Chairman (Inquiry Committee)

  
 (Mr. Shaukat Ali Yousafzai)  
 Additional Secretary Agriculture  
 (Technical member)

  
  
 Touheed Iqbal  
 Assistant Director (Planning)  
 Directorate General Agriculture Research  
 Faisalabad



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GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

Dated Peshawar, the January 17, 2017

**ORDER:**

NO. SOE (AD)/6-52/2016.- WHEREAS, Dr. Nazeer Hussain Shah (BS-19) Director General, Agriculture Research, Khyber Pakhtunkhwa was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations dated 24.08.2016.

AND WHEREAS, The following officers were appointed as Inquiry Committee to conduct inquiry against the said officer for the charges leveled against him:-

- i. Mr. Zakir Hussain Afridi (PCS SG BS-20),  
Commissioner Mardan.
- ii. Mr. Shaukat Ali Yousafzai (Technical Member),  
Additional Secretary Agriculture

AND WHEREAS, the Inquiry Committee after considering the allegations, evidence on record, explanation of the officer, submitted its report and pointed out that the allegations mentioned in the Charge Sheet and Statement of Allegations have partially been proved.

NOW THEREFORE, the Competent Authority, after having considered the charges, evidence on record, the explanation of the accused officer, finding of the inquiry committee and in exercising his powers under Section 3 read with Section 8 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 has been pleased to impose the minor penalty of "CENSURE" on the officer.

Sd/-X  
SECRETARY AGRICULTURE

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

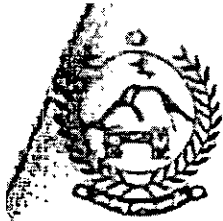
1. The Director General, Agriculture Research, Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Officer concerned.
4. PS to Secretary Agriculture, Khyber Pakhtunkhwa, Peshawar.
5. Master file.

*Dr. Nazeer Hussain Shah*  
*ABE*  
*File*  
*2011*  
Dr. IJAZ AKHTAR  
Deputy Director Planning  
Directorate General Agriculture Research  
Peshawar

*Sadaqat Ullah*  
*11/01/17*  
(SADAQAT ULLAH)  
SECTION OFFICER-ESTT.

*Dates*

*Touheed Iqbal*  
Assistant Director Planning  
Directorate General Agriculture Research  
K.P. Peshawar



MINISTER

MINISTER FOR REVENUE & ESTATE  
KHYBER PAKHTUNKHWA

PSCS 17, P.O. Peshawar  
Disty No. 10469 (LWP)  
Date: 30/10/15

No. PS/Mln: Rev/KPK/27/2015/ 268  
Dated 28.10.2015

SUBJECT: COMPLAINT REGARDING ILLEGAL EXCAVATION OF SOIL IN AGRICULTURE LAND AT DISTRICT D.I.KHAN.

Dear SIR/A'-a-A'

I would like to draw your attention towards corruption in Agriculture Department in D.I.khan by which land worth 600.00 (M) has been destroyed by auctioning the soil of said land on 2.2 (M) even not getting approval by Secretary Agriculture and Director General Research Nazir Hussain Shah who has been under NAB inquiry before, for illegal cutting of trees and on what grounds he has been posted as DGR is a big question mark.

It is a matter of great concern that why soil has been auctioned which results as land is unable for cultivation for long period secondly as per market rate the soil taken & still illegal act is in progress if calculated is more than ten times from the auction money and is going beyond day by day.

The Tehsil member Haji Kamran Zafar complaint is being forwarded to you with documentary and pictorial proof and expect strict necessary action to ensure zero tolerance for corruption stance of PTI and Provincial Govt. for which independent Ehtesab Commission is established.

In this regard the Ehtesab Commission need/required proof/help (if any) for smooth proceeding the complainant will be available.

With Regards

Yours sincerely

*AS*  
*30/10/15*  
The Director General  
Ehtesab Commission,  
Khyber Pakhtunkhwa

*Secretary, Agriculture*  
*Report by*  
*15/11/15*

*Ali Amin*  
(Ali Amin Khan Gandapur)

*29/10/15*  
Chief Secretary  
Govt. of Khyber Pakhtunkhwa

C.C

The Chief Secretary  
Khyber Pakhtunkhwa.

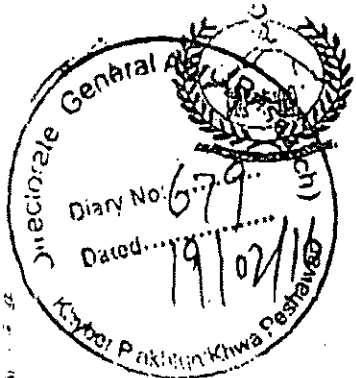
Secretary Agriculture  
Disty No. 9369

*PS*  
*Attest*  
Touheed Iqbal  
Assistant Director of planning  
Directorate General Agriculture Research  
KP Peshawar

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

No. PS/Secy(Agri)/Exc/DIK/2015  
Dated Peshawar the 2<sup>nd</sup> Feb, 2016

The Director General  
Agriculture (Research)

Subject:- **COMPLAINT REGARDING ILLEGAL EXCAVATION OF  
SOIL IN AGRICULTURE LAND AT DISTRICT D.I.KHAN**

Vide No.PS/MIN/REV/KPK/2-7/2015/268. Dated 26/10/2015 Mr. Ali Amin Khan Gandapur, Minister for Revenue & Estate filed a complaint with Director General Ehtesab Commission with copy to Chief Secretary alleging illegal excavation of soil and causing damage to Agriculture Research land at D.I.khan. The matter was inquired through Dr. Gulyar , District Director Livestock & Dairy Development (Extension) Kohat. During the inquiry it has been transpired that neither the said excavation was required nor done with the permission of competent authority. Moreover , there was no check on the contractor who was given free hand , due to which he excavated up-to 6 feet at Block-B, where he had to excavate 4 feet. In Block-A also the contractor lifted 1 feet in depth extra soil, resulting the land too deep and has damaged 13 acres of precious government land rendering it misfit for agriculture purpose. Furthermore, no land leveling has been done to bring the land into cultivable form.

The competent authority has directed for referring the case for necessary action under E&D rules and other penal laws. In view of above, you are directed to clear the position being Director General Agriculture (Research).

*Ali Amin Khan*

SECRETARY AGRICULTURE

Dispatcher  
Date: 19/2/16  
Agri. Livestock & Coop  
Dept: Peshawar

*Ali Amin Khan*  
Touheed  
Assistant Director  
Directorate General Agriculture Research  
Peshawar

AAO. Head.  
19/2

*[Handwritten signature]*

*Kazim Shah PS/00 AR/ D.I.K  
Pl. submit complete report  
with your personal  
comments immediately  
19/2/16*



17  
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GOVERNMENT OF KHYBER PAKHTUNKHWA,  
AGRICULTURE, LIVESTOCK AND COOPERATION  
DEPARTMENT, PESHAWAR

Dated Peshawar the 7<sup>th</sup> December, 2015.

**NOTIFICATION.**

**NO.SOAH (AD)4(66)/2013/Vol-V/DI KHAN:** To ascertain the facts of the complaint submitted by Mr. Ali Amin Gandapur, Minister of Revenue, Government of Khyber Pakhtunkhwa, the Competent Authority is pleased to appoint Dr. Gulyar (BPS-19), District Director Livestock & Dairy Development (Extension), Kohat as enquiry Officer to enquire into the excavation of soil at Agricultural Research Institute, DI Khan with the following TORs:

- i. Highlighting the rationale / impact of excavating soil.
- ii. Competency of Director General Agriculture Research to auction Government assets without permission of the competent authority.
- iii. The report duly complete in all respect must reach up to 10.12.2015 positively.

SD/-  
(SECRETARY AGRICULTURE)

**NO.SOAH (AD)4(26)/2010/Vol-IV:**

Dated Peshawar, the 7<sup>th</sup> December, 2015 *olc*

Copy for information to:

1. Director General Agricultural Research System, Khyber Pakhtunkhwa Peshawar with the direction to provide all necessary help to Inquiry officer while enquiring the said matter.
2. Director General Livestock and Dairy Development (Extension), Khyber Pakhtunkhwa.
3. Dr. Gulyar District Director Livestock and Dairy Development (Extension), Kohat for information and further necessary action on or before 10.12.2015 positively. Record relating to the subject case is enclosed.
4. P.S to Secretary Agriculture, Livestock & Cooperatives Department, Peshawar.
5. PA to Additional Secretary Agriculture, Livestock Fisheries & cooperation Department
6. Master File.

*(Signature)*  
(AKHTAR ALI SHAH)  
SECTION OFFICER (AGRE)  
Phone # 091-9211069  
*olc*

*(Signature)*  
**Touheed Iqbal**  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar

*(Signature)*  
Director General Livestock & Dairy Development  
Kohat

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(2)

**OFFICE OF THE DISTRICT DIRECTOR LIVESTOCK & DAIRY DEV: KOHAT**

No \_\_\_\_\_ Dated Kohat The 10/12/2015.  
TO

The PS to Secretary Agriculture,  
Livestock & Cooperatives Departments,  
KPK Peshawar.

Subject: COMPLAINT REGARDING ILLEGAL EXCAVATION OF SOIL IN  
AGRICULTURE LAND AT DISTRICT D.I.KHAN.

Memo:

Reference your office notification NO.All (AD) (66)/2013/Vol-V/D I KHAN, Dated  
Peshawar the 7.12.2015.

The undersigned visited the office of ARI D.I.KHAN & the excavated land of 13 Acres, on  
8.12.2015, to assess the reality of the case.

**BACK GROUND:**

The Director Research D.I. Khan was directed, that there should be the process of leveling  
through excavation, for which he requested the Director General Agriculture Research to give  
sanction for the subject task on 28.01.2012. The Secretary Agriculture, Livestock & Cooperatives  
was then requested for the same, by Director General Agriculture Research Peshawar, but he  
was refused. Annex- 2.

They again picked up the case on 08.04. 2015, and sanction was given by Director General  
Agriculture Research Peshawar himself. Annex-3

The excavated land Blocks A&B was thoroughly examined at various spots and the depth was  
checked in presence of Agriculture Officer.

Tehsil member Haji Kamran Zafar was also contacted, who complained and then it was  
supported by Minister for Revenue & Estate Khyber Pakhtunkhwa.

**FINDINGS:**

1. The land of 13 acres, out of total 18 acres, which was excavated has no benefit in sense, that  
there was no check on contractor during lifting the soil. He was given a free hand, due to which  
he excavated the land up to 6 feet at Block-B, where he had to excavate 4 feet. Annex-1
2. In block A also the contractor, lifted 1 foot in depth extra soil, resulting the land too deep. The  
rainy/ flood water will come into it, from the adjacent lands. The crops will be destroyed.
3. If the land was made in level to the attached land of PARC, it was better. But its level is  
1.5\_2 feet deep than the level of the land of PARC.
4. The land excavated is not Laser leveled up to now, as per agreement.
5. The sanction request was repeatedly tried, on the grounds, that the income of the Institution  
will be increased, but it is not their mandate.
6. The subject matter was already disputed /not under the rules, and the DG Agriculture Research,  
for no beneficial reason accorded the sanction, which was not in the limits of his powers.  
DELEGATION OF POWERS under the Financial Rules 2001, allows the Director  
(now Director General) to give sanction for leveling up to Rs: 1.5 M and the Administrative  
Department to exercise full powers. Annex-4
7. Minister Ali amin Khan Gangapur showed exaggerated figures of RS: 600 M loss to Government  
Treasury.

(Cont.2)

*Suppl  
part of P. I. I. Khan  
14/12*

*Ali*  
**Touheed Iqbal**  
Assistant Director - planning  
Directorate General Agriculture Research  
KPK Peshawar




**CONCLUSION :**

The above findings reveal, that the leveling / Excavation of the subject site , from 5\_6 feet depth is not beneficial. It was done in a wrong way, which cannot be graded as profitable now. The auction of Government assets, not admissible but according to Rules & Regulations, which were not followed on the part of DG AGRICULTURE .

**RECOMMENDATIONS:**


The Administration may suggest right decision, to bound all the three departments to their mandate. The AGRICULTURE RESEARCH WING may be forced, to get their objective of more production through good varieties, high yield crops & modern guidelines adaptation.

  
(ENQUIRY OFFICER)  
DISTRICT DIRECTOR DR.  
LIVESTOCK KOHAT

No 1173-76 Dated Kohat the 10/12/2015.

Copy to:

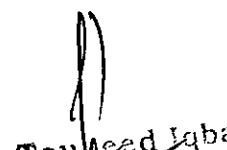
- 1. Director General Research System Khyber Pakhtunkhwa Peshawar .
- 2. Director General Livestock & Dairy Development (Ext) Khyber Pakhtoonkhwa.
- 3. P.A to Additional Secretary Agriculture, Livestock & cooperative Department Khyber Pakhtunkhwa.
- 4. Master File.

  
(ENQUIRY OFFICER)  
DISTRICT DIRECTOR DR.  
LIVESTOCK KOHAT

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*Shu*  
*11/12*  
*pe. put up*

*so (Agric)*  
*11/12*

*Attat*

  
**Touheed Iqbal**  
Assistant Director planning  
Directorate General Agriculture, Research  
& Peshawar

20



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

393

NO.SOE(AD)/6-52/2016  
Dated Peshawar, the September 15, 2016

To

1. Mr.Zakir Hussain Afridi (PCS EG BS-20),  
Commissioner, Mardan.
2. Mr.Zahirullah Khan,  
District Director Agriculture, Kohat

SUBJECT:- INQUIRY

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith copy of Charge Sheet and Statement of Allegation against Mr.Nazeer Hussain Shah, Director General, Agriculture Research (BS-19 ops), Khyber Pakhtunkhwa, Mr.Kazim Shah (BS-18), the then Director, Agriculture Research Institute, DIKhan, Mr.Inayat Hussain Shah Research Officer (BS-17) Mr.Shahid Iqbal Khattak Farm Manager (BS-17) and Muhammad Usman, Field Assistant (BS-09) O/o the Director Agriculture Research Institute, DIKhan for initiating proceeding against the accused under the provision of the Khyber Pakhtunkhwa (Efficiency and Disciplinary) Rules, 2011 please.

Encl: As above

Yours faithfully,

(Dr.Mir Ahmad Khan)  
SECTION OFFICER-ESTT:

*[Handwritten signature]*

Endst. of even No. & Date.

Copy to the:

1. Dr.Nazeer Hussain Shah DG Agriculture Research Khyber Pakhtunkhwa (along with copy of Charge Sheet and Statement of Allegation with the request to furnish acknowledgment) and to appear before the Inquiry committee, on the date, time and place fixed by the inquiry committee, for the purposes of the inquiry proceedings.
2. Director General, Agriculture Research, Khyber Pakhtunkhwa along with charge Sheet and Statement of Allegations in favour of the above named officer with the request to serve the same upon the accused officers/official and furnish acknowledgment with further advise to appear before the Inquiry Committee, on the date, time and place fixed by the inquiry committee, for the purpose of inquiry proceedings.
3. P.S to Secretary Agriculture department.

Touheed Iqbal  
Assistant Director  
Directorate General Agriculture Research  
KP Peshawar

SECTION OFFICER-ESTT:

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**INQUIRY REPORT**

Subject: **INQUIRY**

We the undersigned were appointed as members of inquiry committee by the competent authority vide Agriculture Livestock and Cooperative Department Khyber Pakhtunkhwa Peshawar letter No. SOE(AD)/6-52/2016 dated 15/09/2016 on the subject noted above. The inquiry report is as under:-

**Back Ground Summary:**


While posted at different positions, the following staff of Agriculture Livestock and Cooperative Department committed irregularities and did not fulfill their official responsibilities as mentioned in charge sheets in the auction and lack of proper supervision of the soil lifting of the auction land.

<b><u>S.No.</u></b>	<b><u>Name:-</u></b>	<b><u>Designation</u></b>
1.	Dr.Nazeer Hussain Shah (BS-19)	DGAR, KPK, Peshawar
2.	Mr.Kazim Shah (BS-18)	Ex-Director ARI D.I. Khan
3.	Mr.Inayat Hussain Shah (BS-17)	Research Officer, ARI D.I. Khan
4.	Mr.Shahid Iqbal Khattak (BS-17)	Farm Manager ARI D.I. Khan.
5.	Mr.Muhammad Usman (BS-09)	Field Assistant/Field Supervisor ARI D.I. Khan.

**Proceedings**

The inquiry proceedings began by summoning the accused officers/officials for hearing (**Annex-A, page 01**) and submission of their written replies to the charge sheet already served upon them (**Annex-B, page 02-12**).

All the accused Officers/officials submitted their written statements to the charges leveled against them & denied all the charges (**Annex-C,E, F,G & H page 13-84**).

  
**Touheed Iqbal**  
 Assistant Director for planning  
 Directorate General Agriculture Research  
 KP Peshawar

The departmental representative was also asked for presence, giving written statements and rebutting the replies of the accused officers/officials (**Annex-I, page 85-86**).

The hearing was conducted on 27.09.2016, 20.10.2016 & 26.10.2016 at Commissioner Office Mardan Division Mardan giving full opportunity of cross examination and even submitting additional evidence as (**Annexed at C,E,F,G &H**).

Statements of all witnesses required for clarification of certain points and technical aspect required was also obtained with relevant documentary proof (**Annex-J, page 87-91**)

**Findings: D.G AR Khyber Pakhtunkhwa (Dr.Nazir Hussain Shah)**

In response to series of correspondence made by the Director, ARI, D.I Khan, the DGAR, KPK Peshawar **Dr. Nazir Hussain Shah the DGAR, KPK Peshawar** vide No. 4081 dated 16.04.2015 has accorded approval for the lifting of upper soil surface of 13 acres land at ARI DI Khan only up to the limit of specification i.e. 3 feet in block-A & 4 feet in block-B as mentioned in the advertisement in Daily newspaper "Mashriq" on 10.02.2015 & also directed him to deposit the amount worth Rs. 2228600/- being auctioned amount in Government exchequer (**Annex-K, page 92-96**).

In the statement of DGAR KPK Peshawar no specific section of delegation of power has been quoted in sanction of auction for lifting of upper soil surface. Whereas the rule quoted does not pertain to the subject issue. Furthermore, the Deptt could also not produce any relevant rule. However looking into the relevant correspondence which the DGAR under took with the Administrative Deptt (**Annex-L, page 97-100**) it is clear, knowing the old sensitivity of the subject case being under correspondence since 2009 and understanding that approval of Administrative Deptt is must as the quoting rules does not clarify the subject matter, he did not waited for the conclusive outcome of the subject correspondence and granted approval/sanction of the subject activity and auction amount. Thus he overstepped the authority & issued the illegal sanction due to which 13 acres of precious Government land became misfit for agriculture purpose by illegal extra excavation of fertile top soil. The rest of the allegation charge sheeted pertain to the field organization as is in various correspondence with Director ARI, he has issued written direction in that respect

**DIRECTOR ARI D.I KHAN (Mr. Kazim Shah)**

The charges of precious government land rendered misfit for agricultural purposes by allowing the illegal extra excavation of fertile top soil to the extent of 5.1 feet instead of 3 feet in block-A & 4 feet in block-B and due to lack of supervision of excavation the suit land was disregarded to the limit of specification of advertisement in the news paper and allowing to sublet the contract by Muhammad Mohsin Shujja to Mr. Saleem Khan without taking no action and failed to protect the Govt interest were served upon **Mr. Kazim Shah** the then Director ARI D.I.Khan.

Attest

**Touheed Iqbal**  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar

He rebutted the charges leveled against him. Perusal of record reveals that due to lack of supervision & lack of interest & having no proper monitoring upon the responsibility of Supervisory Committee by Mr. Kazim Shah the then Director, ARI, D.I.Khan, the 13 acres precious government land became misfit for agricultural purpose with illegal extra excavation/ leveling of top soil instead of 3-4 feet upto the extent of 4-5 feet.

In cross examination he had admitted that he has not called any meeting of the supervisory committee formed (Annex-M, page 101-102) nor has asked for any written progress from the committee except verbal progress from Field Assistant Muhammad Usman (Annex-N, page 103) This established his slackness in supervision and failure to protect Govt interest.

The undertaking/power of attorney exhibited as (Annex-O, page 104-105) can not be technically considered as subletting but can also not be considered as an Agreement of the Deptt with contractor. Hence work order was issued without a formal agreement with contractor by the Director, being a responsible officer.


#### OTHER OFFICERS/OFFICIAL

Inayat Hussain Shah	(Research Officer)
Shahid Iqbal Khattak	(Research Officer)
Mohammad Usman	(Field Assitant)

Similar charges are leveled against the above three mentioned officers/ Official Vide (Annex at F, G & H page 61-84) In replies all have denied their role being given regarding supervision of lifting of soil of the disputed area. They also denied of receiving letter No.1546-47 dated: 19.05.2015. On perusal of relevant record of Director ARI (Dairy, Dispatch and Peon Book) (Annex-P, page 106-119) and statements of the concern staff Director Office ARI, D.I Khan (Annex- Q, page 120-123) it is established that letter No.1546-47 dated: 19.05.2015 was issued by Director office and accordingly received in their office, even the statement of field supervisor Muhammad Usman accepts that he was giving verbal progress to the Director. Hence they all have failed to fulfill their responsibility and obey order of the high-up and thus caused loss by making the land uncultivable.

#### Conclusion/recommendation

Since the inquiry order also asks for recommendation about penalty and other appropriate action hence in light of the findings explained above and report of technical committee (Annex- R, page 124-148) about the financial laws/bringing the land to cultivable level the following is recommended.

  
 Touheed Iqbal  
 Assistant Director planning  
 Directorate General Agriculture Research  
 KP Peshawar

Dr. Nazir Hussain Shah DGAR KPK, Peshawar

Charges	Findings	Recommendations
a. Overstepped Authority by Sanctioning excavation of the top soil of 13 acres of land at Agriculture Research institute D.I Khan in violation of delegation of powers under the Financial Rules, 2011	Proved	With holding annual increment
b. Rendered 13 acres of precious Govt land misfit for Agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet	Not proved not relevant or as filled establishment of responsible for supervision of excavation	-----
c. Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated	-do-	-----
d. Allowed the highest bidder Mr. Muhammad Mohsin Shujja to sublet the contract to Mr. Salim Khan without lawful Authority and took no action against him	-do-	-----
<b>Kazim Shah the then Director ARI D.I Khan</b>		
a. Rendered 13 acres of precious Govt land misfit for Agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet	Proved	a. With holding of two annual increments.
b. Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated	Proved	b. ----
c. Allowed the highest bidder Mr. Muhammad Mohsin Shujja to sublet the contract to Mr. Salim Khan without lawful Authority and took no action against him	Not proved	-----
d. Failed to protect Govt interest by showing slackness in supervision the excavation by the Contractor	Proved	c. -----
<b>Inayat Hussain Shah, Shahid Iqbal Khattak (Research Officers) and Mohammad Usman (Field Assistant)</b>		
a. Rendered 13 acres of precious Govt land misfit for Agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet	Proved	With holding of one annual increment
b. Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated	Proved	-do-
c. Allowed the highest bidder Mr. Muhammad Mohsin Shujja to sublet the contract to Mr. Salim Khan without lawful Authority and took no action against him	Not proved	----
d. Failed to protect Govt interest by showing slackness in supervision the excavation by the Contractor	proved	-----

*Arta*  
**Touheed Iqbal**  
 Assistant Director planning  
 Directorate General Agriculture Research  
 KP Peshawar

## FINANCIAL IMPACT/COMMITTEE REPORT

A technical committee (letter No.879/PSC (M) dated 07.11.2016 was formed to assess the damage and evaluate the financial costing involved to make the land cultivable again, their report is enclosed at (Annex-P, Page 106-119)

The report establishes that in lower position illegal excavation has been made with regard. The depth given in the advertisement, the land particularly in Block B has been mostly effected.

From the finding explained and report of financial committee the following is recommended.

### FINANCIAL IMPACT/RECOMMENDATIONS

The financial costing of making the land usable for cultivation purposes has been ascertain by refilling comes to Block "A" Rs.3361953.50/ and Block "B" Rs.11309341.27/- as ( Annex at Q, page 120-123).

However Since


A). the issue is subjudice in the court through a plaint (Annex-R, page 124 -148).

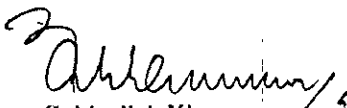
B). whether the recommendations of Director ARI with regard to 3 feet excavation of Block "A" and 4 feet Block "B" was required with out considering a topographic survey to make the land cultivable. The same has also resulted in the damage to the land as in some portions even the advertized depth has not been touched by the contractor.


In the circumstances financial liabilities can not be fixed as such presently.

- a. The Deptt should pursue the court case earnestly as any further excavation by the court will further effect the land.
- b. Deptt with all the technical resources should further investigate point "B" explained above.

And thereafter fix financial responsibility on the contractor and official concern accordingly.

  
 Zakir Hussain Afridi (PCS-EG BS-20)  
 Commissioner Mardan Division Mardan  
 Chairman (Inquiry Committee)

  
 Zahirullah Khan  
 District Director Agriculture  
 Kohat  
 (Member Inquiry Committee)

  
 Touheed Iqbal  
 Assistant Director planning  
 Directorate General Agriculture Research  
 KP Peshawar

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

NO.SOE(AD)6-52/2016  
Dated Peshawar, the March 20, 2017

To

The Director General,  
Agriculture *Research*  
Khyber Pakhtunkhwa Peshawar

SUBJECT:- COMPLAINT REGARDING ILLEGAL EXCAVATION OF SOIL IN  
AGRICULTURE LAND AT DISTRICT DIKHAN

I am directed to enclose herewith two copies each of the Show Cause Notices to be served on Dr.Nazeer Hussain Shah, ex-DG Agriculture Research, Mr.Kazim Shah ex-Director, ARI, DIKhan, Mr.Inayat Hussain Shah Research Officer, ARI, DIKhan, Mr.Shahid Iqbal Khattak Farm Manager, ARI, DIKhan and Mr. Muhammad Usman Field Assistant (BS-09), ARI, DIKhan duly signed by the Competent Authority with the request that the same may be served upon the accused officers/official and duplicate copy there-of duly acknowledged by them be returned to this department within three days positively.

Encl: As Above

*(Signature)* 24/3/17  
(SADAQAT ULLAH)  
SECTION OFFICER-ESTT:

Endst. of even No. & Date.

Copy to:

1. Dr.Nazeer Hussain Shah ex-DG Agriculture Research, Khyber Pakhtunkhwa.
2. Mr.Kazim Shah ex-Director, ARI, DIKhan.
3. Mr.Inayat Hussain Shah Research Officer, ARI, DIKhan.
4. Mr.Shahid Iqbal Khattak, Farm Manager, ARI, DIKhan.
5. Mr.Muhammad Usman Field Assistant ARI, DIKhan alongwith copies of Show cause Notice.
6. P.S to Secretary Agriculture department.

*(Signature)* 24/3/17  
SECTION OFFICER-ESTT.

*(Handwritten initials)*

*(Handwritten initials)*  
27/3

*As per please  
Moshir - usman*

*(Signature)*  
27/3/17

*Attest*

*(Signature)*  
Touheed Iqbal  
Director



Fair Copy attached as  
27(a)

27



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

163

SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011, do hereby serve you, Dr. Nazeer Hussain Shah, BPS-19, Director General, Agriculture Research, Khyber Pakhtunkhwa (OPS) as follows:-

1. (i) that consequent upon the completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing vide No. 689/PSC(M), dated 19/09/2016; and  
(ii) on going through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers including your defense before the Inquiry Committee,--

I am satisfied that you have committed the following acts / omissions specified in Rule 3 of the said rules:


- (i) Overstepped Authority by Sanctioning excavation of the top soil of 13 acres of land at Agriculture Research Institute D.I Khan in violation of delegation of powers under the Financial Rules, 2011

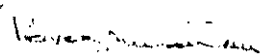
2. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of stoppage of one annual increment under Rule 4 of the said rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry committee is enclosed.

  
Touheed Iqbal  
Assistant Director planning  
Directorate General Agriculture Research  
KP, Peshawar

  
(PERVEZ KHATTAK)  
CHIEF MINISTER, KHYBER PAKHTUNKHWA  
(COMPETENT AUTHORITY)

27(a)

FAIR COPY

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

**SHOW CAUSE NOTICE**

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011, do hereby serve you, Dr. Nazeer Hussain Shah, BPS-19 Director General, Agriculture Research, Khyber Pakhtunkhwa (OPS) as follows: -

- i. That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide No. 689/PSC(M), dated 19/09/2016; and
- ii. On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee,

I am satisfied that you have committed the following acts/ omissions specified in Rule 3 of the ibid Rules

- a) Overstepped Authority by Sanctioning excavation of the top soil of 13 acres of land at Agriculture Research Institute D.I. Khan in violation of delegation of powers under the Financial Rules, 2011
2. As a result, thereof, I as competent authority have tentatively decided to impose upon you the penalty of Stoppage of one annual increment under Rule -4 of the said rules.
  3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
  4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and, in that case, an ex-parte action shall be taken against you.

A copy of the findings of the inquiry committee is enclosed.

**(PERVEZ KHATTAK)**  
CHIEF MINISTER, KHYBER PAKHTUNKHWA  
(COMPETENT AUTHORITY)



28.

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

**SUMMARY FOR CHIEF MINISTER**

Subject:- COMPLAINT REGARDING ILLEGAL EXCAVATION OF SOIL  
IN AGRICULTURE LAND AT DISTRICT DIKHAN

The Minister for Revenue & Estate filed a complaint to Director General Ehtesab Commission with an endorsement copy to Chief Secretary Khyber Pakhtunkhwa alleging that Mr. Nazir Hussain Director General Agriculture Research has committed following irregularities: (Annex-I):-

- i. Agriculture Land worth 600 million has been destroyed by auctioning the top soil for 2.2 million while the market value of the lifted/sold soil was ten times higher than the auction price.
- ii. No approval for auctioning of soil has been obtained from the competent authority, the then Secretary Agriculture Department.
- iii. Nazir Hussain Shah has been posted as DG Agriculture (Research) while he was already facing enquiry by NAB for illegal cutting/sale of trees.

2. In order to ascertain the prima facie validity of the allegations, Dr. Gulyar (BS-19), District Director Livestock (Extension), Kohat, was appointed to conduct preliminary enquiry (Annex-II) who vide enquiry report (Annex-III) concluded as under:-

- i. The soil had been auctioned and excavation of top soil to the extent of 5-6 feet was not beneficial and has damaged 13 acres of precious government land, rendering it misfit for agricultural purposes.
- ii. Neither approval for the excavation of soil has been obtained nor had any technical opinion been solicited in support of unauthorized decision for excavation of top soil of the government land.
- iii. The soil was excavated much beyond the auctioned level and there was no check on the co-called contractor who had been playing havoc with the government property.
- iv. The highest bidder Mr. Muhammad Muhsin Shujja further transferred the contract to Mr. Saleem Khan without lawful authority, who excavated the soil and no notice was taken of the change in contract and its repercussions.

*Handwritten: 2*

**Touheed Iqbal**  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar

29.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

SUMMARY FOR CHIEF MINISTER

Subject:- COMPLAINT REGARDING ILLEGAL EXCAVATION OF SOIL  
IN AGRICULTURE LAND AT DISTRICT DIKHAN

v. Apart from Director General Agricultural Research, Mr. Nazeer Hussain Shah (BS-19); Ex-Director Agriculture Research Institute DI Khan, Mr. Kazim Shah (BS-18); Mr. Inayat Hussain Shah (BS-17) Research Officer, Mr. Shahid Iqbal Khattak (BS-17), Farm Manager and Mr. Muhammad Usman (BS-17), Field Assistant also seem responsible and have a role in over excavation of soil.

3. On the basis of the above findings Charge Sheets and Statement of Allegations against the above accused officers/ officials of the Agriculture Research Wing have been prepared and are annexed as Annex-IV, V, VI, VII & VIII.

4. The Chief Minister, Khyber Pakhtunkhwa being competent authority in respect of officers in BS-18 and above is requested to sign the Charge Sheets and Statement of Allegations with insertion of the names of inquiry officer / committee in the statement of allegations.

5. Para-5 ante is submitted for approval please.

29/04/16  
SECRETARY AGRICULTURE

MINISTER FOR AGRICULTURE

SECRETARY ESTABLISHMENT

*Arif*  
*Toheed Iqbal*  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar

*Iqbalullah*  
26/4/2016

(IKRAMULLAH GANDAPORE)  
MINISTER FOR AGRICULTURE  
KHYBER PAKHTUNKHWA

CHIEF SECRETARY

↓  
P.T.O

7. Summary for Chief Minister Khyber Pakhtunkhwa regarding complaint against illegal excavation of Soil in Agriculture land at District D.I.Khan has been examined. The Administrative Department has not nominated any technical member for inclusion in the inquiry committee.

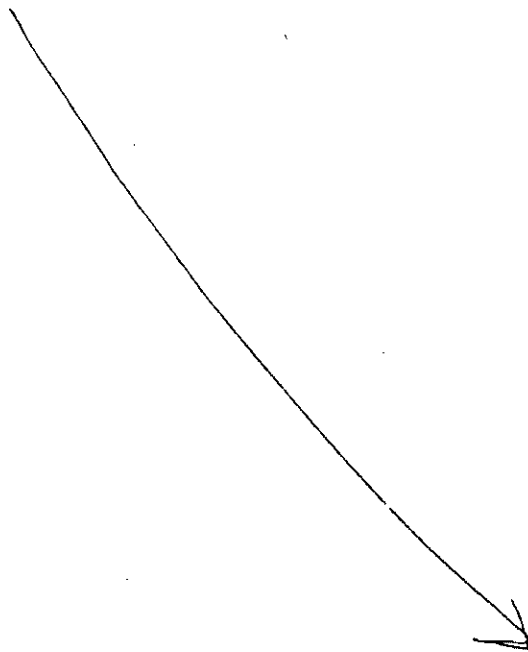
8. The summary for Chief Minister, is returned to the Administrative Department with the above observations.

(Dr. Syed Akhtar Hussain Shah)  
Spl. Secretary (Regulation)  
June 13, 2016

~~Secretary Agriculture~~

Attest - 2

Touheed Iqbal  
Assistant Director Planning  
Directorate General Agriculture Rawalakot  
KP Peshawar



N.P.P



GOVERNMENT OF KHYBER PAKHTUNKHWA  
 AGRICULTURE LIVESTOCK & COOPERATIVE  
 DEPARTMENT

SUMMARY FOR CHIEF MINISTER

Subject:- COMPLAINT REGARDING ILLEGAL EXCAVATION OF SOIL  
 IN AGRICULTURE LAND AT DISTRICT DIKHAN

Reference para 7 of the summary

9. The cardinal issue in the subject matter is that the Director General, Agriculture (Research) has exceeded from his authority with mala-fide and allowed auctioning/excavation of top soil beyond his mandate despite the fact that Agriculture Department refused to grant such permission. This matter has no technical implication rather is an administrative issue. However, in order to respond to the Establishment department observation contained in para 7 Mr. Zahirullah Khan, District Director Agriculture(Extension) District Kohat will assist the inquiry officer in the technical aspect of the case.

SECRETARY AGRICULTURE

SECRETARY ESTABLISHMENT

Attest  
  
 Touheed Iqbal  
 Assistant Director planning  
 Directorate General Agriculture Research  
 KP Peshawar

N.P.P

10. Summary for Chief Minister Khyber Pakhtunkhwa regarding complaint against illegal excavation of Soil in Agriculture land at District D.I.Khan was earlier examined in para 7 of the summary and returned to the department for inclusion of name of a technical member which has now been indicated in para-9 of the summary. The proposal for initiation of disciplinary proceedings against the officers/officials is endorsed.

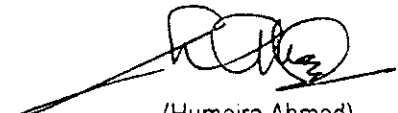
11. The Chief Minister Khyber Pakhtunkhwa being competent authority may sign Charge Sheets/Statements of Allegations (Annex-IV, V, VI, VII & VIII) and appoint an enquiry officer/enquiry committee from the following panel by indicating the name (s) in the space left blank in the statement of allegations: -

Panel of PAS/PMS/PCS (EG)

- ✓ i. Mr. Zakir Hussain Afridi, (PCS EG BS-20)  
Commissioner Mardan
- ii. Dr. Syed Ata-Ur-Rehman, (PAS ES-20),  
OSD E&A Department

Panel of Technical Officer

- ✓ a. Mr. Zahirullah Khan, District Director Agriculture (Extension),  
District Kohat.

  
(Humaira Ahmed)  
Secretary Establishment  
August 24, 2016

Chief Secretary Khyber Pakhtunkhwa

*ATU*  
  
Tahir Iqbal  
Asst. Dir. Agriculture  
Directorate General Agriculture  
KP Peshawar

Chief Minister

*AW*  
26/8/16  
Chief Secretary  
Govt. of Khyber Pakhtunkhwa

12. Para 11 (i) Mr. Zakir Hussain Afridi (PCS EG BS-20) Commissioner Mardan & Mr. Zahirullah DDA Kohat are approved & needful done.

*CS*  
Secy AGR:

*P. I.*

7-9-2016  
Chief Minister  
Khyber Pakhtunkhwa  
*AW*  
8/9/16  
Chief Secretary  
Govt. of Khyber Pakhtunkhwa

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

6

## SUMMARY FOR CHIEF MINISTER

Subject:

INQUIRY REPORT AGAINST DR. NAZEER HUSSAIN SHAH (BS-19) DG AR, KPK, PESHAWAR, MR. KAZIM SHAH, EX-DIRECTOR, ARI, DIKHAN, MR. INAYAT HUSSAIN SHAH, MR. SHAHID IQBAL KHATTAK, RESEARCH OFFICER AND MR. MUHAMMAD USMAN, FIELD ASSISTANT, ARI, D.I.KHAN REGARDING ILLEGAL EXCAVATION OF FERTILE TOP SOIL AT ARI, DI KHAN.

### REFERENCE PARA-12 ANTE

13. The inquiry constituted has now submitted the report (ANNEX-IX) with the following conclusion and recommendation.

### CONCLUSION/RECOMMENDATION

Since the inquiry order also asks for recommendation about penalty and other appropriate action hence in light of the findings and report of technical committee about the financial loss/bringing the land to cultivable level the following is recommended.

Charges	Findings	Recommendations
<b>Dr. Nazeer Hussain Shah DGAR KPK, Peshawar</b>		
a. Overstepped Authority by Sanctioning excavation of the top soil of 13 acres of land at Agriculture Research Institute D.I Khan in violation of delegation of powers under the Financial Rules, 2011	Proved	Withholding of one annual increment
b. Rendered 13 acres of precious Govt. land unsuit. for Agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet.	Not proved not relevant or as filled establishment of responsible for supervision of excavation.	-----
c. Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated.	-do-	-----
d. Allowed the highest bidder Mr. Muhammad Mohsin Shujja to sublet the contract to Mr. Salim Khan without lawful Authority and took no action against him.	-do-	-----

Approved  
Assistant Director  
Agriculture General Agency  
KPK Peshawar





GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

7

## SUMMARY FOR CHIEF MINISTER

Subject: INQUIRY REPORT AGAINST DR. NAZEER HUSSAIN SHAH (BS-19) DG AR, KPK, PESHAWAR, MR. KAZIM SHAH, EX-DIRECTOR, ARI, DIKHAN, MR. INAYAT HUSSAIN SHAH, MR. SHAHID IQBAL KHATTAK, RESEARCH OFFICER AND MR. MUHAMMAD USMAN, FIELD ASSISTANT, ARI, D.I.KHAN REGARDING ILLEGAL EXCAVATION OF FERTILE TOP SOIL AT ARI. DI KHAN.

Charges	Findings	Recommendations
<b>Kazim Shah the then Director ARI, D.I Khan</b>		
a. Rendered 13 acres of precious Govt land misfit for Agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet	Proved	With holding of two annual increments
b. Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated.	Proved	-----
c. Allowed the highest bidder Mr. Muhammad Mohsin Shujja to sublet the contract to Mr. Salim Khan without lawful Authority and took no action against him.	Not proved	-----
d. Failed to protect Govt interest by showing slackness in supervision of the excavation by the Contractor.	Proved	-----
<b>Inayat Hussain Shah, Shahid Iqbal Khattak (Research Officers) and Mohammad Usman (Field Assistant)</b>		
a. Rendered 13 acres of precious Govt land misfit for Agricultural purposes by illegal extra excavation of top soil to the extent of 5-6 feet	Proved	With holding of one annual increment
b. Allowed unchecked excavation of the land in total disregard to the specification in the advertisement floated.	Proved	-do-
c. Allowed the highest bidder Mr. Muhammad Mohsin Shujja to sublet the contract to Mr. Salim Khan without lawful Authority and took no action against him.	Not proved	----- <i>Shahid Iqbal</i> Shahid Iqbal Assistant Director planning Directorate General Agriculture Research Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

6  
1

**SUMMARY FOR CHIEF MINISTER**

Subject: INQUIRY REPORT AGAINST DR. NAZEER HUSSAIN SHAH (BS-19) DG AR, KPK, PESHAWAR, MR. KAZIM SHAH, EX-DIRECTOR, ARI, DIKHAN, MR. INAYAT HUSSAIN SHAH, MR. SHAHID IQBAL KHATTAK, RESEARCH OFFICER AND MR. MUHAMMAD USMAN, FIELD ASSISTANT, ARI, D.I.KHAN REGARDING ILLEGAL EXCAVATION OF FERTILE TOP SOIL AT ARI. DI KHAN.

Charges	Findings	Recommendations
d. Failed to protect Govt interest by showing slackness in supervision the excavation by the Contractors.	Proved	-----

**FINANCIAL IMPACT/COMMITTEE REPORT**

A technical committee was constituted to assess the damage caused and evaluation of the financial cost involved in making the land cultivable again, and total financial loss accrued comes to Rs.3361953.50 on Block-A and Rs.11309341.27 on Block "B".

14. It has been pointed out that the issue is subjudice in the court in appeal of a contractor (ANNEX-X).

15. It has been recommended by the inquiry committee that to ascertain whether the recommendations of Director ARI DI Khan with regard to 3 feet excavation of Block "A" and 4 feet in Block "B" was required without considering a topographic survey to make the land cultivable. The same has resulted in the damage to the land. The department shall further investigate it in order to fix financial responsibility on the contractor and official concerned accordingly.

16. This department agrees with the recommendations of the inquiry committee and recommends the following:

- i. Penalty of stoppage of one annual increment may be imposed on Dr. Nazeer Hussain Shah, DG Agriculture Research.

*Handwritten signature/initials*

**Touhid Iqbal**  
Assistant Director planning  
Directorate General Agriculture Research  
K.P. Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

9.

## SUMMARY FOR CHIEF MINISTER

Subject: INQUIRY REPORT AGAINST DR. NAZEER HUSSAIN SHAH (BS-19) DG AR, KPK, PESHAWAR, MR. KAZIM SHAH, EX-DIRECTOR, ARI, DIKHAN, MR. INAYAT HUSSAIN SHAH, MR. SHAHID IQBAL KHATTAK, RESEARCH OFFICER AND MR. MUHAMMAD USMAN, FIELD ASSISTANT, ARI, D.I.KHAN REGARDING ILLEGAL EXCAVATION OF FERTILE TOP SOIL AT ARI, DI KHAN.

- ii. Penalty of stoppage of two annual increments without cumulative effect on Mr. Kazim Shah, Ex-Director ARI DI Khan.
- iii. Penalty of stoppage of one annual increment may be imposed on Mr. Innayat Hussain Shah, Shahid Iqbal Khattak, Research Officers and Mr. Muhammad Usman Field Assistant.
- iv. The apportionment of financial loss shall be assessed by a committee of experts and imposed accordingly.

17. In light of the recommendations of the Inquiry Committee Show Cause Notices have been prepared & placed at ANNEX-XI, XII, XIII, XIV & XV respectively. The Chief Minister, Khyber Pakhtunkhwa being competent authority is requested to insert the penalty in Show Cause Notice as mentioned in Para-16 above, please

*Muhammad Naeem Khan*  
(Engr: Muhammad Naeem Khan)  
SECRETARY AGRICULTURE

MINISTER FOR AGRICULTURE

SECRETARY ESTABLISHMENT

CHIEF SECRETARY

*Sham-ul-Allah*  
16/12/2016

Attest *2*

*Toheed Iqbal*  
Assistant Director planning  
Directorate General Agriculture Research  
K.P. Peshawar

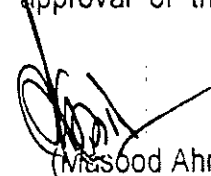
P.T.O.

18. Summary for Chief Minister Khyber Pakhtunkhwa submitted by Agriculture Department on account of complaint regarding illegal excavation of Soil in Agriculture land at District D.I.Khan has been examined.

19. Findings of the inquiry committee show that charges/allegations levelled against the accused officers have been proved as mentioned vide para 13 of the summary. Moreover, it has been proposed vide para 16 (iv) of the summary that financial losses accrued to the Government shall be apportioned by a committee against each accused officers.


20. In order to facilitate competent authority, the department may apportion the losses for insertion in the Show Cause Notices against each accused officers to be imposed upon them tentatively.


21. In view of the above, the Summary is returned to the Administrative Department to do the needful and resubmit the case for approval of the competent authority.

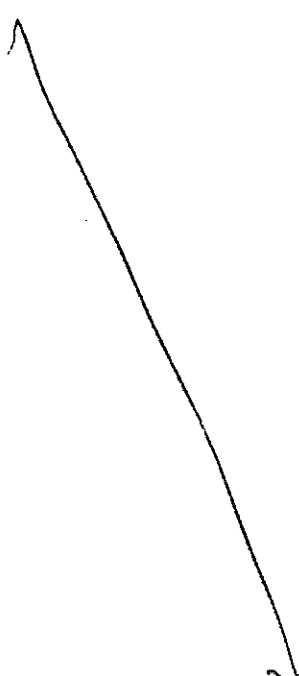
  
(Masood Ahmad)

Spl. Secretary (Regulation)  
December 30, 2016

Secretary Agriculture

Attest 

  
**Touheed Iqbal**  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar

  
M.P.P.



38

11

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

## SUMMARY FOR CHIEF MINISTER

**OBJECT:- INQUIRY REPORT AGAINST MR.NAZEER HUSSAIN SHAH (BS-19) DG AR, KPK, PESHAWAR, MR.KAZIM SHAH, EX-DIRECTOR, ARI, DIKHAN, MR.INAYAT HUSSAIN SHAH , MR.SHAHID IQBAL KHATTAK, RESEARCH OFFICER AND MR.MUHAMMAD USMAN, FIELD ASSISTANT, ARI, DIKHAN REGARDING ILLEGAL EXCAVATION OF FERTILE TOP SOIL AT ARI, DIKHAN**

Reference pre paras:

22. In pursuance of Establishment Department observations at para-20 ante, a departmental inquiry committee has been constituted to determine the loss accrued on account of extra excavation and apportionment of the loss among the contractor and the responsible officers (Annex-XVI).

23. The Committee has now submitted report with the following conclusions and recommendations (Annex-XVII):

1. The major beneficiary in the instant case for extra excavation of land is the contractor concerned. Therefore, 90% amount of the losses accrued (RS.13204165/-) may be recovered from the contractor.


2. The balance of 10% amount of the loss accrued (Rs.1467129/-) may be distributed amongst the following officers/official for showing slackness in the matter in addition to the minor punishment already proposed.

(a) Mr. Kazim Shah Ex-Director, Agriculture Research Institute, DIKhan=Rs.880277.4/-(60%).

(b) Mr. Inayat Hussain Shah Research Officer Agriculture Research Institute, DIKhan=Rs.220069.35/-(15%).

(c) Mr. Shahid Iqbal Farm Manager Agriculture Research Institute, DIKha,=Rs.220069.35/-(15%).

(d) Mr. Muhammad Usman Field Assistant Agriculture Research Institute, DIKhan=Rs.146712.9/-(10%)

  
Tehzeeb Iqbal  
Assistant Director planning  
Directorate General Agriculture & Livestock  
KP Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

39.

12

**SUMMARY FOR CHIEF MINISTER**

**UBJECT:- INQUIRY REPORT AGAINST MR.NAZEER HUSSAIN SHAH (BS-19) DG AR, KPK, PESHAWAR, MR.KAZIM SHAH, EX-DIRECTOR, ARI, DIKHAN, MR.INAYAT HUSSAIN SHAH , MR.SHAHID IQBAL KHATTAK, RESEARCH OFFICER AND MR.MUHAMMAD USMAN, FIELD ASSISTANT, ARI, DIKHAN REGARDING ILLEGAL EXCAVATION OF FERTILE TOP SOIL AT ARI, DIKHAN**

24. Proposal contained at Para 17 and 23 ante is submitted for approval of the Hon'ble Chief Minister Khyber Pakhtunkhwa please.

(SAJID KHAN)  
SECRETARY AGRICULTURE

SECRETARY ESTABLISHMENT

CHIEF SECRETARY

CHIEF MINISTER

Attest

Touheed Iqbal  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar

13

25. Summary for Chief Minister Khyber Pakhtunkhwa submitted by Agriculture Department on account of complaint regarding illegal excavation of Soil in Agriculture land at District D.I.Khan was earlier examined in para 18 to 21 thereof and returned to the department for apportionment of losses for insertion in Show Cause Notices for serving upon the accused. The department, after doing the needful vide para 23, has now resubmitted the summary for signature of Show Cause Notices by the Competent Authority.

26. Findings of the inquiry committee show that charges/allegations levelled against the accused officers have been proved as mentioned vide para 13 viz-a-viz losses to be recovered vide para 23 of the summary, which is endorsed by Establishment Department.

27. Under Rule 14 of Government Servants (Efficiency & Discipline) Rules, 2011, the Chief Minister Khyber Pakhtunkhwa being competent authority may sign the Show Cause Notices placed at (Annex-XI, XII, XIII, XIV & XV) and insert penalty (ies) therein from the list of penalties placed at (Annex-XVI) alongwith recoverable amount apportioned against each accused vide para 23 of the summary.

(Dr. Syed Akhtar Hussain Shah)  
Secretary Establishment  
March 07, 2016

Chief Secretary Khyber Pakhtunkhwa

Ali Iqbal

07.3.2017  
Chief Secretary  
Govt. of Khyber Pakhtunkhwa

Chief Minister

Needful done.

28 -  
CF

Pervez Mansoor

13.3.2017

Chief Minister  
Khyber Pakhtunkhwa

Ali Iqbal

14.3.2017

Chief Secretary  
Govt. of Khyber Pakhtunkhwa

Attest

Touheed Iqbal  
Assistant Director planning  
Directorate General Agriculture Research  
NP Peshawar

Secretary Agriculture

PTO

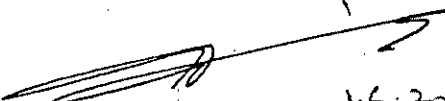
CG

PARA- 28 OF THE SUMMARY REFERS.

Show Cause Notices at Annex-XI, XII, XIII, XIV & XV were served upon Dr. Nazeer Hussain Shah (BS-19), ex-Director General, Agriculture Research, Mr. Kazim Shah Ex-Director Agriculture Research Institute, Dikhan, Mr. Inayat Hussain Shah, Shahid Iqbal Khattak Research Officers and Mr. Muhammad Usman Field Assistant (accused officers/official). The accused officers/official have submitted their reply vide (Annex-XVIII, XIX, XX, XXI and XXII) respectively for consideration of the competent authority.

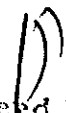
30. This Department agrees with the penalty tentatively imposed vide para-28 by the competent authority and recommends that the penalty imposed upon the accused officers may be confirmed.

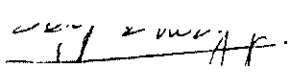
31. The Chief Minister, Khyber Pakhtunkhwa (Competent Authority) may like to hear the officers in person and pass orders as deem proper.

  
(MUHAMMAD ISRAR)  
1.6.2017  
SECRETARY AGRICULTURE

SECRETARY ESTABLISHMENT

Attest 

  
Touheed Iqbal  
Assistant Director Planning  
Directorate General Agriculture Research  
RP Peshawar



P.T.O.



32- Summary for Chief Minister Khyber Pakhtunkhwa submitted Agriculture Department on account of complaint regarding illegal excavation of So Agriculture land at District D.I.Khan has been examined.

33. Show Cause Notices at (Annex-XI, XII, XIII, XIV & XV) u tentative penalties were served upon the accused. The accused officers/officials he submitted their replies to the Show Cause Notices vide (Annex-XVIII, XIX, XX, X & XXII), in their defence for consideration of the competent authority. T Administrative Department has examined the replies of the accused to the show cau notices vide para 30 of the summary and has opined that the penalty tentative imposed upon the accused officers/officials may be confirmed.

34. It may be mentioned that main accused Dr. Nazeer Husain Shah he been retired from service on superannuation on 11.03.2017. Disciplinary proceedings wi have to be dropped against him as provided in Para-2 (C) of the Provincie Government Instructions dated 7<sup>th</sup> January, 2017. However, in case of any pecuniar loss caused to the government exchequer, the administrative department may lodge an FIR against him for judicial proceeding and recovery of the loss thereof (Annex- XXIII).

35. Before confirmation of penalties, Chief Minister Khyber Pakhtunkhwa being competent authority under Rule-4 (I)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 may afford an opportunity of personal hearing to the accused officers/officials in terms of Rule-15 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

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**Tauheed Iqbal**  
Assistant Director  
Directorate General Agriculture  
K.P. Peshawar

Chief Secretary Khyber Pakhtunkhwa

*Chief Minister*

(**Masood Ahmad**)  
Secretary Establishment  
June 15, 2017

*Ali Iqbal*  
16/6/2017  
CHIEF SECRETARY  
Govt. Of Khyber Pakhtunkhwa

36-

*CF*  
Secy Energy

Mr. Muhammad Nazeem Khan Secretary Energy Power is authorized to give opportunity of personal hearing to the accused officials on my behalf.

*Ali Iqbal*  
20.6.2017  
CHIEF SECRETARY  
Govt. Of Khyber Pakhtunkhwa

*Pervez Mansoor*  
19.6.2017  
Chief Minister  
Khyber Pakhtunkhwa

070

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16

Reference Para 36 Ante:-

37- All the four accused officers/officials were called to attend the office of the undersigned for Personal Hearing on Wednesday 19.07.2017. Various questions were put to them, and their defense was thoroughly examined. All of them were found guilty to various extent. Punishment and recoveries mentioned in their show cause notices may be imposed, on all except Dr. Nazir Hussain Shah, who stands retired from services on 11.03.2017.

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19/07/2017

(Engr: Muhammad Naeem Khan)  
Secretary Energy and Power Department  
Secretary to Govt:  
of Khyber Pakhtunkhwa  
Energy & Power Department

Chief Secretary

*Ali Iqbal*

02.8.2017

CHIEF SECRETARY  
Govt. Of Khyber Pakhtunkhwa

Chief Minister

38-

Para 37 is approved.

*(Handwritten signature)*

*Ali Iqbal*

04.8.2017

CHIEF SECRETARY  
Govt. Of Khyber Pakhtunkhwa

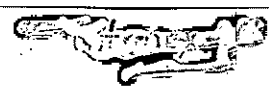
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3.8.2017

Chief Minister  
Khyber Pakhtunkhwa

SECRETARY AGRICULTURE

*(Handwritten signature)*

Touheed Iqbal  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar



**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT**  
**MR. JUSTICE EJAZ AFZAL KHAN**  
**MR. JUSTICE UMAR ATA BANDIAL**

C. As. No. 1064-P to 1065-P of 2009.  
(On appeal against the judgment dt. 2.2.2009 passed by the NWFP Service Tribunal, Peshawar in Service Appeal No. 778 of 2007).

Dr. Mahmood Khan and others.  
Govt. of NWFP thr. Chief Secy. and others. ...Appellants.  
Versus  
Muhammad Idris and others. ...Respondents

For the appellant: Qazi M. Anwar, Sr. ASC.  
Mr. Jan Muhammad Khan, Addl. A. G. KPK  
For respdt. No. 1: Mr. M. Isa Khan, ASC. (in both)  
For respdt. In 1064-P/09: Mr. Jan Muhammad Khan, Addl. A. G. KPK  
Date of hearing 12.02.2015

**ORDER**

EJAZ AFZAL KHAN, J.- These appeals with the leave of the Court have arisen out of the judgment dated 2.2.2009 of the NWFP Service Tribunal, Peshawar whereby it allowed the appeal filed by the respondents by holding as under :-

"2. We, therefore, accept the present appeal, partially modify the orders of promotions of the private respondents as posting on acting charge basis instead of promotions on regular basis, and direct the official respondents as per preceding para. The appellant is entitled to recover half of the cost of his litigation in this case from the official respondents, and to recover the remaining half from the private respondents who are still in service".

2. Points raised and noted at the time of grant of leave read as under :-

"Content, inter alia, that the tentative seniority list could not be challenged before the Tribunal in

**ATTESTED**  
  
Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar.

Attest 2

**Touheed Iqbal**  
Assistant Director of Planning  
Directorate General Agriculture Research  
KP Peshawar

view of Section 4 of the NWFP Service Tribunal which provides appeals only against final orders and that respondent No. 1 is not entitled to the promotion as he holds a post of Statistician while the petitioners hold the posts relevant to research; that the date of promotion of respondent No. 1 mentioned in the impugned judgment is 23.4.1986 which in act is not 1986 but is 1996 and which date falls latter to the dates on which the petitioners had already been promoted; that the appeal before the Tribunal was also time barred.

2. In order to consider the aforesaid questions, leave to appeal is granted. This being a service matter requires early disposal, therefore, appeals arising out of these petitions be fixed within 3 months on the available record. However, the parties are at liberty to file fresh documents on which they place reliance".

3. The learned ASC appearing on behalf of the appellant contended that appeal filed by the respondents before the Service Tribunal did not lie inasmuch as it was directed against the tentative seniority list which does not fall either within the purview of section 22 of the Civil Servants Act or section 4 of the Service Tribunal Act. The learned ASC next contended that the appellants being Senior Research Officers alone were eligible to be promoted to the post in the next higher scale, therefore, there was nothing wrong in the order promoting them. He next contended that respondent No. 1 being Statistician could not be pushed within the definition of Research Officer so as to entitle him to appointment as Director Research and deprive the appellants of their due who being Senior Research Officers alone were eligible to be promoted to the next higher scale.

4. The learned Additional Advocate General appearing for the Government did not dispute the legal position stated by the

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Supreme Court of Pakistan,  
Islamabad.

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**Touheed Iqbal**  
Assistant Director Planning  
Directorate Gen. Agriculture Research  
KP Peshawar

learned ASC for the appellants as he also has urged the same point in the appeal filed by the Government.

5. The learned ASC appearing on behalf of the respondent No. 1 contended that the respondent had no way out but to file an appeal before the Service Tribunal when his representation before the departmental authority was not decided within 90 days and the appellants were promoted to the next higher scale on the basis of a tentative seniority list. A Statistician, the learned ASC submitted, was also a Research Officer if nature of the job he performed is considered, therefore, he was rightly promoted as Director Research. The learned ASC to support his contention relied on the case of Secretary to the Government of NWFP Agricultural Department, Peshawar. Vs. Asmatullah Khan and others (In Civil Appeals No. 1321 to 1324 of 1996, dated 15.11.2002).

6. We have gone through the entire record carefully and considered the submissions of the learned ASCs for the parties and Addl. Advocate General.

7. Before we appreciate the contentions of the learned ASC for the parties and the learned Addl. A. G. appearing for the Government, it is worthwhile to refer to the relevant rules which read as under :-

1.	Nomenclature of Post	Director/Coordinator Agriculture Research.
2.	Minimum Qualification Prescribed for Appointment by initial Recruitment or by Transfer.	a) Ph. D in any of the subjects relating to the subjects groups specified in Schedule-II with at least 13 years experience of holding a post charged with conducting or controlling research in the field of Agriculture; and  b) Publication of at least 4 research papers on problems encountered in, or relevant to the conditions in North West Frontier Province and of such a

ATTESTED

*[Signature]*  
Deputy Registrar,

Supreme Court of Pakistan,  
Peshawar.

*[Signature]*

**Fouhed Iqbal**  
Assistant Director of Agriculture  
Directorate of Agriculture  
Peshawar

		quality which have been used as reference by other research scientists of national and international repute.
3.	Minimum Qualifications Prescribed for Promotion.	a) Masters Degree from a recognized University. b) 13 years experience on responsible research job; and c) publication at least 4 research papers on problem encountered in/or relevant to the conditions in North West Frontier Province and of such a quality which have been used as reference by other research scientists of national and international repute.
4.	Age Limit for Initial Recruitment.	30 to 45 years.
5.	Method of Recruitment.	i) By selection on merit from among Senior Research Officers; or ii) If no suitable candidate is available for promotion by initial recruitment.
3(1)	Nomenclature of Post	Senior Research Officer.
3(2)	Minimum Qualification prescribed for appointment b initial recruitment.	a) Ph.D in any of the subjects relating to the subjects groups specified in Schedule-II; and b) publication of at least 2 research papers on problems encountered in, or relevant to the conditions in North West Frontier Province and of such a quality which have been used as reference by other research scientists of national and international repute.
3(3)	Minimum Qualifications prescribed for promotion.	a) Masters' Degree in Agriculture. b) 8 years experience on responsible research job; and c) publication of at least 2 research papers on problem encountered in/or relevant to the conditions in North West Frontier Province and of such a quality which have been used as reference by other research scientists of national and international repute.
4(1)	Nomenclature of Post	Statistician.
4(2)	Minimum qualification prescribed for appointment by initial recruitment or by transfer.	...
4(3)	Minimum qualifications	a) Masters Degree in Statistics or Mathematics with specialization in

ATTESTED

*[Signature]*  
Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar.

*[Signature]*  
**Touheed Iqbal**  
Assistant Director of planning  
Directorate General of Agriculture Research  
Peshawar

	prescribed promotion.	for Statistics, from a recognized University; and  b) 8 years experience in Planning Agricultural experiments and processing the data obtained therefrom.
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8. A look at the relevant rules would reveal that the minimum qualification prescribed for appointment of Director Research by initial recruitment is (a) Ph.D in any of the subjects relating to the subjects groups specified in scheduled II with at least 13 years experience of holding a post charged with conducting or controlling research in the field of agriculture; and (b) Publication of at least four research papers on problems encountered in, or relevant to the conditions in NWFP and of such a quality which have been used as reference by other Research Scientist of National and International repute. Minimum qualification prescribed for promotion is (a) Master's Degree from a recognized University (b) Thirteen years experience on responsible research job; and (c) Publication at least four research papers on problem encountered in / or relevant to the conditions in NWFP and of such a quality which have been used as reference by other Research Scientist of National and International repute. The other method of recruitment is (i) By selection on merit from amongst Senior Research Officers; or if no suitable candidate is available for promotion by initial recruitment.

9. Similarly the minimum qualification for Senior Research Officers is (a) Ph.D. in any of the subjects relating to the subjects groups specified in schedule-II; and (b) publication of at least 2 research papers on problems encountered in, or relevant to the conditions in North West Frontier Province and of such a quality which have been used as reference by other research scientists of

*[Handwritten signature]*  
 Director  
 Directorate of Agriculture  
 Peshawar

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**Toheed Iqbal**  
 Assistant Director planning  
 Directorate of Agricultural Research  
 Peshawar

national and international repute. Whereas minimum qualification prescribed for promotion is (a) Master's Degree in agriculture (b) 8 years experience on responsible research job; and (c) Publication of at least two research papers on problem encountered in / or relevant to the conditions in NWFP and of such a quality which have been used as National and International repute.

10. The minimum qualification for the post of a Statistician for appointment by initial recruitment and by promotion is (a) Master's Degree in statistics or mathematics with specialization in statistics, from a recognized University; and (b) 8 years experience in Planning Agricultural experiments and processing the data obtained therefrom. These rules do not provide anywhere for appointment of Director Research by promotion from amongst Statisticians. A Statistician by no stretch of imagination can be pushed into the definition of a Senior Research Officer. The appointment of the appellants by promotion in scale 19 who were Research Officer at the relevant time does not involve violation of the any of the rules, therefore, no exception could be taken thereon. This view gets added strength when it is considered in the light of the relevant schedule. We thus don't agree with the view taken by the learned Service Tribunal. The appellants against this backdrop could have been considered for appointment by promotion to scale 20 but they could not be considered because of the pendency of this case. They should, therefore, be considered for proforma promotions notwithstanding they have retired.

11. Now comes the case of the respondent. Yes, the respondent in this situation had no opening as far as the relevant rules are concerned but in view of the length of his service and nature of the job he performed, he could not be left high and dry.

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Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar.

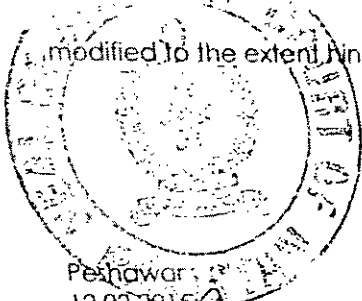
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**Touheed Iqbal**  
Assistant Director, planning  
Directorate General Agriculture Research  
NP Peshawar



without commenting on the circumstances culminating in his promotion to the next higher scale his post, in view of the length of his service and nature of the job he performed, could be upgraded. His post in the matrix of the case shall be deemed to have been upgraded and this being person specific would entitle him to retain the pensionary benefits of the scale he retired from. The judgments cited by the learned ASC for the respondent cannot be of much help when the true import and implication of the rules were not considered therein.

12. The long and short of what has been discussed above is that these appeals are allowed and the impugned judgment is modified to the extent hinted to above.



Peshawar  
12.02.2015  
MAZI

13/2

Sd/- Ejaz Afzal Khan, J  
Umar Ata Bandial, J

Be true copy  
18/2/15  
Peshawar

Attest

Touheed Iqbal  
Assistant Director - Planning  
Directorate General Agriculture Research  
KP Peshawar

51  
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1146/2011

Date of institution. ... 10.6.2011  
Date of Decision ... 17.7.2012



Imran Ali Research Officer, ARI, Tarnab. ... (Appellant).

VERSUS

1. Director General, Agriculture Research IDS Building, Agriculture University Khyber Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa through Secretary, Food, Agriculture, Livestock and Cooperation Department, Peshawar.
3. Vice Chancellor Khyber Pakhtunkhwa Agriculture University, Peshawar..... (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER/LETTER DATED 13.5.2011 OF RESPONDENT NO. 1 WHEREBY REPRESENTATION OF THE APPELLANT HAS BEEN REJECTED.

MR. AKHTAR ILYAS,  
Advocate

For appellant.

MR. ARSHAD ALAM,  
Addl. Government Pleader

For respondents.

SYED MANZOR ALI SHAH,  
MR. FAREEDULLAH KHAN,

MEMBER  
MEMBER

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

JUDGMENT

SYED MANZOR ALI SHAH, MEMBER.- This appeal has been filed by Mr. Imran Ali, Research Officer, Agriculture Research Institute, Tarnab Peshawar, under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 13.5.2011, whereby his representation has been rejected.

2. Brief facts of the case are that initially services of the employees of the Agriculture Research were governed by the general rules applicable to the civil servants in the Khyber Pakhtunkhwa. These rules were replaced by the Khyber Pakhtunkhwa Agriculture Department (Recruitment and Appointment) Rules 1981. Vide notification dated 2.2.2008, some amendments were made in 1981 rules, introducing certain changes in the method of recruitment for various posts

Attest

To heed Iqbal  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar

in the Agriculture Research Wing. These rules do carry Schedule-II wherein subject groups are provided. These subject groups are practically followed by recruiting the officials having qualification of the same subject nor they provide for a separate cadre but separate seniority is awarded to the officers of each separate subject groups. These groups are optional and any officer having Bachelors Degree or above in any Agricultural related subjects can enter into any group. The officers in functional groups consisting of smaller number of officers/officials are getting rapid promotion than the officers/officers who happened to fall in larger functional groups. To remove the anomaly the Director General Agriculture Research office (respondent No. 1) addressed a letter dated 27.11.2010 to respondent No. 2 wherein he requested for abolition of Schedule II from the rules of 1981. Feeling aggrieved, the appellant filed Writ Petition No. 42/2011, vide order dated 15.2.2011, the writ was disposed of and it was treated as a representation before the departmental authority, and sent to Secretary, Food, Agriculture, Livestock and Cooperation Department, Peshawar for decision strictly in accordance with law within a month's time. The representation was rejected vide order dated 13.5.2011, hence the present appeal.

3. The appeal was admitted to regular hearing on 6.7.2011 and notices were issued to the respondents. Respondents No. 1 and 2 have filed their joint written reply and contested the appeal.

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the functional groups (subject groups) formed vide schedule-II of the 1981 Rules are meant only for efficient working of specialized and well-trained scientists in their respective subjects and they do not constitute separate cadres that may justify seniority and promotion in each functional group. Such a practice adopted by the respondent department due to misinterpretation and misuse of rules. The functional groups are optional and are not subject related. He further argued that these functional groups and the separate promotion within the groups have given irrational results. The officers in smaller functional groups get rapid promotion while in the larger groups the process of promotion is very slow. He stated that functional groups do not constitute separate cadres notwithstanding, the matter of seniority in the respondent department is regulated by Section 8 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, which provide that the interse seniority of the officers shall be maintained at a

ATTESTED

Khyber Pakhtunkhwa  
Civil Servants (Appointment, Promotion and Transfer) Rules, 1989

Attest  
Tehzeeb Iqbal  
Assistant Director Planning  
Directorate General Agriculture Research  
KP Peshawar

position of lower grade seniority based on their first entry into the service. This controversy has already been set at rest not only by the Establishment & Administration Department in the case of M/S Dilrosh and Tasleem Jan but also by the Hon'ble High Court vide judgment dated 26.5.2004. Subsequent amendments in Rule 17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 also support the appellant's plea. The learned counsel for the appellant contended that Rules of 1981 are also discriminative in nature and are required to be brought at par with those of other Wings of the respondent department by abolishing/deleting the clauses of initial recruitment, as envisaged by para (b) in column 6 against the post of Senior Research Officer (BFS-18). He further contended that the incumbent posts are mostly administrative and the higher qualification of Ph.D is seldom a need for running the affairs connected with these offices, rather it is the experience which should be more relevant for the efficient working against these posts, hence the initial recruitment on the basis of Ph.D degree against the administrative posts would serve no useful purpose. He requested that the appeal may be accepted and the respondents may be directed to treat the subject groups as envisaged by schedule-II to the 1981 rules as a single cadre and they be restrained from issuance of separate seniority lists for each functional group and abolish the subject/functional groups. If the functional groups remained intact, then the respondents be directed to award seniority to the officers on the basis of their initial induction in service in accordance with notification of provincial government dated 19.11.2009 and judgment in Writ Petition No. 81/2002.

6. The learned AGP on the other hand argued that Rules of 1981 were framed by the provincial government to improve research system in the agriculture sector. Schedule II is meant for the purpose to accommodate the suitable candidates having specialized degrees in their relevant subject groups. The candidates having irrelevant degree cannot be appointed against the post of non specialized vacancies. He further argued that no anomalies/irregularities have been done in the department. Every officer can easily work on their subject functional group after recruitment/appointment according to his subject functional group in the relevant group having the knowledge of all the instruments in their laboratory. He stated that the seniority of the officers is maintained in the department from the date of induction into service according to 1981 Rules (Schedule-II) which clearly mentioned that the interse seniority of civil servants in a certain cadre in which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular

Attest

Touheed Iqbal  
Assistant Director Planning  
Directorate General Agriculture Research  
AF-1, Islamabad

ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa  
Services

appointment/promotion of the civil servants in the lower posts. Certain cadre means functional group; every functional group maintained seniority of the Research Officer from their date of appointment under the rules. The question of pick & choose <sup>does</sup> is not arise because highly qualified and Ph.D candidates are appointed after competitive examinations through Public Service Commission after advertisement of the posts in newspapers. He requested that the appeal may be dismissed:

7. The Tribunal observes that groups constituted are meant for efficient working and are not separate cadres, the groups are not subject related and does not have specific criteria/requirements and optional. The matter of seniority of civil servants is regulated under Section 8 of Khyber Pakhtunkhwa Civil Servants Act 1973, and Section 17 (amended) of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989 according to which the inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post. Vide judgment dated 20.5.2004, the Hon'ble Peshawar High Court accepted Writ Petition No. 81/2002, No. 437/2002 and 279/2007 set aside the impugned orders with direction to respondent department to prepare a fresh joint list of Senior Research Officers irrespective of their functional group and seniority with the group and to undertake fresh process for filling of posts in question strictly in accordance with the Khyber Pakhtunkhwa Agriculture Department (Recruitment and Appointment) Rules, 1981 with reference to Schedule-1 for the appointment of Director/Coordinator Agriculture Research. The decision of S&GAD in the case of M/S Dilrosh and Tasleem Jan also supports appellant's case. The Tribunal in view of the above accepts the appeal to this extent whereas in case of prescribing specific qualifications for BPS-18 (Ph.D in this case) is the prerogative of the government as it deems fit for initial recruitment. Parties are left to bear their own costs. File be consigned to the record.

Attest

**T. Iqbal**  
 Assistant Director Planning  
 District Agriculture & Fisheries  
 District

This judgment will also dispose of other connected appeals No. 974/2011 Muhammad Hussain, No. 1147/2011 Marizoor Akbar, No. 1148/2011 Noora Jan, No. 1149/2011 Muhammad Iqbal, No. 1150/2011 Jan Muhammad, No. 1151/2011, Muhammad Rafiq, No. 1152/2011 Abdul Majeed, No. 1153/2011 Zubir Shah, No. 1154/2011 Abdul Rauf, No. 1155/2011 Suleman Ali, No. 1156/2011 Imtiaz Ahmad, No. 1157/2011 Abdul Qayum, No. 1158/2011 Tehseenullah Khan, No. 1159/2011 Sahib Zada, Rashid Ahmad, No. 1160/2011

**ATTESTED**  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal

Muhammad Ibrar, No. 1161/2011 Dr. Bashir Ahmad, No. 1162/2011 Akram Khan, No. 1163/2011 Zahoor-ul-Haq, No. 1164/2011 Mir Abbas Khattak, No. 1165/2011 Mahabat Khan, No. 1166/2011 Muhammad Javed, No. 1167/2011 Sadur Rehman, No. 1168/2011 Tariq Jan, No. 1169/2011 Muhammad Aqeel, No. 1170/2011 Ayub Jan, No. 1171/2011 Zameer Hussain, No. 1172/2011 Shah Sawar, No. 1173/2011 Azim Khan, No. 1174/2011 Inayat Hussain, No. 1175/2011 Nazir Ahmad, No. 1176/2011 Humayun Khan, No. 1177/2011 Sharafat Gul, No. 1178/2011 Muhammad Anwar, No. 1179/2011 Habibullah, No. 1180/2011 Tahir Sajjad, No. 1181/2011 Ghulam Rasool in the same manner.

ANNOUNCED  
17.7.2012

(FAREEDULLAH KHAN)  
MEMBER

(SYED MANZOOR ALI SHAH)  
MEMBER

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 15/03/22  
Number of Words 2000  
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Total 22/-  
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Date of Completion of Copy 25/03/22  
Date of Delivery of Copy 25/03/22

Attest

Touheed Iqbal  
Assistant Director planning  
Directorate General Agriculture Research  
Peshawar

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

56.


PRESENT  
MR. JUSTICE NASIR-UL-MULK  
MR. JUSTICE SARMAD JALAL OSMANY


**CIVIL PETITION NOS.517-P-551-P,  
560-P OF 2012 & 107-P OF 2013**  
(On appeal from the judgment of the  
K.P.K. Service Tribunal, Peshawar  
dated 17.7.2012 passed in Appeal No.  
1146 of 2011 *to 1181 and 974/2011*)

Director General, Agriculture Research  
Agriculture University, Peshawar & another Petitioners

Versus

Imran Ali and another	Respondents (in C.P. No.517-P/12)
Manzoor Akbar and another	Respondents (in C.P. No.518-P/12)
Noora Jan and another	Respondents (in C.P. No.519-P/12)
Muhammad Iqbal and another	Respondents (in C.P. No.520-P/12)
Muhammad Rafiq and another	Respondents (in C.P. No.521-P/12)
Abdul Majeed and another	Respondents (in C.P. No.522-P/12)
Zubair Shah and another	Respondents (in C.P. No.523-P/12)
Abdur Rauf and another	Respondents (in C.P. No.524-P/12)
Suleman Ali and another	Respondents (in C.P. No.525-P/12)
Imtiaz Ahmad and another	Respondents (in C.P. No.526-P/12)
Abdul Qayyum and another	Respondents (in C.P. No.527-P/12)
Tehseenullah Khan and another	Respondents (in C.P. No.528-P/12)

**ATTESTED**  
  
Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar.

  
**Touheed Iqbal**  
Assistant Director  
Directorate General  
KP Peshawar

Sahib Zada Rashid <sup>Ahmed</sup> and another

Respondents  
(in C.P. No.529-P/12)

Muhammad Ibrar and another

Respondents  
(in C.P. No.530-P/12)

Dr. Bashir Ahmed and another

Respondents  
(in C.P. No.531-P/12)

Akram Khan and another

Respondents  
(in C.P. No.532-P/12)

Zahoor ul Haq and another

Respondents  
(in C.P. No.533-P/12)

Mir Abbas Khattak and another

Respondents  
(in C.P. No.534-P/12)

Mahabat Khan and another

Respondents  
(in C.P. No.535-P/12)

Muhammad Javed and another

Respondents  
(in C.P. No.536-P/12)

Sadur Rehman and another

Respondents  
(in C.P. No.537-P/12)

Tariq Jan and another

Respondents  
(in C.P. No.538-P/12)

Muhammad Aqeel and another

Respondents  
(in C.P. No.539-P/12)

Ayub Jan and another

Respondents  
(in C.P. No.540-P/12)

Zameer Hussain and another

Respondents  
(in C.P. No.541-P/12)

Shah Sawar and another

Respondents  
(in C.P. No.542-P/12)

Azim Khan and another

Respondents  
(in C.P. No.543-P/12)

Inayat Hussain and another

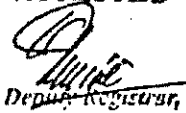
Respondents  
(in C.P. No.544-P/12)

Niaz Ahmad and another

Respondents  
(in C.P. No.545-P/12)

**ATTESTED** Haymayun Khan and another

Respondents  
(in C.P. No.546-P/12)

  
Deputy Registrar,

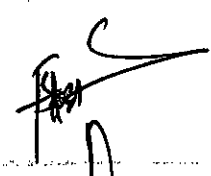
Sharafat Gul and another

Respondents  
(in C.P. No.547-P/12)

Supreme Court of Pakistan,  
Peshawar.

Muhammad Anwar and another

Respondents  
(in C.P. No.548-P/12)

  
Touheed Iqbal  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar



Habibullah and another Respondents  
(In C.P. No.549-P/12)

Tahir Sajjad and another Respondents  
(In C.P. No.550-P/12)

Ghulam Rasool and another Respondents  
(In C.P. No.551-P/12)

Jan Muhammad and another Respondents  
(In C.P. No.560-P/12)

**C.P.No.107-P of 2013**

Chief Secretary to Govt. of KPK and others Petitioners

**Versus**

Muhammad Hussain Respondent

For the Petitioners: Ms Neelam Khan, Addl. A.G. KPK  
(in all petitions)


Respondents: Mr. Imran Ali, Mr. Abdul Rauf, Dr.  
Javed and Habibullah, present in  
person

Other Respondents: N. R.

Date of Hearing: 20.06.2013

**JUDGMENT**

**NASIR-UL-MULK, J.-** The Director General Agriculture Research Khyber Pakhtunkhwa, Peshawar and another have filed these petitions for leave to appeal impugning a common judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar, dated 17.07.2012, allowing to some extent the service appeals filed by the respondents. The respondents are research and other officers stately serving in BPS-17. Their grievance relates to the separate seniority lists of the various groups within the same Institution. The Tribunal made reference to Section 8 of Khyber Pakhtunkhwa Civil


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Directorate General Agriculture Research  
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Servants Act, 1973 and Section 17 (amended) of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989. It appears from the operative part of the impugned judgment in Paragraph 7 thereof that it relied upon the judgment of the Peshawar High Court dated 20.05.2004 delivered in Writ Petition Nos. 81, 437 of 2002 and 279 of 2007, whereby a direction was given to the department "to prepare a fresh joint list of Senior Research Officers irrespective of their functional group and seniority within the group and to undertake fresh process for filling of posts in question strictly in accordance with the Khyber Pakhtunkhwa Agriculture Department (Recruitment and Appointment) Rules 1981 with reference to Schedule-1 for the appointment of Director/Coordinator Agriculture Research." It concluded "the Tribunal in view of the above accepts the appeal to this extent whereas in case of prescribing specific qualifications for BPS-18 (Ph.D. in this case) is the prerogative of the government as it deems fit for initial recruitment."

2. Upon inquiry from the learned Additional Advocate General and the Representative of the Department, we were informed that since the year 1981 separate seniority lists are prepared for BPS-17 and upon promotion to the next higher group a joint seniority list is prepared. We were further informed that the Senior Research Officers are serving in BPS-18. The operative part of the impugned judgment reproduced above shows that the direction was given for the joint seniority

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Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar.

Attest

  
Touheed Iqbal  
Assistant Director Planning  
Directorate General Agriculture Research  
KP Peshawar

list of Senior Research Officers (BPS-18), which the Department has already been doing. When confronted with this situation, the learned Additional Advocate General was unable to persuade us as to how the Department could be aggrieved of the above direction. All these petitions are therefore dismissed and leave declined.



Sd/- Nazeer-ul-Mu  
Sd/- Sarmad Jalal Awan

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Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar

Peshawar  
June 20, 2013  
Shirazi

*Qaib*

"NOT APPROVED FOR REPORTING"

*Attested*

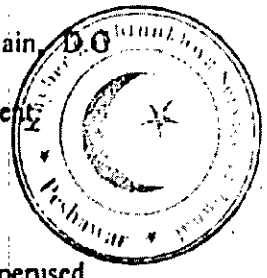
*Touheed Iqbal*  
Touheed Iqbal  
Assistant Director planning  
Directorate General Agriculture Research  
Peshawar

EP. 01/2013  
Imran Ali vs Govt

61.

01.3.2016

Petitioner in person and Mr. Nazir Hussain,  
Research and Mr. Abdul Latif, Ex-DGR in person present



2. Arguments already heard at length and record perused.

3. The question of preparation of separate seniority lists on the basis of Functional Groups was settled by this Tribunal vide its judgment dated 17.7.2012, against which the government filed CPLA which was declined by the august Supreme Court of Pakistan vide its judgment dated 20.5.2013. For implementation of the said judgment of this Tribunal dated 17.7.2012, petitioner Imran Ali, Abdur Rauf, Habibullah and Muhammad Hussain submitted separate execution petitions. The respondents have submitted their compliance report through D.G Research.

4. It is the contention of the petitioners (BPS-17) that according to judgment of this Tribunal dated 17.7 2012, a joint seniority list be prepared of the Senior Research officers (BS-17) with reference to their dates of original appointment in BPS-17. This may be observed that the respondent department while taking Functional Groups as separate cadres for sufficient long time, had been maintaining separate seniority lists and on its basis had also been promoting officers accordingly. This may further be observed that this practice was not challenged or objected to at the relevant times in the past. Hence, the instant contention of the petitioners BS-17 that their joint seniority list

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Notary Public  
Peshawar

**Touheed Iqbal**  
Assistant Director Planning  
Directorate General Services Research  
KF Peshawar

may be made from their date of appointments irrespective of such promotion to higher scale from time to time made on the basis of seniority lists based on functional groups, and which practice continued for sufficient long time, cannot be accepted as the same would mean giving retrospective effect to judgment of this Tribunal dated 17.7.2012. Secondly, those promotions were not questioned at the relevant times and thus have got finality under the principles of locus poenitentiae.



5. We have perused the compliance report of the department and have also heard learned counsel for the parties at length in the light of which the Tribunal has reached to the conclusion that the instant execution petitions are misconceived and impractical. In the circumstances it would be proper to let the department to move ahead by preparing seniority list in accordance with law and rules as directed by this Tribunal in its judgment dated 17.07.2012 and in case any party feels aggrieved from a particular adverse action or entry in the seniority list or promotion, it has a right to challenge it if so advised, in accordance with law and rules.

6. In the circumstances, the Tribunal is of the considered view that in view of the above said contentions of the petitioners, these execution petitions amounts to abuse of process of the Tribunal, therefore, the same are rejected and also the status quo order, if any, stands vacated. Parties are left to bear their own costs. File be consigned to the record room.

**ATTESTED**  
  
**EXAMINER**  
 Khushboo P. K. Khushboo  
 Senior Lecturer  
 Peshawar





**Touheed Iqbal**  
 Assistant Director planning  
 Directorate of Agricultural Research  
 KP Peshawar

63.


7. This order will also dispose off connected execution petitions No. 02/2012 Habibullah, No. 3/2012 Abdur Rauf, and No. 17/2013 Muhammad Hussain, in the same manner.

**ANNOUNCED**  
01.3.2016

  
MEMBER


  
MEMBER

Certified to be true copy

  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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Date of Completion of Copy 25/03/22  
Date of Delivery of Copy 25/03/22



  
**Toheed Iqbal**  
Assistant Director Planning  
Directorate General Agriculture Research  
KP Peshawar

64.

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**  
**MR. JUSTICE UMAR ATA BANDIAL**  
**MR. JUSTICE MUNIB AKHTAR**

Civil Petitions No. 1418 to 1420 of 2016 and 1277 of 2016.  
(On appeal from the judgment/order dated 01.03.2016 of the  
Khyber Pakhtunkhwa Service Tribunal, Peshawar passed in  
Execution Petition No.17,01-03/2013).

*Imran Ali* (in C.P. 1418/2016)  
*Habibullah* (in C.P. 1419/2016)  
*Abdur Rauf* (in C.P. 1420/2016)  
*Muhammad Hussain* (in C.P. 1277/2016)

Petitioner(s)

Versus

*Director General, Agriculture Research IDS Building,*  
*Agriculture University Pakhtunkhawa, Peshawar*  
*and others*  
(in C.P. 1418-1420/2016)

*Chief Secretary to Government of KPK, Peshawar*  
*and others*  
(in C.P. 1277/2016)

Respondent(s)

For the petitioner(s)  
(in C.P. 1418-1420/16)

Mr. Amjad Ali, ASC

(in C.P. 1277/16)

Mian Shafaqat Jan, ASC

For the respondent(s)

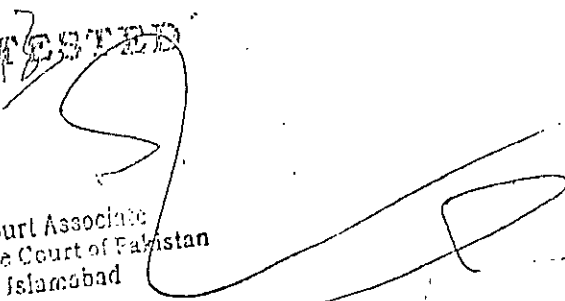
Barrister Qasim Wadood, Addl. AG  
a/w Mr. Ilyas Khan, Sr. Statistician

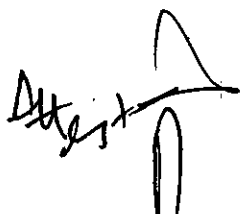
Date of hearing

16.04.2019

**ORDER**

UMAR ATA BANDIAL, J.— On the last date of hearing  
i.e. 09.05.2016 notice in C.P. No. 1277 of 2016 was issued to  
ascertain whether relief granted by the learned Khyber  
Pakhtunkhwa Service Tribunal, Peshawar (“KPST”) vide judgment  
dated 17.07.2012 had been properly implemented as is indicated  
by the impugned judgment dated 01.03.2016 of the said Tribunal

**ATTESTED**  
  
Court Associate  
Supreme Court of Pakistan  
Islamabad

  
**Touheed Iqbal**  
Assistant Director  
Directorate General Agriculture Research  
KP Peshawar

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-25

passed in execution petition filed by the petitioners. The impugned order notes that a compliance report was filed by the D.G Research and that in the circumstances further relief claimed by the petitioners was not justified.

2. In order to understand the nature of the claim reference is made to the operative part of the judgment of the learned KPST dated 17.07.2012. It is held therein that in view of the judgment of the learned High Court dated 20.05.2004 and the decision of the S&GAD in the case of M/S Dilrosh and Tasleem Jan a joint seniority list be prepared of the officers specified in the aforementioned decision. The High Court's judgment refers to a joint seniority list of Senior Research Officers (BPS-18) to be framed. The method adopted by the learned Tribunal to give its decision is not clear on first reading. However, when reference is made to the High Court's decision, it is quite clear that the direction pertains to officers in BPS-18 and above. The grievance of the petitioners is that they entered the service of the Agricultural Research Department as Research Officers (BS-17) in the late 1970s when separate seniority list for such officers was prepared according to their subject group for example Agronomy, Botany, Horticulture, and Chemistry (soil) etc. As a result, promotions from BS-17 to BS-18 were based upon seniority of an officer in his respective list. However, since these seniority lists were based upon administrative classification and not separate cadres, therefore, the Research Officers claimed entitlement to be considered for promotion under a joint seniority list. This issue

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Court Associate  
Supreme Court of Pakistan  
Islamabad

Attest

Touheed Iqbal  
Assistant Director planning  
Directorate General Agriculture Research  
R.P. Okara

ATTESTED



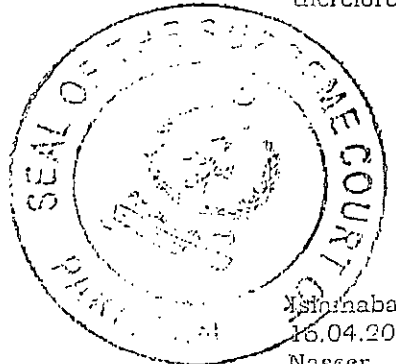
66.

- 26

was first raised before the learned High Court where it was concluded favourably by the judgment dated 20.05.2004.

3. In the instant matter, the same issue was raised in 2011 before the learned KPST. By this time, separate seniority lists of different subject groups in BS-17 had been in vogue and these formed the basis for the purpose of promotions to posts in BS-18. Presently, the learned counsel for the petitioners seek that the fixation of seniority of the petitioners and their colleagues, many of whom have been retired from service, should be fixed from 1980 onwards when they first got appointed in BS-17 as Research Officers. That relief was not granted by the learned Tribunal in its judgment dated 17.07.2012 and in any event pertains to matters which are past and closed. If the petitioners have any grievance with respect to the joint seniority list on the basis of which they have subsequently earned promotions to BS-19 they may approach the competent forum specifically for such relief.

4. Consequently, these petitions lack merit and are therefore dismissed. Leave to appeal is refused.



Islamabad  
16.04.2019  
Nascer

Sd/-J  
Sd/-J  
Certified to be True Copy

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Court Associate  
Supreme Court of Pakistan  
Islamabad

**Touheed Iqbal**  
Assistant Director Planning  
Directorate General Agriculture Research  
Faisalabad

Not approved for reporting

9/10/15

GR No: 15866/9      Civil/Criminal

Date of issue: 31.7.15

No of Affidavits: 300

No of Petitions: 1

Requisition Fee Rs: 500

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Court Fee Rs: 10.00

Date of Completion: 31.7.15

Date of Receipt: 11.8.15

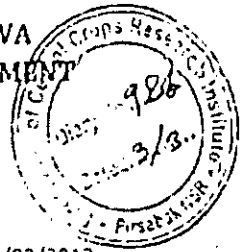
Requested by: [Signature]

**TESTED**

67



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOP. DEPARTMENT



Dated Peshawar, the 18/02/2012

**NOTIFICATION:**

No.SOE/AD/23-19/2008:- In pursuance of the Government of Khyber Pakhtunkhwa, Finance Department letter No. FD/SO(FR)7-13/2010/Vol.-II, dated 11-02-2012 the competent authority is pleased to accord sanction to the re-organization/up-gradation and re-designation of 326 posts of Agriculture Research System 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 (3.26 Posts out of 326 Total Strength):**

Sl#	Nomenclature of Existing Post & Pay Scale	No. of Posts	Nomenclature of Post in 4-Tier Formula & Pay Scale	No. of Posts
1.	Director General, Agriculture Research Khyber Pakhtunkhwa (BS-20)	01	Director General, Agriculture Research Khyber Pakhtunkhwa (BS-20)	01
2.	Director General, Agricultural Research Institute Tarnab (BS-20)	01	Senior Director, Agricultural Research Institute Tarnab (BS-20)	01
3.	Director General Outreach (BS-20)	01	Senior Director Outreach (BS-20)	01
Sub-Total (A):		03		03

**B. BS-19 @ 15% of the Total Strength (48.9 Posts out of 326 Total Strength):**

Sl#	Nomenclature of Existing Post & Pay Scale	No. of Posts	Nomenclature of Post in 4-Tier Formula & Pay Scale	No. of Posts
1.	Director, Agri. Research Institutes/Stations at Abbottabad, D.I. Khan, Kohat, Baffa (Mansehra), Mardan, Pirsabak (Nowshera) and Swat (BS-19)	07	Director, Agri. Research Institutes/ Stations at Abbottabad, D.I. Khan, Kohat, Baffa (Mansehra), Mardan, Pirsabak (Nowshera) and Swat (BS-19)	07
2.	Regional Programme Leader, Outreach (BS-19)	01	Director Outreach Peshawar (BS-19)	01
3.	Director Soil and Plant Nutrition, ARI, Tarnab (BS-19)	01	Director Soil and Plant Nutrition, ARI, Tarnab (BS-19)	01
4.	Director Communication Outreach (BS-18)	01	Director Agriculture Research Planning, Khyber Pakhtunkhwa Peshawar (BS-19)	01
5.	Agronomist, Agri. Research Station, Serai Naurang Bannu (BS-18)	01	Director, Agri. Research Station, Serai Naurang (BS-19)	01
6.	Agronomist, Agri. Research Station, Chitral (BS-18)	01	Director, Agri. Research Station, Chitral (BS-19)	01
7.	Gram Botanist, Agri. Research Station, Ahmadwala Karak (BS-18)	01	Director, Agri. Research Station, Karak (BS-19)	01
8.	Wheat Botanist, CCRI, Pirsabak (BS-18)	01	Principal Research Officer (Wheat) CCRI, Pirsabak (BS-19)	01
9.	Botanist (Maize), CCRI, Pirsabak (BS-18)	01	Principal Research Officer (Maize) CCRI, Pirsabak (BS-19)	01
10.	Agronomist (Maize), CCRI, Pirsabak (BS-18)	01	Principal Research Officer (Seed Production) CCRI, Pirsabak (BS-19)	01
11.	Wheat Botanist, ARI, D.I. Khan (BS-18)	01	Principal Research Officer (Cereals) ARI, D.I. Khan (BS-19)	01
12.	Senior Research Officer (Cereal), ARS, Baffa (BS-18)	01	Principal Research Officer (Cereals) ARS, Mansehra (BS-19)	01
13.	Rice Breeder, ARI, Swat (BS-18)	01	Principal Research Officer (Cereals) ARI, Swat (BS-19)	01
14.	Senior Research Officer (Cereal), BARS, Kohat (BS-18)	01	Principal Research Officer (Cereals) ARI, Tarnab (BS-19)	01

Attested  
by  
The Chief  
Assistant Director  
Directorate General Agriculture  
KP Peshawar

Section Officer (Estt.)  
Agriculture Department

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Sr	Nomenclature of Existing Post & Pay Scale	No. of Posts	Nomenclature of Post in 4-Tier Formula & Pay Scale	No. of Posts
15	Horticulturist, ARI, D.I. Khan (BS-18)	01	Principal Research Officer (Horticulture) ARI, D.I. Khan (BS-19)	01
16	Senior Research Officer (Horticulture), ARS, Baffa (BS-18)	01	Principal Research Officer (Horticulture) ARS, Abbottabad (BS-19)	01
17	Horticulturist, ARI, Tarnab (BS-18)	01	Principal Research Officer (Horticulture) ARI, Tarnab (BS-19)	01
18	Horticulturist, ARI, Swat (BS-18)	01	Principal Research Officer (Horticulture) ARI, Swat (BS-19)	01
19	SRV Agri. Chemist (Residue), ARI, Tarnab (BS-18)	01	Principal Research Officer (Citrus Fruits) ARI, Tarnab (BS-19)	01
20	Plant Pathologist, ARI, Swat (BS-18)	01	Principal Research Officer (Floriculture), ARI Tarnab (BS-19)	01
21	Vegetable Botanist, ARI, Swat (BS-18)	01	Principal Research Officer (Vegetables) ARI, Swat (BS-19)	01
22	Potato Botanist, ARI, Tarnab (BS-18)	01	Principal Research Officer (Vegetables) ARI, Tarnab (BS-19)	01
23	Economic Botanist, ARS, Baffa (BS-18)	01	Principal Research Officer (Oilseed) ARI, Tarnab (BS-19)	01
24	Economic Botanist, ARI, Swat (BS-18)	01	Principal Research Officer (Oilseed) ARI, Swat (BS-19)	01
25	Sugarcane Botanist, SCRI, Mardan (BS-18)	01	Principal Research Officer (Sugarcane) SCRI, Mardan (BS-19)	01
26	Sugarbeet Botanist, SCRI, Mardan (BS-18)	01	Principal Research Officer (Sugarbeet) SCRI, Mardan (BS-19)	01
27	Senior Research Officer (Pulses), ARS, Ahmadwala Karak (BS-18)	01	Principal Research Officer (Pulses) ARS, Karak (BS-19)	01
28	Tobacco Botanist, ARI, Tarnab (BS-18)	01	Principal Research Officer (Miscellaneous Crops) ARI, Tarnab (BS-19)	01
29	Agriculture Chemist, ARI, D.I. Khan (BS-18)	01	Principal Research Officer (Soil & Plant Nutrition Sciences) ARI, D.I. Khan (BS-19)	01
30	Senior Research Officer, ARS, Baffa (BS-18)	01	Principal Research Officer (Soil & Plant Nutrition Sciences) ARS, Mansehra (BS-19)	01
31	Soil Physicist, ARI, Swat (BS-18)	01	Principal Research Officer (Soil & Plant Nutrition Sciences) ARI, Swat (BS-19)	01
32	Senior Research Officer (Chemistry), BARS, Kohat (BS-18)	01	Principal Research Officer (Soil & Plant Nutrition Sciences) BARS, Kohat (BS-19)	01
33	Soil Fertility Officer, ARI, Tarnab (BS-18)	01	Principal Research Officer (Soil & Plant Nutrition Sciences) ARI, Tarnab (BS-19)	01
34	Food Technologist, ARI, Tarnab (BS-18)	01	Principal Research Officer (Food Technology) ARI, Tarnab (BS-19)	01
35	Grading & Packing Specialist, ARI, Tarnab (BS-18)	01	Principal Research Officer (Food Technology) ARI, D.I. Khan (BS-19)	01
36	Entomologist, ARI, D.I. Khan (BS-18)	01	Principal Research Officer (Entomology) ARI, D.I. Khan (BS-19)	01
37	Entomologist, ARI, Tarnab (BS-18)	01	Principal Research Officer (Entomology) ARI, Tarnab (BS-19)	01
38	Entomologist, ARI, Swat (BS-18)	01	Principal Research Officer (Entomology) ARI, Swat (BS-19)	01
39	Senior Research Officer (Ento.), ARS, Baffa (BS-18)	01	Principal Research Officer (Entomology) ARS, Mansehra (BS-19)	01
40	Plant Pathologist, HARS, Abbottabad (BS-18)	01	Principal Research Officer (Plant Pathology) HARS, Abbottabad (BS-19)	01
41	Plant Pathologist, ARI, Tarnab (BS-18)	01	Principal Research Officer (Plant Pathology) ARI, Tarnab (BS-19)	01
42	Plant Physiologist, ARI, Tarnab (BS-18)	01	Principal Research Officer (Plant Physiology) ARI, Tarnab (BS-19)	01
43	Statistician, ARI, Tarnab (BS-18)	01	Senior Statistician, ARI, Tarnab (BS-19)	01
Sub-Total (B):		49		49

*Must*  
**Touheed** 2 of 7  
 Assistant Director  
 Director

*[Signature]*  
 Section Officer (Patt.)  
 Agriculture Department  
 Govt. of Punjab, Faisalabad

69.

C. BS-18 @ 34% of the Total Strength (110.84 Posts out of 326 Total Strength):

S#	Nomenclature of Existing Post & Pay Scale	No. of Posts	Nomenclature of Post in 4-Tier Formula & Pay Scale	No. of Posts
1.	Asstt. Agronomist (Farms), ARI, Tamab (BS-17)	01	Senior Research Officer (Farm Management), ARI, Tamab (BS-18)	01
2.	Asstt. Agronomist (Seed Certification), ARI, Tamab (BS-17)	01	Senior Research Officer (Seed Technology), ARI, Tamab (BS-18)	01
3.	Research Officer, ARI, Tamab (BS-17)	01	Senior Research Officer (Cereal), ARI, Tamab (BS-18)	01
4.	Research Officer, BARS, Kohat (BS-17)	01	Senior Research Officer (Cereal), BARS, Kohat (BS-18)	01
5.	Asstt. Botanist (Wheat), CCRI, Pirsabak (BS-17)	01	Senior Research Officer (Wheat Breeding), CCRI, Pirsabak (BS-18)	01
6.	Asstt. Botanist (Wheat), CCRI, Pirsabak (BS-17)	01	Senior Research Officer (Wheat Agronomy), CCRI, Pirsabak (BS-18)	01
7.	Asstt. Botanist (Cereal), CCRI, Pirsabak (BS-17)	01	Senior Research Officer (Minor Cereals), CCRI, Pirsabak (BS-18)	01
8.	Asstt. Botanist (Maize), CCRI, Pirsabak (BS-17)	01	Senior Research Officer (Maize-Breeding), CCRI, Pirsabak (BS-18)	01
9.	Asstt. Agronomist (Maize), CCRI, Pirsabak (BS-17)	01	Senior Research Officer (Maize-Agronomy), CCRI, Pirsabak (BS-18)	01
10.	Asstt. Plant Pathologist, CCRI, Pirsabak (BS-17)	01	Senior Research Officer (Wheat Seed Production), CCRI, Pirsabak (BS-18)	01
11.	Research Officer, CCRI, Pirsabak (BS-17)	01	Senior Research Officer (Maize Seed Production), CCRI, Pirsabak (BS-18)	01
12.	Research Officer, ARI, Swat (BS-17)	01	Senior Research Officer (Rice), ARI, Swat (BS-18)	01
13.	Research Officer, ARI, Swat (BS-17)	01	Senior Research Officer (Cereal), ARI, Swat (BS-18)	01
14.	Research Officer, ARS, Chitral (BS-17)	01	Senior Research Officer (Cereal), ARS, Chitral (BS-18)	01
15.	Asstt. Agronomist (Maize), ARS, Baffa (BS-17)	01	Senior Research Officer (Maize), ARS, Mansehra (BS-18)	01
16.	Research Officer, ARS, Baffa (BS-17)	01	Senior Research Officer (Cereal), ARS, Mansehra (BS-18)	01
17.	Asstt. Agronomist, ARS, Serai Naurang (BS-17)	01	Senior Research Officer (Maize), ARS, Serai Naurang (BS-18)	01
18.	Research Officer, ARS, Serai Naurang (BS-17)	01	Senior Research Officer (Wheat), ARS, Serai Naurang (BS-18)	01
19.	Agronomist, ARI, D.I. Khan (BS-18)	01	Senior Research Officer (Wheat), ARI, D.I. Khan (BS-18)	01
20.	Millet Botanist, ARI, D.I. Khan (BS-18)	01	Senior Research Officer (Millet), ARI, D.I. Khan (BS-18)	01
21.	Asstt. Botanist (Rice), ARI, D.I. Khan (BS-17)	01	Senior Research Officer (Rice), ARI, D.I. Khan (BS-18)	01
22.	Asstt. Horticulturist, ARI, Tamab (BS-17)	01	Senior Research Officer (Stone Fruits), ARI, Tamab (BS-18)	01
23.	Research Officer, ARI, Tamab (BS-17)	01	Senior Research Officer (Minor Fruits), ARI, Tamab (BS-18)	01
24.	Research Officer, ARI, Tamab (BS-17)	01	Senior Research Officer (Floriculture), ARI, Tamab (BS-18)	01
25.	Research Officer, ARI, Tamab (BS-17)	01	Senior Research Officer (Citrus Fruits), ARI, Tamab (BS-18)	01
26.	Research Officer, ARI, Tamab (BS-17)	01	Senior Research Officer (GPU), ARI, Tamab (BS-18)	01
27.	Research Officer, ARI, Tamab (BS-17)	01	Senior Research Officer (Nursery Production), ARI, Tamab (BS-18)	01
28.	Asstt. Horticulturist, ARI, Swat (BS-17)	01	Senior Research Officer (Stone Fruits), ARI, Swat (BS-18)	01
29.	Research Officer, ARI, Swat (BS-17)	01	Senior Research Officer (Pome Fruits), ARI, Swat (BS-18)	01
30.	Research Officer, ARS, Chitral (BS-17)	01	Senior Research Officer (Hort.), ARS, Chitral (BS-18)	01
31.	Research Officer, ARS, Baffa (BS-17)	01	Senior Research Officer (Hort.), ARS, Mansehra (BS-18)	01
32.	Agri. Officer, HARS, Abbottabad (BS-17)	01	Senior Research Officer (Hort.), HARS, Abbottabad (BS-18)	01

A Her  
 D  
 Head  
 Assistant Director  
 Directorate General Agriculture  
 KP Peshawar

Section Officer (Estt.)  
 Agriculture Department  
 Government of Punjab

Sr	Nomenclature of Existing Post & Pay Scale	No. of Posts	Nomenclature of Post in 4-Tier Formula & Pay Scale	No. of Posts
33	Research Officer, BARS, Kohat (BS-17)	01	Senior Research Officer (Hort.), BARS, Kohat (BS-18)	01
34	Research Officer, ARS, Serai Naurang (BS-17)	01	Senior Research Officer (Hort.), ARS, Serai Naurang (BS-18)	01
35	Asstt. Horticulturist, ARI, D.I. Khan (BS-17)	01	Senior Research Officer (Date-Palm), ARI, D.I. Khan (BS-18)	01
36	Asstt. Horticulturist, ARI, D.I. Khan (BS-17)	01	Senior Research Officer (Minor Fruits), ARI, D.I. Khan (BS-18)	01
37	Asstt. Botanist (Potato), ARI, Tamab (BS-17)	01	Senior Research Officer (Vegetables), ARI, Tamab (BS-18)	01
38	Research Officer, ARI, Tamab (BS-17)	01	Senior Research Officer (Potato), ARI, Tamab (BS-18)	01
39	Asstt. Botanist (Potato), ARI, Swat (BS-17)	01	Senior Research Officer (Potato), ARI, Swat (BS-18)	01
40	Asstt. Botanist (Vegetables), ARI, Swat (BS-17)	01	Senior Research Officer (Vegetables), ARI, Swat (BS-18)	01
41	Pointo Botanist, HARS, Abbottabad (BS-18)	01	Senior Research Officer (Potato), HARS, Abbottabad (BS-18)	01
42	Vegetables Breeder, HARS, Abbottabad (BS-18)	01	Senior Research Officer (Vegetables), HARS, Abbottabad (BS-18)	01
43	Research Officer, ARI, D.I. Khan (BS-17)	01	Senior Research Officer (Vegetables), ARI, D.I. Khan (BS-18)	01
44	Research Officer, ARS, Chitral (BS-17)	01	Senior Research Officer (Vegetables), ARS, Chitral (BS-18)	01
45	Agri. Chemist (Soils), ARI, Tamab (BS-18)	01	Senior Research Officer (Soil Chemistry), ARI, Tamab (BS-18)	01
46	Agri. Chemist (Bio), ARI, Tamab (BS-18)	01	Senior Research Officer (Biochemistry), ARI, Tamab (BS-18)	01
47	Asstt. Soil Fertility Officer, ARI, Tamab (BS-17)	01	Senior Research Officer (Soil Fertility), ARI, Tamab (BS-18)	01
48	Soil Microbiologist, ARI, Tamab (BS-18)	01	Senior Research Officer (Soil Microbiology), ARI, Tamab (BS-18)	01
49	Asstt. Agri. Chemist, ARI, Tamab (BS-17)	01	Senior Research Officer (Pesticides Residue), ARI, Tamab (BS-18)	01
50	Asstt. Agri. Chemist (Soils), ARI, Tamab (BS-17)	01	Senior Research Officer (Soil Physics), ARI, Tamab (BS-18)	01
51	Asstt. Meteorologist, ARI, Tamab (BS-17)	01	Senior Research Officer (Agri. Meteorology), ARI, Tamab (BS-18)	01
52	Asstt. Soil Fertility Officer, ARI, Swat (BS-17)	01	Senior Research Officer (Soil Chemistry), ARI, Swat (BS-18)	01
53	Asstt. Agri. Chemist (Soils), ARI, Tamab (BS-17)	01	Senior Research Officer (Soil Chemistry), ARS, Chitral (BS-18)	01
54	Asstt. Agri. Chemist (Soils), ARI, Tamab (BS-17)	01	Senior Research Officer (Soil Chemistry), ARS, Mansehra (BS-18)	01
55	Research Officer, ARS, Baffa (BS-17)	01	Senior Research Officer (Soil Chemistry), (SW FL-Haripur) ARS, Mansehra (BS-18)	01
56	Asstt. Agri. Chemist (Food), ARI, Tamab (BS-17)	01	Senior Research Officer (Soil Chemistry), HARS, Abbottabad (BS-18)	01
57	Asstt. Agri. Chemist, CCRI, Pirsabak (BS-17)	01	Senior Research Officer (Soil Chemistry), CCRI, Pirsabak (BS-18)	01
58	Asstt. Agri. Chemist, SCRJ, Mardan (BS-17)	01	Senior Research Officer (Soil Chemistry), SCRJ, Mardan (BS-18)	01
59	Asstt. Agri. Chemist (Food), ARI, Tamab (BS-17)	01	Senior Research Officer (Soil Chemistry), BARS, Kohat (BS-18)	01
60	Asstt. Soil Fertility Officer, ARS, Serai Naurang (BS-17)	01	Senior Research Officer (Soil Chemistry), ARS, Serai Naurang (BS-18)	01
61	Research Officer, ARS, Ahmadiwala Karak (BS-17)	01	Senior Research Officer (Soil Chemistry), ARS, Karak (BS-18)	01
62	Asstt. Agri. Chemist, ARI, D.I. Khan (BS-17)	01	Senior Research Officer (Soil Chemistry), ARI, D.I. Khan (BS-18)	01
63	Research Officer, ARI, D.I. Khan (BS-17)	01	Senior Research Officer (Pesticides Residue), ARI, D.I. Khan (BS-18)	01
64	Asstt. Entomologist, ARI, Tamab (BS-17)	01	Senior Research Officer (Entomology), ARI, Tamab (BS-18)	01

*dated*

To: **Ms. Iqbal**  
 Asstt. Director Planning  
 Directorate General Agriculture  
 KP Peshawar

Section Officer (Estt.)  
 Agriculture Department  
 Government of Punjab, Peshawar

S#	Nomenclature of Existing Post & Pay Scale	No. of Posts	Nomenclature of Post In 4-Tier Formula & Pay Scale	No. of Posts
65.	Asstt. Entomologist, ARI, Tamab (BS-17)	01	Senior Research Officer (Entomology), BARS, Kohat (BS-18)	01
66.	Entomologist, CCRI, Pirsabak (BS-18)	01	Senior Research Officer (Entomology), CCRI, Pirsabak (BS-18)	01
67.	Entomologist, SCRI, Mardan (BS-18)	01	Senior Research Officer (Entomology), SCRI, Mardan (BS-18)	01
68.	Asstt. Entomologist, ARI, Swat (BS-17)	01	Senior Research Officer (Entomology), ARI, Swat (BS-18)	01
69.	Asstt. Entomologist, ARI, Tamab (BS-17)	01	Senior Research Officer (Entomology), ARS, Chitral (BS-18)	01
70.	Asstt. Entomologist, ARI, D.I. Khan (BS-17)	01	Senior Research Officer (Entomology), ARI, D.I. Khan (BS-18)	01
71.	Asstt. Botanist (Econ.), ARS, Serai Naurang (BS-17)	01	Senior Research Officer (Entomology), ARS, Serai Naurang (BS-18)	01
72.	Agri. Officer, HARS, Abbottabad (BS-17)	01	Senior Research Officer (Entomology), HARS, Abbottabad (BS-18)	01
73.	Research Officer, ARS, Baffa (BS-17)	01	Senior Research Officer (Entomology), ARS, Mansehra (BS-18)	01
74.	Plant Pathologist, ARI, D.I. Khan (BS-18)	01	Senior Research Officer (Plant Pathology), ARI, D.I. Khan (BS-18)	01
75.	Asstt. Plant Pathologist, ARI, Swat (BS-17)	01	Senior Research Officer (Plant Pathology), ARI, Swat (BS-18)	01
76.	Asstt. Entomologist, CCRI, Pirsabak (BS-17)	01	Senior Research Officer (Plant Pathology), CCRI, Pirsabak (BS-18)	01
77.	Plant Pathologist, SCRI, Mardan (BS-18)	01	Senior Research Officer (Plant Pathology), SCRI, Mardan (BS-18)	01
78.	Senior Research Officer (Plant Pathology), ARS, Baffa (BS-18)	01	Senior Research Officer (Plant Pathology), ARS, Mansehra (BS-18)	01
79.	Plant Pathologist, ARS, Ahmadwala, Karak (BS-18)	01	Senior Research Officer (Plant Pathology), ARS, Karak (BS-18)	01
80.	Research Officer, ARI, Tamab (BS-17)	01	Senior Research Officer (Plant Physiology), ARI, Tamab (BS-18)	01
81.	Plant Physiologist, ARI, D.I. Khan (BS-18)	01	Senior Research Officer (Plant Physiology), ARI, D.I. Khan (BS-18)	01
82.	Oilseed Botanist, ARI, D.I. Khan (BS-18)	01	Senior Research Officer (Oilseed), ARI, D.I. Khan (BS-18)	01
83.	Asstt. Botanist (Econ.), ARI, Tamab (BS-17)	01	Senior Research Officer (Oilseed), ARI, Tamab (BS-18)	01
84.	Research Officer, ARS, Baffa (BS-17)	01	Senior Research Officer (Oilseed), ARS, Mansehra (BS-18)	01
85.	Asstt. Economic Botanist, ARI, Swat (BS-17)	01	Senior Research Officer (Oilseed), ARI, Swat (BS-18)	01
86.	Asstt. Economic Botanist, ARI, Swat (BS-17)	01	Senior Research Officer (Sunflower), ARI, Tamab (BS-18)	01
87.	Asstt. Agronomist Sugarcane, SCRI, Mardan (BS-17)	01	Senior Research Officer (Sugarcane Breeding), SCRI, Mardan (BS-18)	01
88.	Asstt. Agronomist (Sugarbeet), SCRI, Mardan (BS-17)	01	Senior Research Officer (Sugarcane Agronomy), SCRI, Mardan (BS-18)	01
89.	Sugarbeet Agronomist, SCRI, Mardan (BS-18)	01	Senior Research Officer (Sugarbeet Breeding), SCRI, Mardan (BS-18)	01
90.	Research Officer, SCRI, Mardan (BS-17)	01	Senior Research Officer (Sugarbeet Agronomy), SCRI, Mardan (BS-18)	01
91.	Research Officer, SCRI, Mardan (BS-17)	01	Senior Research Officer (Seed Production), SCRI, Mardan (BS-18)	01
92.	Research Officer, SCRI, Mardan (BS-17)	01	Senior Research Officer (Sugarcane Breeding), SCRI, Mardan (Jabban Breeding Farm) (BS-18)	01
93.	Asstt. Plant Pathologist, ARI, D.I. Khan (BS-17)	01	Senior Research Officer (Sugarcane Agronomy), ARI, D.I. Khan (BS-18)	01
94.	Sugarcane Agronomist, ARS, Serai Naurang (BS-18)	01	Senior Research Officer (Sugarcane), ARS, Serai Naurang (BS-18)	01
95.	Asstt. Grain Botanist, ARS, Ahmadwala Karak (BS-17)	01	Senior Research Officer (Pulses Breeding), ARS, Karak (BS-18)	01
96.	Research Officer, ARS, Ahmadwala Karak (BS-17)	01	Senior Research Officer (Pulses Agronomy), ARS, Karak (BS-18)	01

72.

S#	Nomenclature of Existing Post & Pay Scale	No. of Posts	Nomenclature of Post in 4-Tier Formula & Pay Scale	No. of Posts
97.	Research Officer, ARI, Tarnab (BS-17)	01	Senior Research Officer (Miscellaneous Crops), ARI, Tarnab (BS-18)	01
98.	Asstt. Technologist Tobacco, ARI, D.I. Khan (BS-17)	01	Senior Research Officer (Miscellaneous Crops), ARI, D. I. Khan (BS-18)	01
99.	Food Technologist, ARI, Swat (BS-18)	01	Senior Research Officer (Food Technology), ARI, Swat (BS-18)	01
100.	Asstt. Technologist Foods, ARI, Tarnab (BS-17)	01	Senior Research Officer (Food Technology), ARI, Tarnab (BS-18)	01
101.	Asstt. Food Technologist, HARS, Abbottabad (BS-17)	01	Senior Research Officer (Food Technology), HARS, Abbottabad (BS-18)	01
102.	Asstt. Technologist Commercial, ARI, Tarnab (BS-17)	01	Senior Research Officer (Post-Harvest), ARI, Tarnab (BS-18)	01
103.	Asstt. Food Technologist, ARI, Swat (BS-17)	01	Senior Research Officer (Food Technology), ARS, Chitral (BS-18)	01
104.	Asstt. Food Technologist, ARI, D.I. Khan (BS-17)	01	Senior Research Officer (Food Technology), ARI, D.I. Khan (BS-18)	01
105.	Addl: Statistician, ARI, D.I. Khan (BS-17)	01	Statistician, ARI, D.I. Khan (BS-18)	01
106.	Addl: Statistician, Directorate General Research Peshawar (BS-17)	01	Deputy Director Agriculture Research (Planning), Khyber Pakhtunkhwa Peshawar (BS-18)	01
107.	Asstt. Plant Pathologist, ARI, Tarnab Peshawar (BS-17)	01	Deputy Director Agriculture Research (M&E), Khyber Pakhtunkhwa Peshawar (BS-18)	01
108.	Female Regional Program Leader, Outreach, Peshawar (BS-18)	01	Deputy Director Outreach, Peshawar (BS-18)	01
109.	Asstt. Agronomist, ARI, D.I. Khan (BS-17)	01	Deputy Director Outreach, Swat (BS-18)	01
110.	Senior Research Officer (Rotational Crops), HARS, Abbottabad (BS-18)	01	Deputy Director Outreach, Abbottabad (BS-18)	01
111.	Asstt. Millet Botanist, ARI, D.I. Khan (BS-17)	01	Deputy Director Outreach, D.I. Khan (BS-18)	01
Sub-Total (C):		111		111

D. BS-17 @ 50% of the Total Strength (163 Posts out of 326 Total Strength):

S#	Nomenclature of Existing Post & Pay Scale	No. of Posts	Nomenclature of Post in 4-Tier Formula & Pay Scale	No. of Posts
1.	6 Research Officers (BS-17)	06	6 Asstt. Directors Planning, Directorate General Research Peshawar (BS-17)	06
2.	14 Research Officers (BS-17)	14	14 Asstt. Directors Outreach each one at each research institute or station (BS-17)	14
3.	142 Research Officers (BS-17)	142	142 Research Officers (BS-17)	142
4.	1 Research Officer (BS-17)	01	1 Addl: Statistician, CCRI, Pirsabak (Nowshera) (BS-17)	01
Sub-Total (D):		163		163

Grand-Total: (A+B+C+D):	3+49+111+163=	326
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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 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 system notified vide No. SOE(AD)2(2)429/07-08 dated 02.02.2008.

-sd-

SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOP. DEPARTMENT

**Touheed Zqbal**  
Assistant Director Planning  
Directorate General Research  
KP Peshawar

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

Dated Peshawar the 18/02/2012

Copy forwarded for information to and necessary action to:-

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

*(Signature)*

(BIBI FATIMA)  
SECTION OFFICER (FR)  
FINANCE DEPARTMENT  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endost. No. SOE(AD)23-19/2008;

Dated Peshawar the 18/02/2012

Copy forwarded for information to:-

1. The Secretary to Governor, Khyber Pakhtunkhwa.
2. The PSO to Chief Minister, Khyber Pakhtunkhwa.
3. The PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. The PS to Minister for Agriculture, Khyber Pakhtunkhwa.

*(Signature)*

(MUHAMMAD ZAHD)  
SECTION OFFICER (ESTT.)

Endost. No. SOE(AD) 23-19/2008;

Dated Peshawar the 18/02/2012

Copy forwarded for information to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department with reference to Finance Department letter quoted above.
2. The Chief Planning Officer, Agriculture, Livestock and Cooperation Department.
3. The Director General, Agriculture Research Khyber Pakhtunkhwa.
4. The Senior Director, Agricultural Research Institute, Tarnab Peshawar.
5. The Senior Director, Outreach, Khyber Pakhtunkhwa.
6. All Directors of Agriculture Research Institutes/Stations Khyber Pakhtunkhwa.
7. The Director Outreach, Khyber Pakhtunkhwa.
8. The Director Soil and Plant Nutrition, ARI, Tarnab Peshawar.
9. The Manager, Government Printing Press, Khyber Pakhtunkhwa, Peshawar for publication in the next gazetteer.

*(Signature)*

(MUHAMMAD ZAHD)  
SECTION OFFICER (ESTT.)

*Circulate to all scientists*

*AMPS:  
22/2/12*

*Ates 7*

**Touheed Iqbal**  
Assistant Director planning  
Directorate General Agriculture Research  
KP Peshawar

Section Officer (Estt.)  
Agriculture Department





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**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, MONDAY, 25<sup>th</sup> FEBRUARY, 2019.

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

**NOTIFICATION**

Dated Peshawar, the 20<sup>th</sup> January, 2014.

**No.SOE(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, 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 Agriculture Research Wing of the Agriculture Department.

**APPENDIX-A**

S.NO	NOMENCLATURE OF THE POST	QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT	AGE LIMIT	METHOD OF RECRUITMENT
1.	2.	3.	4.	5.
1.	Director General, Agriculture Research Khyber Pakhtunkhwa, Senior Director, Agriculture Research Institute, Tarnab, (Peshawar) and Senior Director Outreach (BS-20)			By promotion, on the basis of seniority-cum-fitness, from amongst the Directors of Agri. Research Institute, Director Station, Director Outreach, Director Soil and Plant Nutrition, Director Agri. Research (Planning) or Principal Research Officer (BS-19) of Agriculture Research System, having: a) seventeen years service as Research Officer in BS-17 and above in research job; and, b) Publication of at least 8 Research papers on problems encountered in or relevant to the conditions in Khyber Pakhtunkhwa and of such a quality which have been used as reference by other research scientists of national and international repute.

901

**Touheed Iqbal**  
ASSISTANT DIRECTOR PLANNING  
Directorate of Agriculture, Peshawar

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S.NO	NOMENCLATURE OF THE POST	QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT	AGE LIMIT	METHOD OF RECRUITMENT
1.	2.	3.	4.	5.
2.	Director Agri. Research Institute, Director Agriculture Research and Planning, Director Soil and Plant Nutrition, Director Station, Director Outreach and Principal Research Officer (BS-19)			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the, Deputy Director of Agriculture Research and Planning, Deputy Director Agriculture Research Monitoring &amp; Evaluation, Deputy Directors Outreach (BS-18) of Agril: Research System and Senior Research Officers having:</p> <p>a) Twelve years' service as Research Officer in (BS-17) and above in research job; and</p> <p>b) Publication of at least 6 research papers on problems encountered in, or relevant to the conditions in Khyber Pakhtunkhwa and of such a quality which have been used as reference by other research scientists of national and international repute.</p>
3.	Senior Statistician (BS-19)	---		<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Statistician (BS-18) of Agril: Research System with twelve years service in performing Agriculture Research experiment and processing data there from.</p>
4.	Senior Research Officer, Deputy Director Agri. Research and Planning, Deputy Director Agri. Research (Monitoring & Evaluation), Deputy Director Outreach (BS-18)			<p>By promotion, from amongst the holders of the post of (BPS-17) of the Agri. Research System on the basis of overall seniority-cum-fitness, irrespective of Subject Group or specialization having:</p> <p>a) five years service Research Officer; and</p> <p>b) Publication of at least two research papers on problems encountered in, or relevant to, the conditions in Khyber Pakhtunkhwa and of such a quality which have been used as reference by other research scientists of national and international repute.</p>

*Attes*

**Touheed Iqbal**  
 Assistant Director Planning  
 Directorate of Planning & Statistics  
 Government of Khyber Pakhtunkhwa

1.	2.	3.	4.	5.
S.NO	NOMENCLATURE OF THE POST	QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT	AGE LIMIT	METHOD OF RECRUITMENT
5.	Statistician (BS-18)			By promotion on the basis of seniority-cum-fitness from among the Addl. Statisticians (BS-17), in the Agriculture Research System having:  a) Eight years service in planning, agricultural experiments and processing the data there from; and  b) Master's Degree in Statistics or Mathematics or Economics with specialization in Statistics, from a recognized university.
6.	Research Officer (BPS-17)	2 <sup>nd</sup> class M.Sc/B.Sc (Hons.) Degree in Agriculture from a recognized University, under research programme & in the subject relating to the subject groups as specified in Schedule (Appended to this notification) to which the vacancy occurs.	21 to 32 years	By initial recruitment.
7.	Additional Statistician (BS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Statisticians (BS-16), of the Agriculture Research System having:  a) Five years service in planning agricultural experiments and processing data there from; and  b) Master's Degree in Statistics or Mathematics or Economics with specialization in Statistics, from a recognized university

*Touheed Iqbal*  
**Touheed Iqbal**  
 Assistant Director, Planning  
 Agriculture Research System  
 Peshawar


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SCHEDULE

(Subject Groups)

- (a) Cereal Crops
  - (i) Maize (including Sorghum and Mallets).
  - (ii) Wheat (including Rarley and Triticales)
  - (iii) Rice
- (b) Pulses and Legumes  
Gram, Mong, Mash, Soyabean, Lentil.
- (c) Oilseeds  
Mustard, Rape, Groundnut, Sunflower, Safflowers and Casterbean.
- (d) Sugar Crops  
Sugarcane and Sugar beet
- (e) Vegetables
  - (i) Potato
  - (ii) Other vegetables
- (f) Horticulture  
Fruit of all kinds
- (g) Miscellaneous Crops  
Forage Crops Tobacco, Cotton, Jute etc.
- (h) Plant Pathology
- (i) Plant Physiology.
- (j) Entomology
- (k) Chemistry
  - (i) Soils
  - (ii) Bio-Chemistry
- (l) Food Technology
- (m) Agriculture Economics
- (n) Statistics.

SD/-  
SECRETARY TO  
GOVERNMENT OF KHYBER PAKHTUNKHWA,  
AGRICULTURE LIVESTOCK AND COOPERATIVE  
DEPARTMENT

  
Fouzed Iqbal  
Assistant Director Planning  
Ministry of Agriculture, Livestock & Fisheries  
Government of Khyber Pakhtunkhwa