

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

BEFORE: **KALIM ARSHAD KHAN ...CHAIRMAN**
RASHIDA BANO ...MEMBER (Judicial)

Service Appeal No.7418/2021

Date of presentation of appeal.....19.07.2021
Dates of Hearing.....03.10.2024
Date of Decision.....03.10.2024

Dr. Khisrao Kalim, PRO/Station Director, Livestock Research & Development, Station Surezai, Peshawar.....(Appellant)

Versus

1. **Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.**
2. **Secretary Agriculture, Livestock & Cooperative Department Government of Khyber Pakhtunkhwa, Peshawar.**
3. **The Secretary Establishment, Government of Khyber Pakhtunkhwa, Peshawar.**
4. **The DG (Research) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar.**
5. **The Standing Service Rules Committee (SSRC) through its Chairman, Civil Secretariat, Peshawar.**
6. **The Secretary Khyber Pakhtunkhwa Public Service Commission, Peshawar.....(Respondents)**

Present:

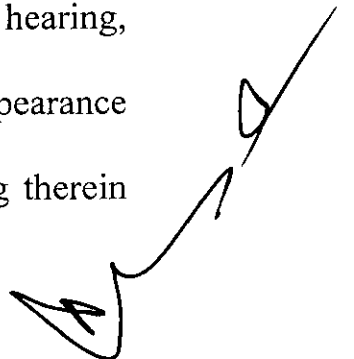
Mr. Muhammad Asif Yousafzai, Advocate.....For the appellant
Mr. Muhammad Jan, District Attorney.....For respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 20.12.2017 WHEREBY DISADVANTAGEOUS SERVICE RECRUITMENT AND PROMOTION RULES HAVE BEEN NOTIFIED AND AGAINST THE REJECTION ORDER DATED 15.03.2021 FORWARDED ON 18.06.2021 AND RECEIVED ON 02.07.2021 BY THE APPELLANT WHEREBY THE REPRESENTATION OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Appellant's case in brief, as per averments of appeal, he appellant serves as the PRO/Station Director at the Livestock Research & Development Station in Surezai, Peshawar, holding a BPS-19 position with an exemplary service record. According to the rules established by the respondent department on December 16, 2008, the recruitment method for the post of Director General (Research) BPS-20 required selection based on merit from Directors or Principal Research Officers in BPS-19 with specific experience and research publication criteria. In 2016, proposed amendments included a requirement for four weeks of administrative training; however, when the rules were updated on December 20, 2017, the criteria changed significantly to a seniority-cum-fitness basis, which the appellant contests. Following a representation against the 2017 notification and a Writ Petition in the Peshawar High Court that directed a timely decision on the matter, the respondent department ultimately rejected the appellant's representation on March 15, 2021, citing insufficient reasoning. This led the appellant to file the current appeal, seeking redress for what he views as an unjust decision.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein



numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellant and learned District Attorney for the respondents.

04. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

05. The appellant contends that he holds the position of PRO/Station Director at the Livestock Research & Development Station in Surezai, Peshawar, in BPS-19, with a commendable service record. He references the recruitment rules established on December 16, 2008, which mandated merit-based selection for the Director General (Research) BPS-20 from eligible candidates in BPS-19. Despite initial proposals in 2016 to include a requirement for administrative training, the rules were revised on December 20, 2017, to adopt a seniority-cum-fitness criterion, a change that the appellant disputes. After filing a representation against this amendment and pursuing a Writ Petition that mandated the department to respond promptly, the appellant's representation was ultimately rejected on March 15, 2021, with inadequate justification provided. This rejection has prompted the appellant to seek judicial relief through the current appeal, asserting that the actions taken against him are unjust and not in alignment with the original recruitment criteria.



06. The representation of the appellant has been made on 20.02.2018 to the Director Livestock & Development, Khyber Pakhtunkhwa, Peshawar, and the same has also not been decided by the appellate authority, who in this case is the worthy Chief Minister Khyber Pakhtunkhwa to decide departmental representation of the appellant.

07. In view of the above, the matter in hand is remitted to the appellate authority i.e. worthy Chief Minister Khyber Pakhtunkhwa, through Principal Secretary to the Chief Minister Khyber Pakhtunkhwa to render a decision on the departmental appeal of the appellant, within 60 days upon receipt of this judgment. Costs shall follow the event. Consign.

08. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 3rd day of October, 2024.*



KALIM ARSHAD KHAN
Chairman



RASHIDA BANO
Member (Judicial)

Mutazem Shah

27th Sept, 2024

Appellant alongwith counsel present. Dr. Hameed-ur-Rehman, Senior Research Officer alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Absolute last chance is given for arguments. To come up for arguments on 03/10/2024 before the D.B. Parcha Peshi given to the parties.

SCANNED
10/03/2024
PESHAWAR



(Rashida Bano)
Member (Judicial)



(Aurangzeb Khattak)
Member (Judicial)

S.A # 7814/2021

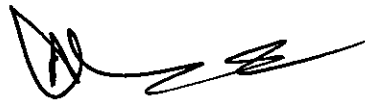
ORDER

3rd Oct. 2024

1. Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney for respondents present. Heard.
2. Vide our detailed judgment of today placed on file, the matter in hand is remitted to the appellate authority i.e. worthy Chief Minister Khyber Pakhtunkhwa, through Principal Secretary to the Chief Minister Khyber Pakhtunkhwa to render a decision on the departmental appeal of the appellant, within 60 days upon receipt of the judgment. Costs shall follow the event. Consign.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 3rd day of October, 2024.*



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman