


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2203/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/10/2024	<p>The appeal of Mr. Saleem Javed resubmitted today by clerk of Counsel for the appellant. It is fixed for preliminary hearing before touring Single Bench at Swat on 02.12.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

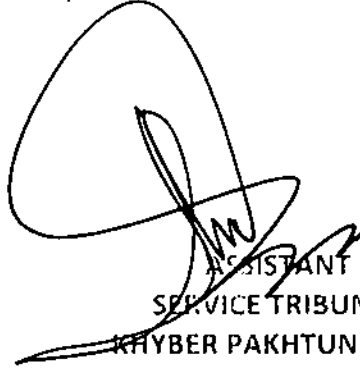
The appeal of Mr. Saleem Javed received today i.e. on 26.08.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. ✓ Check list has not been filed/duly filled in/signed.
2. ② Memorandum of appeal has not been signed by appellant.
3. ✓ Affidavit is not appended/ duly attested by the Oath Commissioner.
4. ④ Appeal has not been flagged/ marked with annexures marks.
5. ✓ Annexures of the appeal are not attested.
6. Annexure A, B, E & F are not legible replace them with legible/better copy.
7. Appeal/annexures are not properly paged according to index.
8. Address of appellant is incomplete.
9. ✓ According to Sub rule-4 of Rule 6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent No 2 is un-necessary/ improper parties, in light of the rules ibid and on written direction of Worthy Chairman the above mentioned respondent numbers be deleted/struck out from the list of respondents.

No. 633 /S.T.

Di. 29/8 /2024

Mr. Aftab Hussain Adv. ~~Best~~
High Court Swat


ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Dear sir objection removed and Re failed
to day

AW/
late submitted condonation of delay *applicant*
is attached. *WJ*
30/10/2024

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service appeal No. 2203 of 2024

Saleem Javed..... (Appellant)

VERSUS

DG of WM^F Peshawar & others..... (Respondents)

APPLICATION FOR CONDONATION OF DELAY


Respectfully Sheweth:

1. That the above-mentioned service appeal was filed before this Hon'ble court, which was returned due to objections.
2. That the above delay is not intentionally and willfully but due to unavoidable circumstance.
3. That the appellant valuable rights are connected with appeal.
4. That for the reason mention above your honor may please condone 1 month and 25 days delay and grant permission to re-submit the same.

It is therefore humbly prayed that due to the aforesaid reason the delay may be condoned please.

Appellant

Through



AFTAB HUSSAIN

Advocate High Court

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
CHECK LIST

Case Title: _____

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent has signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?		✓
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		✓
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?		✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: AFTAB HUSSAIN

Signature: _____

Dated: _____

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 2203 of 2024

Saleem Javed (WMO)

... Appellant

VERSUS

D.O, OFWM and another.

... Respondents

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8.	copy of judgment dated 15.09.2011	D	21-41
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APPELLANT THROUGH
Counsels

Sabir Shah (ASC) &

Aftab Hussain (AHC)
Off: 2nd 8⁹ Floor, Continental Plaza,
Makanbagh, Mingora, District Swat.
Cell No: 03429611335

①

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

Service Appeal No. 2203 of 2024

Saleem Javed (WMO) On Farm Water Management Office, Near
Government High School, Balambat, Timergara, District Dir(Lower).

... **Appellant**

VERSUS

1. District Officer OFWM, Dir (Lower)
2. Director General, On Farm Water Management Department, At
Peshawar.

... **Respondents**

Service Appeal Under Section 4 of Service Tribunal Act, 1974 against
impugned seniority list/ correction of impugned seniority list.

Prayer:

On acceptance of this appeal, the impugned seniority list may
kindly be set aside/modified and the respondents be directed to issue the
correct seniority list reflecting the appellant's true and correct position with
all back benefits and promotions according to the correct seniority
position of the appellant.

Any other relief not specifically prayed but this Hon'ble court deems
proper may also be granted.

Respectfully Sheweth:

1. That appellant is the bona fide resident of Village Koki Dherai, Tehsil
Lal Qila, District Dir(Lower) and was appointed as Water
Management Officer (Agriculture Engineering) (BPS-17), on contract
basis, for "National Program for improvement/lining of water courses
in Pakistan (for NWFP)" vide Notification No. SOE(AD) 11(2) 70/2004 on

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- 24.11.2004 for a period of one year extendable upto the project life on his satisfactory performance. **(copy of appointment order dated 24.11.2004 is annexed as Annexure-A)**
2. That contract of appellant was extended from time to time and lastly extended vide Notification dated 16.09.2008 upto 30.06.2009. **(copy of Notification dated 16.09.2008 is annexed as Annexure-B)**
 3. That upon approval of Chief Executive of the Province, sanction for creation of 275 posts was accorded by the competent authority in the offices called "On Farm Water Management Department" at District level w.e.f. 01.07.2007 vide Notifications dated 21.04.2007 & 30.07.2007.
 4. That the appellant, along with his other colleagues was expecting his adjustment/appointment against the newly created posts but vide Notification dated 21.02.2007 & 03.09.2008 certain contract employees of different projects were adjusted against some of those posts but he, along with his other colleagues was ignored for no plausible cause.
 5. That the appellant, along with his other two colleagues, approached the august Peshawar High Court and filed constitutional petition praying for declaring the orders of appointment of employees of different projects as illegal and without lawful authority and sought benefit of provisions of Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2005 & Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 Act. **(Copy of W.P No. 2249/2011 is annexed as Annexure-C)**
 6. That the W.P No. 2249/2011 of the appellant titled "Saleem Javed vs. Government of KPK" along with other connected writs, was allowed and respondents were directed to treat the appellant, along with others as a regular employee from the date of his initial appointment i.e. 24.11.2004, the order & judgment of august Peshawar High Court was maintained by the apex Supreme Court of Pakistan. **(copy of judgment dated 15.09.2011 is annexed as Annexure-D)**

③

7. That the appellant, along with his other colleagues, was regularized vide Notification dated 03.07.2013 from the date of their initial appointment wrongly mentioned as 12.03.2007 instead of 24.11.2004. **(copy of Notification dated 03.07.2013 is annexed as Annexure-E)**

8. That some of his colleagues approached this august Tribunal and filed appeal against the impugned Notification dated 03.07.2013 which was dismissed by this august Tribunal against which C.P. 1763/2019, C.P. 1766/2019 and C.P. 1825 /2019 were preferred before the apex Supreme Court of Pakistan which were allowed and they were regularized from the date of their initial date of appointment i.e. 24.11.2004 vide order dated 12.10.2022. **(copy of order dated 12.10.2022 of the apex Supreme Court of Pakistan is annexed as Annexure-F)**

9. That upon becoming aware of the order dated 12.10.2022 of the apex Supreme Court of Pakistan, the appellant promptly filed a departmental appeal/ representation before respondent No.1 seeking correction of his position in the seniority list, predicated on the principle of parity with similarly placed person. Regrettably, the said appeal remained undecided, thereby necessitating the present appeal inter alia on the following grounds. **(Copies of departmental appeal/ representation and seniority list are annexed as Annexure-G and Annexure-H).**

Grounds:

- i. That the impugned seniority list is illegal, unlawful, against the law, against the record and discriminatory.

- ii. That the respondents have failed to consider the principles of equality and fairness, as enshrined in Chapter 1 of the Constitution of Islamic Republic of

Pakistan, 1973, by treating similarly placed persons unequally.

- iii. That the impugned seniority list is arbitrary and discriminatory, as it places the appellant junior to his other similarly placed colleagues, despite having identical (rather higher) qualification, experience and date of appointment.
- iv. That appellant's seniority has been unjustly suppressed, while his colleagues, who are similarly placed, have been granted seniority and consequential benefits.
- v. That the impugned seniority list violates the established principles of seniority as laid down in "The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and other relevant rules.
- vi. That the appellant's legitimate expectations have been violated as he has been denied rightful seniority position, despite meeting all the necessary criteria and qualifications.
- vii. That the impugned seniority list has caused undue prejudice and hardship to the appellant, resulting in loss of seniority, promotional opportunities and consequential benefits.
- viii. That any other ground not specifically raised here, will be argued during the course of arguments, with prior permission.

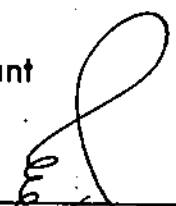
It is therefore, very humbly prayed that, on acceptance of this appeal, the impugned seniority list be set aside/modified and the respondents be directed to issue the correct seniority list reflecting the appellant's true and correct

5

position with all back benefits and promotions according to the correct seniority position of the appellant.

Any other relief not specifically prayed but this Hon'ble court deems proper may also be granted.

Appellant
Through Counsel



Sabir Shah (ASC)



Aftab Hussain (AHC)

(6)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____ of 2024

Saleem Javed (WMO)

... **Appellant**

VERSUS

D.O, OFWM and another.

... **Respondents**


Certificate

As per instructions received from my client, it is certified that no such like service appeal against the impugned seniority list, has been earlier filed before this Hon'ble Court.

Appellant
Through Counsel



Sabir Shah ASC &


Affab Hussain AHC

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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____ of 2024

Saleem Javed (WMO)

... Appellant

VERSUS

D.O, OFWM and another.

... Respondents

Affidavit

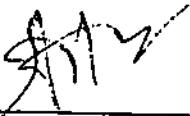
I, Saleem Javed (WMO) S/O Khaista Rehman R/o Koki Dherai, Tehsil Lal Qila, District Dir(Lower) (Appellant), do hereby solemnly affirm and declare on oath that, all the contents of the accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed or withheld from this Hon'ble court.

Deponent



Saleem Javed
(Appellant)

Identified By:



Affab Hussain (AHC)

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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____ of 2024

Saleem Javed (WMO)

... Appellant

VERSUS

D.O, OFWM and another.

... Respondents

Address of Appellant:

Saleem Javed (WMO) On Farm Water Management Office, Near
Government High School, Balambat, Timergara, District Dir(Lower).

NIC No:

Cell No. 0300-5048350

Addresses of Respondents:

1. Director General, On Farm Water Management Department, At
Peshawar.
2. District Officer OFWM, Dir (Lower).

Appellant
Through Counsel



Sabir Shah (ASC)



Aftab Hussain (AHC)

Annexure

A

Government of NWFP
Agriculture, Livestock and Cooperatives
Department

Peshawar dated the 24th November, 2004.

Notification

No. SOE(AD)11-(2)70/2004. On the recommendation of the Departmental Selection Committee, the Govt of NWFP, Agriculture, Livestock & Cooperatives Department is pleased to appoint the following candidates as Water Management Specialists on fixed pay of Rs.12,000/- per month for a period of one year against the vacant posts in the NWFP, OFWM Project (World Bank Assisted IDA Credit No.3516-PAK); from the date of assuming charge of the post extendable to the remaining project period subject to their satisfactory performance.

1. Tariq Mehmood S/o Abdul Malik C/o Muhammad Saeed Khalil, Peshawar.
2. Rashid Ahmad S/o Nisar Ahmad, Street Muhammad Khel, P.O.Hoti, Teh. & Distt. Mardan.
3. Hafiz Gul Naeem S/o Muhammad Hussain, Mohallah Tajik Abad, Garhi Kapura Road, Par Hoti, Mardan.
- ✓ 4. Saleem Javed S/o Khaista Rehman, Village Koki Dheri, Teh. Lal Qilla, Distt. Lower Dir.

2. Their appointment shall be governed by the following terms and conditions:
 - a. Their appointment shall be on contract basis initially for a period of One year. The contract shall stand automatically terminated on the expiry of the initial period. Fresh contract would be executed if the services of any of the above named candidates were further required.
 - b. The appointment shall be subject to the medical fitness report by the standing Medical Board.
 - c. They shall be governed by such rules, regulations, orders, acts and ordinances etc relating to appointment, promotion, transfer, leave, T.A., Medical Attendance, seniority, efficiency & discipline and conduct as have been/may be prescribed by the Government for the category of Government servants of their status, from time to time and as interpreted by the Government.
 - d. Their pay will be fixed as Rs.12,000/- per month from the date of their taking over the charge of the post.
 - e. Their services shall be liable to termination on the following conditions:
 - i. At any time without notice and without assigning any reasons during the period of their contract appointment if their work during this period was not found satisfactory.
 - ii. On One month notice by the Government on one side and by them on the other. In case the notice on either side is less than One month, a sum equivalent to the pay for the period by which the notice falls short of One month, will be paid by the Government to them or in lieu thereof One month pay shall be forfeited.
 - iii) By Government without previous notice if it is satisfied on material evidence that they are unfit and/or likely to remain unfit for a considerable period by reasons of ill health or physical disability to discharge their duties. The decision of the Government as to what constitutes considerable period shall be final.

C-T-C
[Signature]

9 A

BETTER COPY OF PAGE No.9

GOVERNMENT OF NWFP
Agriculture, Livestock and Cooperatives
Department
Peshawar date the 24th November 2004

Notification:

No.SOE(AD)11(2)70/2004. On the recommendation of the Department Selection Committee, the Govt. of NEWP, Agriculture, Livestock & Cooperatives Department is pleased to appoint the following candidates as Water Management Specialists on fixed pay of Rs. 12,000/- per month for a period of one year, against the vacant posts in the NWFP, OFWM Project (World Bank Assisted IDA Credit No.3516-PAK), from the date of assuming charge of the post extendable to the remaining project period subject to their satisfactory performance.

1. Tariq Mehood S/o Abdul Malik C/o Muhammad Saeed Khalil, Peshawar.
 2. Rashid Ahmad S/o Nisar Ahmad, Street Muhammad Khel, P.O Hoti Teh. & Distt. Mardan.
 3. Saleem Javed S/o Khaista Rehman, Village Koki Dheri, The. Lal Qilla Distt. Lower Dir.
2. Their appointment shall be governed by the following terms and conditions.
- a. Their appointment shall be on contract basis initially for a period of One year. The contract shall stand automatically terminated on the expiry of the initial period. Fresh contract would be executed if the services of any above named candidates were further required.
 - b. The appointment shall be subject to the medical fitness report by the standing Medical Board.
 - c. They shall be governed by such rules regulations orders, acts and ordinances etc relating to appointment promotion, transfer, leave, T.A, Medical Attendance, seniority, efficiency & discipline and conduct as have been / may be prescribed by the Government for the category of servants of their status, from time and as interpreted by the Government.
 - d. Their pay will be fixed as Rs.12,000/- per month from the date of their taking over the charge of the post.
 - e. Their services shall be liable to termination on the following conditions.
 - i. At any time without notice and without assigning any reasons during the period of their contract appointment if their work during this period was not found satisfactory.
 - ii. One One month notice by the Government of one side and by them on the other. In case the notice on either side is less than one month, a sum equivalent to the pay for the period by which the notice falls short of One month, will be paid by the Government to them or in lieu thereof one month pay shall be forfeited.
 - iii. By Government without previous notice if it is satisfied on material evidence that they are unfit and / or likely to remain unfit for a considerable period by reasons of ill health or physical disability to discharge their duties. The decision of the Government as to what constitutes considerable period shall be final.

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3. If the above terms and conditions are acceptable to the above named selected candidates, they should convey their willingness individually and attend office of the Director OFWM for signing the Contract Agreement on or before 10.12.2004 positively. In case of non submission of acceptance/ signing of Contract Agreement, the offer will stand cancelled.

(ZAIBULLAH KHAN)

SECRETARY AGRICULTURE

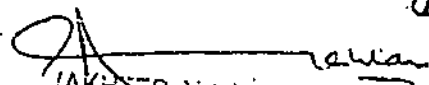
Dated Peshawar the 24th November, 2004

Encls: No. SOE(AD) 11 (2) 70 / 2004.
Copy of the above is forwarded to:-

1. Accountant General, NWFP, Peshawar.
2. Director General Health Services, NWFP Peshawar. He is requested to kindly arrange for an early medical examination of the above named appointees through the Standing Medical Board and supply their medical examination certificates to this Department for record.
3. Director, On Farm Water Management Department NWFP, Peshawar, w/r to his memo No. 11674 dated. 04-10-2004 with the request to furnish the posting proposal of the above appointees at the earliest.
4. All appointees as per list given in para-1 for information.

PS to Chief Secretary, NWFP.
 PS to Minister for Agriculture, NWFP.
 PS to Additional Chief Secretary P&D Department.
 PS to Secretary Agriculture.
 Water file.

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Ago


 (AKHTER ALI SHAH)
 SECTION OFFICER (ESTT.)

10 A

BETTER COPY OF PAGE No. 10

3. If the above terms and conditions are acceptable to the above named selected candidates, they should convey their willingness individually and attend office of the Director OFWM for signing the Contract Agreement on or before 10.12.2004 positively. In case of non submission of acceptance / signing of Contract Agreement the offer will stand cancelled.

(ZAIBULLAH KHAN)

SECRETARY AGRICULTURE

Date: Peshawar the 24th November 2004

Endst: No. SQE(AD) 11(2) 70/2004

Copy of the above is forwarded to the:

1. Accountant General, NWFP, Peshawar.
2. Director General Health Services, NWFP, Peshawar, He is requested to kindly arrange for an early medical examination of the above named appointees through the Standing Medical Board and supply their medical examination certificates to this Department for record.
3. Director on Farm Water Management Department NWFP, Peshawar W/r to his memo No.116474 dated 04/10/2004 with the to furnish the posting perusal of the above appointees at the earliest.
4. All appointees as per list given in Para No.1 of the notification.

PS to Chief Secretary NWFP

PS to Minister of Agriculture NWFP

PS Additional Chief Secretary P&D department.

PS to Secretary Agriculture.

Master File

(AKHTAR ALI SHAH)

SECRETARY AGRICULTURE

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Annex B

(11)

Enclosure copy to go to the project officer for their information as well as to be sent to all the officers who have been posted out of their original office

GOVERNMENT OF NWFP

AGRI: LIVE STOCK AND COOP: DEPTT:

Dated Peshawar, the 16/9/2008.

NOTIFICATION.

NO.SOE(AD)II(2)70/2007.- The competent authority is pleased to accord sanction to the grant of extension in contract service in respect of the following Officers of the project titled "National Program for Improvement of Water courses in Pakistan (NWFP component)" with one day break for the period noted against each:

S/N	Name of Officer	Date of Expiry of contract period	Date of Extension / Reappointment from /upto date	Designation with place of posting
1	Miss Farzana Yasmeen	30-06-2008	02-07-2008 to 30-06-2009	AD (M&E) office of the DG WM NWFP Peshawar
2	Mr. Shah Faisal	30-06-2008	02-07-2008 to 30-06-2009	Computer Programmer
3	Mr. Shahid Mehmood	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Manshera
4	Mr. Alunad Saeed	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Manshera
5	Mr. Hafizullah	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DO WM Manshera
6	Mr. Ayaz Ali	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DO WM Manshera
7	Mr. Nasirud Din	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DO WM Manshera
8	Mr. Abdullah Khan	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DD (F) WM Peshawar
9	Mr. Muhammad Hanif Saddiqui	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DD (F) WM Peshawar
10	Mr. Nauman Adil	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DD (F) WM Peshawar
11	Miss Sadia Rehman	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DD (F) WM Peshawar
12	Mr. Muhammad Infaal	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DO WM Karak
13	Mr. Muhammad Uzar Khan	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DD WM Swat
14	Mr. Amir Hussain	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DD WM Swat
15	Mr. Ataullah	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DD WM Swat
16	Mr. Fayaz Ahmad	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DD WM Swat
17	Mrs. Nishat Lal Badshah	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DD WM Swat
18	Mr. Muhammad Suliman Iqbal	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DD WM Swat
19	Mr. Nasib Gul	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DO WM Malakand
20	Mr. Harpal Kumar	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DD WM Swat
21	Mr. Shaheen Iqbal	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Charsadda
22	Mr. Saeed Shah	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DO WM Charsadda
23	Mrs Asma Ahmad	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DO WM Charsadda
24	Mr. Salman Khan	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DO WM Charsadda
25	Fazal Sher	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DO WM Charsadda
26	Javed Habib	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DO WM Charsadda
27	Mr. Nisar Ahmad	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Battagram
28	Mr. Javed Akhtar	30-06-2008	02-07-2008 to 30-06-2009	W/O office of the DO WM Battagram



29	Mr. Alimr Ahmad Khan	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Battagram
30	Mr. Saeed Mehmood	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Battagram
31	Mr. Zahid Khliq	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Nowshera
32	Mr. Attaul Haq	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Nowshera
33	Mr. Saïd Muhammad	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Nowshera
34	Miss Mehreen Ghous	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Nowshera
35	Mr. Muhammad Aslam	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Dir Upper
36	Mr. Fazal Sattar	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Dir Upper
37	Mr. Sami ullah	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Dir Upper
38	Mr. Saleem Inveed	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Dir Upper
39	Mr. Amir Rabbani	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Abbottabad
40	Mr. Amjad Ali	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Malakand
41	Mr. Ahmad Zeb	30-06-2008	02-07-2008 to 31-08-2008	WMO office of the DO WM Malakand
42	Mr. Yaqub Khan	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Malakand
43	Mr. Muhammad Zaki	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Malakand
44	Mr. Akmal Khan	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Haripur
45	Mr. Khyat Zaman	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Haripur
46	Mr. Wajid Ali	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Haripur
47	Mr. Muhammad Qasim	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Haripur
48	Mr. Muhammad Farooq	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Haripur
49	Mr. Muhammad Nadeem	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM D.I.Khan
50	Mr. Aftab Ahmad	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM D.I.Khan
51	Mr. Muhammad Shahid Nawaz	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM D.I.Khan
52	Miss Hussan Ara Begum	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM D.I.Khan
53	Mr. Ihsanullah	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Lakki Marwat
54	Mr. Zulfiqar Ali Khan	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Lakki Marwat
55	Mr. Irfanullah	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Lakki Marwat
56	Mr. Naveed Anjum	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Lakki Marwat
57	Mr. Anam Ahmad	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Lakki Marwat
58	Mr. Hayat Zaidi	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Lakki Marwat
59	Mr. Khan Daraz	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Buner
60	Mr. Gulzari Lal	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Buner
61	Mr. Aman Khan	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Buner
62	Mr. Moeenud Din	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Dir Lower
63	Mr. Muhammad Idrees	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Dir Lower
64	Mr. Fazal Hussain	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Dir Lower
65	Mr. Muhammad Karimullah	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Dir Lower
66	Mr. Rafiqur Rehman	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Mardan
67	Mr. Khalil Akbar	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Mardan

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Notification:

No.SOE(AD)11(2)70/2007. the competent authority is pleased to accord sanction to the grant of extension in contract service in respect of the following Officers of the project titled " National Program for Improvement of Water Courses in Pakistan (NWFP component)" with on day break for the period noted against oath:-

S/ N	Name of Officer	Date of Expiry of contract period	Date of Extension / Reappointment from / upto date	Designation with place of posting
1	Miss Farzana Yasmeen	30/6/2008	02/7/2008 to 30/06/2009	AD(M&E) office of the DG WM NPI Peshawar
2	Mr. Shah Faisal	30/6/2008	02/7/2008 to 30/06/2009	Computer Programmer
3	Mr. Shahid Mehmood	30/6/2008	02/7/2008 to 30/06/2009	AD Office of the DO WM Mansehra
4	Mr. Ahmad Saeed	30/6/2008	02/7/2008 to 30/06/2009	AD Office of the DO WM Mansehra
5	Mr. Hafiz Ullah	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Mansehra
6	Mr. Ayaz Ali	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Mansehra
7	Mr. Nasirud Din	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Mansehra
8	Mr. Abdullah Khan	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DD (F) WM Peshawar
9	Mr. Muhammad Hanif Saddiqui	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DD (F) WM Peshawar
10	Mr. Nauman Adil	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DD (F) WM Peshawar
11	Miss Sadia Rehman	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DD (F) WM Peshawar
12	Mr. Muhammad Tufail	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Karak
13	Mr. Muhammad Uzar Khan	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DD WM Swat
14	Mr. Amir Hussain	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DD WM Swat
15	Mr. Attaullah	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DD WM Swat
16	Mr. Fayaz Ahmad	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DD WM Swat
17	Mrs. Nishat Lal Baddshah	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DD WM Swat
18	Mr. Muhammad Suliman Iqbal	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DD WM Swat
19	Mr. Nasib Gul	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DD WM Malakand
20	Mr. Harpal Kumar	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DD WM Swat
21	Mr. Shaheen Iqbal	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DD WM Charsada
22	Mr. Saeed Shah	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Charsada
23	Mrs Asma Ahmad	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Charsada
24	Mr. Salman Khan	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Charsada
25	Fazal Sher	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Charsada
26	Javeed Habib	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Charsada
27	Mr. Nisar Ahmad	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DO WM Battagram
28	Mr. Javeed Akhtar	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Battagram

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29	Mr. Munir Ahmad Khan	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Battagram
30	Mr. Saeed Mehmood	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Battagram
31	Mr. Zahid Khaliq	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DD WM Naushehra
32	Mr. Attaul Haq	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Naushehra
33	Mr. Said Muhammad	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Naushehra
34	Miss Mehreen Aslam	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Naushehra
35	Mr. Muhammad Aslam	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DO WM Dir Upper
36	Mr. Fazal Sattar	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Dir Upper
37	Mr. Sami Ullah	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Dir Upper
38	Mr. Saleem Javeed	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Dir Upper
39	Mr. Amir Rabani	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Abbottabad
40	Mr. Amjad Ali	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DO WM Malakand
41	Mr. Ahmad Zeb	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Malakand
42	Mr. Adam Khan	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Swat
43	Mr. Muhammad Zakir	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Malakand
44	Mr. Faisal Younas	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DO WM Haripur
45	Mr. Kifayat Zaman	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Haripur
46	Mr. Wajid Ali	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Haripur
47	Mr. Muhammad Qasim	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Haripur
48	Mr. Muhammad Farooq	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Haripur
49	Mr. Muhammad Nadeem	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DO WM DI Khan
50	Mr. Aftab Ahmad	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM, DI Khan
51	Mr. Muhammad Shahid Nawaz	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM, DI Khan
52	Miss Hussan Ara Begum	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM, DI Khan
53	Mr. Ihsanullah	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DO WM Laki Marwat
54	Mr. Zulfiqar Ali Khan	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DO WM Laki Marwat
55	Mr. Irfanullah	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Laki Marwat
56	Mr. Naveed Anjum	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Laki Marwat
57	Mr. Jamil Ahmad	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Laki Marwat
58	Mr. Hayat Zada	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DO WM Buner
59	Mr. Khan Daraz	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Buner
60	Mr. Gulzari Lal	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Buner
61	Mr. Aman Khan	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Buner
62	Mr. Moeen Ud Din	30/6/2008	02/7/2008 to 30/06/2009	AD office of the DO WM Dir Lower
63	Mr. Muhammad Idrees	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Dir Lower
64	Mr. Fazal Hussain	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Dir Lower
65	Mr. Muhammad Karimullah	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DO WM Dir Lower
66	Mr. Rafiqur Rehman	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DD WM Mardan
67	Mr. Khalil Akbar	30/6/2008	02/7/2008 to 30/06/2009	WMO office of the DD WM Mardan

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(Signature)

68	Mr. Rafiq Ahmad Glancher	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Tank
69	Mr. Zia ul Haq	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Chitral
70	Mr. Khafid Usman	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Chitral
71	Mr. Qasim Ahmad	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Swabi
72	Mr. Asif Javed	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Swabi
73	Mr. Furmanullah	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Kohat
74	Mr. Israil Khan	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Kohat
75	Mr. Fahir Khan	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Shangia
76	Mr. Qayyum Khan	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Bannu
77	Mr. Furman Ullah	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Bannu
78	Mr. Qazi Shafi Ur Rehman	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Bannu
79	Mr. Wasim Ullah	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Bannu
80	Mr. Muhammad Yaseen	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Hangu
81	Mr. Ahmad Din	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Hangu
82	Mr. Gulam Bilal	30-06-2008	02-07-2008 to 30-06-2009	AD office of the DO WM Kohistan
83	Mr. Mujeeb ur Rehman	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Kohistan
84	Mr. Muhammad Imran	30-06-2008	02-07-2008 to 30-06-2009	WMO office of the DO WM Kohistan

Note:- One day pay may/will be deducted from all Officers. They may also sign a fresh contract agreement for the extended period noted against each Officer.

SECRETARY TO GOVT. OF NWFP
AGRICULTURE, L/STOCK AND COOP.
DEPARTMENT.

Enclst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Water Management (National Program), NWFP, Peshawar with the request to circulate all subordinate Offices.
2. The Director General, On-Farm Water Management, NWFP, Peshawar.
3. The Accountant General, NWFP, Peshawar.
4. All District Accounts Officers in NWFP.
5. Officers concerned.
6. Master file.

S. Rehman
(SAKHI-UR-REHMAN)
SECTION OFFICER-ESTT.

No. 257 9/18 DENAI

copy of the above is forwarded to the...

- 1 All Dy: Director was, NWFP.
 - 2 All Dist: Officer was, NWFP.
 - 3 All concerned officer NWFP.
- for information & information!

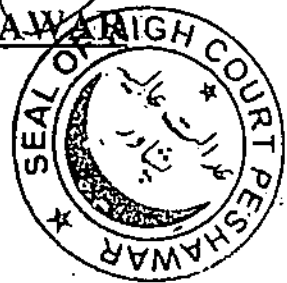
Ashraf
Asst: Director (NWFP)

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Rehman

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BEFORE THE PESHAWAR HIGH COURT PESHAWAR



2249
W.P No-----/2011

1. Saleem Javed S/O Khaista Rehman, R/O Village Koki Dheri Lal Qala, Tehsil Lower Dir.
 2. Hafiz Ullah S/O Noor Muhammad R/O Agriculture Research Colony Tarnab Fam Peshawar.
 3. Fazal Sher S/O Ali Akbar R/O Mulazai Tehsil and District Peshawar.
-Petitioners

VERSUS

1. Government of KPK,
Agriculture, Livestock & Cooperative Department Peshawar
2. Secretary to Government of KPK,
Agriculture, Livestock & Cooperative Department,
Peshawar
2. Director General,
On Farm Water Management Department,
KPK, Peshawar.....Respondents

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WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

M. J.
ATTESTED
EXAMINER
Peshawar High Court

Respectfully Sheweth;

NEED TODAY
Deputy Registrar
23 JUL 2011.

1. That on 23-06-2004 ,respondent No.2 advertised fifty(50) posts of vacancies of Water Management Officers, as per the terms advertised the appointment to be made on

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contract basis for a period of two years.(Copy of the advertisement is attached as annexure "A").

2. That the petitioners, amongst others, applied for the posts and on the recommendation of the Departmental Selection Officers (BPS-17) initially for a period of year, *extendable to the remaining project period subject to their satisfactory performance*, vide notification dated 24-11-2004, 24.11.2004 and 24-11-2004 respectively. (Copies of the Notifications are attached as Annexure "B" & "C" and D respectively).
3. That after completion of the requisite one month pre-service training the petitioner were posted as Water Management Officer (BPS-17) vide Notification dated 11-01-2005. (Copies of the Notifications are attached as Annexure "E").
4. That contract of the Petitioners has been extended from time to time and was lastly so extended 30-06-2009 vide Notification dated 16-09-2008. (Copy of the notification is attached as Annexure "F").
5. That in the year 2006 a proposal of Restructuring and Establishment of regular offices of On-Farm Water Management Department at District level was floated. To this ends, a summary was moved by administrative Department, wherein it was stated that Water Management Department was carrying different projects including KPK On -Farm Water Management Project, National Program

FILED TODAY
Deputy Registrar
23 JUL 2011

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for Improvement/Lining of Water Courses in Pakistan (Project of KPK) to improve agriculture in the province. These projects were not achieving the desired object due to unavailability of permanent offices and permanent staff. Resultantly, the projects were being carried out through appointments on temporary vacancies, therefore, the incumbents were permanently in mental strain and besides there were no continuity in the work of department.

6. That in the summary prepared for Chief Minister KPK, it was proposed in para, 6 that 302 regular vacancies may be created in Water Management KPK and that eligible temporary/contract employees working on different projects may be adjusted against such regular posts on the basis of seniority.

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The Honourable Chief Minister of KPK was pleased to approve the proposal made in para-6 of the summary. (Copy of the summary is attached as Annexure "G").

7. That consequent upon the approval of by the Chief Executive of the Province, competent authority was pleased to accord sanction to the creation of 275 posts in the offices On Farm Water Management Department at district level with effect from 1st July, 2007 vide two notifications dated 21-04-2007 and 20-04-2007. It was stated in the notification that after filling of the posts on current budgeted side, equal number of posts on development side shall automatically stand

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23 JUL 2011

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Peshawar High Court

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abolished. (Copies of notification. are attached as Annexure "H" & "I").

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8. That due to the above developments petitioners was legitimately expecting their adjustments/appointments against the newly created posts since they had gained sufficient experience while working in the same projects and due to their satisfactory performance, their contracts had been extended from time to time.
9. That the others colleagues of the petitioners have been regularized in the light of the Hon'ble supreme court of Pakistan in civil appeals no. 834 to 837 of 2010 through notification no. SOE (AD) 17-31/2009 dated 07/06/2011. (copy of notification is attached as annexed "I").
10. That the Pedometers served the department in Water Management Projects for more than six years, and their services were extended due to excellent performance. In the process on the one hand petitioners have gained sufficient experience while on the other hand they have become overage for applying for any other government services. Besides, case of the petitioners is at part with the contract/project employees adjusted against regular posts. The act and/or omission on the part of respondents, is not regularizing the services of the petitioners in accordance with the proposal made in the summary and approved by the Chief Minister KPK is discriminatory and smacks of malades.

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11. Those petitioners fulfilled the criteria of eligibility and seniority along with already adjusted officers, hence, deserve equal treatment. Respondents have, therefore acted in violation of the government policy in denying them their due right of adjustment against regular posts.
12. That the petitioners, in the above circumstances, apprehend in termination of their service, un filling of the regular post by excluding them from the exercise and resultant abolition of post on development side.
13. That it may not be out of place to mention here that on the direction of the then Honorable Chief Minister KPK, respondent No. 3 have prepared a summary in September 2007, wherein the regularization of the petitioners is covered in Para 6 of the summary. However, it appears that no progress was made on the summary due to change in Government.
14. That another writ petition No. 2877/ 2009 submitted by Amjad ali and others petitioners against the same respondents is pending before the Hon'ble Peshawar High Court, Peshawar and has been fixed for next hearing on 10-08-2011.(Copies of writ petition of the Hon'ble Peshawar High Court are attached as Annexure J. ").
15. That petitioner's case is identical to their colleagues, who have been granted relief by this Hon'ble Court and to those whose writ petition with Interim Relief is pending before this Hon'ble court and, therefore, petitioners' cause

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Deputy Registrar
23 JUL 2011

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being at part with them, they are also entitled to the same relief.

16. That as respondents are reluctant to give effect to the judgment of this Hon'ble court dated 22-12-2008 in letter and spirit by extending benefit thereof to the petitioners as well, therefore having no other available remedy at their disposal, petitioners are constrained to seek indulgence of this Hon'ble court for redressal of their grievance against denial of their constituently granted rights under Article 4 and Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.

It is, therefore, most humbly prayed that on acceptance of this writ petition, this Hon'ble court may be pleased to direct the respondents to act in accordance with Law and Inline with the Government policy.

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AND

Any other remedy deemed appropriate by this Hon'ble court the circumstances of the case, though not specifically asked may also be granted.

INTERIM RELIEF:

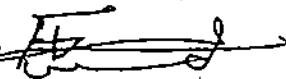
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EXAMINEE
Peshawar High

Respondents may very kindly be restrained from filling the newly created regular post and / or any action adverse to the interest of the

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23 JUL 2011

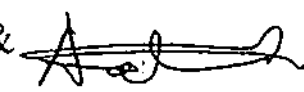
petitioners, till the final disposal of the writ petition,
please.

Petitioners

Through 

Fawad Ahmad Utmankhal

Dated 22/07/2011

& 

Adnan Khan
Advocates High Court

CERTIFICATE:

Certified on instructions of my client that petitioners
have not previously moved this hon'ble court under
Article 199 of the Constitution of Islamic Republic of
Pakistan, 1973 regarding the instant matter.


ADVOCATE

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LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Any other law books according to need.


ADVOCATE

NOTE:

1. Three spare copies of the writ petitions are enclosed
in separate file cover.
2. Memo of address is written in the heading of the
writ petition.



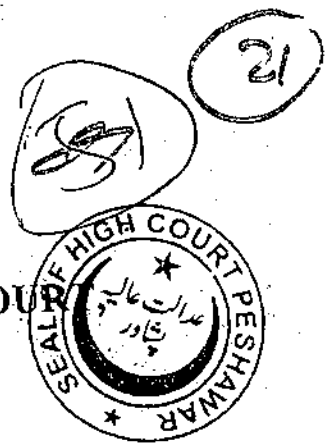
23 JUL 2011


ATTESTED
EXAMINER
Peshawar High Court

Annexure

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT
PESHAWAR
JUDICIAL DEPARTMENT



WP No.2249 /2011.

JUDGMENT

Date of hearing 15.9.2011.

Petitioner (s) (Saleem Javed etc)

By Mr. Adnan Khan,
Advocate.

Respondents (Govt: of NWFP etc)

By Barrister Waqar Ali,
AAG alongwith Mr.
Khurshid Khan Afridi,
Deputy Director Water
Management.

DOST MUHAMMAD KHAN, J.- Same order

as in our detailed judgment of even date in the

connected W.P. No.360/ 2009 entitled "Amir

C-T-C
AK

Hussain etc Vs. Govt: & others".

Announced:
15.9.2011

Chief Justice Dost Muhammad Khan
JUDGE

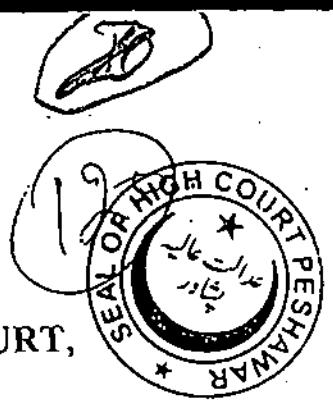
Office
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Chief Justice Afridi
JUDGE

Qaseem

VERIFIED FOR THE TRUE COPY
22 JUN 2021

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JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,
PESHAWAR
JUDICIAL DEPARTMENT

WP No.360/2009

JUDGMENT

Date of hearing 15.9.2011.

Petitioner (s) (Amir Hussain etc) By Mr. F.M Sabir, Advocate.

Respondents (Govt: & others) By Barrister Waqar Ali, AAG.

DOST MUHAMMAD KHAN, J.- This single

judgment shall also decide the following writ
petitions as questions of law involved in all these
writ petitions are identical:-

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Qu

1. WP No.360/09 entitled "Amir Hussain & four other.."
2. WP No.121/2008 entitled "Muhammad Karimullah vs. Government of NWFP etc."
3. W.P.No.1519/2009 entitled "Qiaash Ahmad Vs. Government of NWFP etc."
4. WP No.2877/2009 entitled "Amjad Ali Vs. Government of NWFP etc."
5. WP No. 1518/2009 entitled "Muhammad Farooq Khan Vs. Government of NWFP etc."
6. WPN0.1236/2011 entitled "Naveed Ahmad vs. Gov. of NWFP etc."
7. WP No.1859/2011 entitled "Muhammad Farooq etc Vs. Government of KPK etc."

ATTESTED
EXAMINE
Peshawar High Court

8. WP No.1858/2011 entitled "*Nauman Adil etc. Vs. Govt. of KPK etc.*"
9. WP No.1857/2011 entitled "*Amir Hussain vs. Govt. of KPK etc.*"
10. WP No.1744/2011 entitled "*Faisal Younas Khan etc. Vs. Chief Secretary Govt. of KPK etc.*"
11. WP No.1743/2011 entitled "*Nisar Ahmad etc. Vs. Chief Secy. Govt. of KPK etc.*"
12. WP No.2249/2011 entitled "*Saleem Javed. Vs. Govt. of KPK.*"
13. WP No.345/2009 entitled "*Muhammad Tufail vs. Govt. etc.*"
14. WP No.771/2010 entitled "*Noor Ali Khan etc. Vs. Addl. Chief Secretary FATA Peshawar etc.*"
15. WP No.3157/09 entitled "*Muhammad Bashir vs. Director Livestock etc.*"
16. WP No.3284/2010 entitled "*Asmatullah vs. Director Livestock etc.*"

2. The epitome of the controversy involved in writ petitions at S.No. 1 to 13, mentioned above, is that the petitioners therein were appointed as Water Management Officers (Agriculture/ Engineering) (BPS-17), on contract basis, for "*National Program for improvement/ lining of water courses in Pakistan (for NWFP)*" vide two different Notifications bearing even No. SOE (AD) 11 (2) 70/2004 on 24.11.2004 and 4.2.2005

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for a period of one year extendable upto the project life on their satisfactory performance and were posted in different projects. Their contract was extended from time to time and was lastly extended vide Notification dated 16.9.2008 upto 30.6.2009.

Consequent upon approval of Chief Executive of the Province, sanction for creation of 275 posts was accorded by the competent authority in the offices called "*On-Farm Water Management Department*", at district level, with effect from 1st July, 2007 vide notifications dated 21.4.2007 and 30.7.2007 and by virtue thereof, equal number of posts on developmental side automatically stand abolished. The petitioners were expecting their adjustment/ appointments against the newly created 275 regular posts but vide notifications dated 21.2.2007 and 3.9.2008 certain contract employees of different projects

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were adjusted against some of those posts but the petitioners were ignored, for no plausible cause

3. In writ petitions at S.No. 14 to 16, mentioned above, the petitioners therein were appointed as Veterinary Assistants (BPS-6) in FATA under the Contract Policy of 2002 and were posted in various Developmental Schemes which were subsequently converted into regular strength. They continued as such till date and their contract was never renewed till the NWFP Civil Servants (Amendment) Act 2005 came into being, regularizing the services of contract employees by operation of law.

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Vide the impugned order dated 2.1.2010, issued by respondent No.3, the services of the petitioners, in WP No. 771/2010, WP No. 3157/09 and WP No.3284/2010, were transferred from regular sanctioned posts to the project posts with the alleged malafide intention, on part of the respondents, to convert their pay scales into fixed

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pay due to which their salaries w.e.from January, 2010 have been withheld.

4. The petitioners are seeking benefit under the provisions of NWFP now KPK, Civil Servants (Amendment) Act, 2005 (NWFP Act No.IX of 2005) and similar legislation made by the NWFP, now KPK, Employees (Regularization of Services) Act 2009 (NWFP Act No. XVI of 2009 vide which the services of all adhoc & contractual employees were regularized by the Provincial legislature thus they have filed these constitutional petitions, praying for declaring the impugned orders, issued by the respondents, as without lawful authority as well as of no legal effect and have also prayed for issuing of writ to the respondents for regularization of their services.

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5. Arguments heard and case law cited at the bar has been gone through minutely.

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6. The respondents were put on notice and by way of interim relief filling of the said posts against which the petitioners are seeking adjustment were held in abeyance.

7. Hon'ble Mr. Justice Mazhar Alam Khan-J on the petition of the petitioners accelerated the date from 8.11.2011 to the second week of August 2011 because of the interim injunction order, suspending the fresh appointments on these posts by the respondents.

Arguments heard extensively and record perused.

8. It was not contested by the respondents that the appointment orders of all the petitioners were made by the competent / appointing authority in the prescribed manner.

9. It deserves to mention here that at the time of appointments of the petitioners as project employees, the method of appointment was through departmental selection committee (DSC). The projects were funded by the ADP, however, keeping

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in view the progress made, the importance and utility of the projects, the services of the petitioners were retained/ extended but on contract basis. In their initial appointment orders, it was stipulated that their tenure would be extended/ extendable on yearly basis (with the approval of the competent authority) and will be subject to the terms and conditions noted/ notified vide their appointment letters.

10. It is worth to mention here that the posts, on which the petitioners were appointed as contract employees, were all duly published/ advertised by the respondents in two daily newspapers i.e. "The News" & "Mashriq Peshawar" on 23.6.2004 and 22.08.2002 respectively. LTC
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11. The petitioners after assuming charge of their assigned jobs on contract basis, initially served as project employees for a period of one year as was mentioned in their appointment orders but the tenure of their service was

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extended for further one year vide Notification

No. SOE (AD)II(2)70/2007 dated 16.9.2008.

12. Two important facts are not contested by the parties i.e. that the petitioners in all these petitions were project employees thus, their tenure of service was dependent on the completion of the project. It is also not denied that after the successful operation and management of the projects and being of considerable public utility, the Provincial Government converted the schemes/ projects from project budget to the current budget and was taken on the roll and strength of the provincial civil service. The required funds were allocated for the same in the annual budget on currency basis.

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13. Another development, providing cause of action / grievance to the petitioners, took place when the Government of NWFP presented a bill in the Provincial Assembly through which

Section 19 of the NWFP Civil Service Act was to be amended. The said bill was passed by the Provincial Assembly of NWFP on the 5th July, 2005 and assented to by the Governor of NWFP on 12th July, 2005 which was notified/ published in the Gazette of NWFP, extra ordinary on 23rd July, 2005.

Sub-section (2) of Section 2 of the Amendment Act IX of 2005 is to the following effect:-

"2. Amendment of section 19 of N.W.F.P Act No. XVIII of 1973.- In the North- West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act No. XVIII of 1973) for section 19, the following shall be substituted:-

(19.(1) Pension and gratuity.----Not relevant.

(2) A person though selected for appointment in the prescribed manner to service or post on or after the 1st day of July, 2001, till the commencement of the said Act but appointed on contract basis, shall, with effect from the commencement of the said Act be deemed to have been appointed on a regular basis. All such

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persons and the persons appointed on regular basis to a service or post in the prescribed manner after the commencement of the said Act, for all intents and purposes be civil servant, except for the purpose of pension or gratuity. Such a civil servant shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by him towards the Contributory Provident Fund, alongwith the contributions made by Government to his account in the said fund, in the prescribed manner."

14. Through the above provision of law, the employees appointed on contract basis but in the prescribed manner were provided protection by regularizing their services. The proviso added thereto states that a person, who is selected for appointment in the prescribed manner to a service or post but appointed on contract basis, shall with effect from the commencement of this Ordinance or from the date of his continuous appointment whichever may be later, be deemed to have been appointed on regular basis in the department concerned. Such employee shall, for all intents & purposes, be regular

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employees of the Institution concerned except for the purpose of pension or gratuity. All such employees shall, in lieu of pension & gratuity, be entitled to the benefits of the Contributory Provident Fund scheme in the prescribed manner.

15. Again, through sub-section (2) of Section 2 of the (Amendment) Act of 2005, vide proviso added thereto, it was directed that a person though selected for appointment in the prescribed manner to a service or post on or after the 1st day of July 2001 till the commencement of the said Act but appointed on contract basis, shall, with effect from the commencement of the said Act, be deemed to have been appointed on regular basis. All such persons and the persons appointed on regular basis to a service or post in the prescribed manner, after the commencement of the said Act, shall, for all intents & purposes, be a civil servant except for the purpose of pension or gratuity. Such a civil servant in lieu of pension & gratuity be entitled to receive such amount contributed by him towards the Contributory

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Provident Fund along with contribution made by Government to his account in the prescribed manner.

Further provided that in the event of death of such civil servant, whether before or after the retirement, his family shall be entitled to receive the said amount, if it has already not been received by such deceased civil servant.

16. Once again, through the then NWFP now KPK (Regularization of Services) Act No. XVI of 2009, on the strength of provisions of Section 3 thereof, all employees including the recommendee of the High Court appointed on contract or adhoc basis holding that post on 31st December 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification & experience for a regular post subject to exception that the service / promotion quota of all service cadres shall not be affected.

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17. Through the provision of Section 4-A of the Amendment Act, overriding effect was given to the provision of this Act over all other laws & rules for

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Peshawar High Court

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the time being enforce and it was further provided that any law or rule, coming in conflict with the provision of Amendment Act or inconsistent thereto, shall cease to have effect. This clause overriding & superimposing nature has equipped the provision of Amendment Act No. XLI of 2009, with ever lasting effect over all other laws & rules then in vogue.

18. Learned counsel for the petitioners invited attention of the Court to the earlier judgments of the Bench involving same & similar Issues which were rendered in the case of "*Dr. Rizwan Ullah & others Vs. Government of NWFP & others*" (W.P.No. 1510/1997) and in many other writ petitions, whose contractual services were regularized by the strength of the said judgment, elaborately dealing with each & every provision of law relevant to the subject matter promulgated from time to time and it was further stated at the bar that this judgment of the Court was accepted & acted upon by the various departments of the Provincial Government and services of contractual employees were duly

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regularized, issuing office orders at different occasions and no grudge or grievance was shown against it by the Government to take the matter to the Hon'ble Apex Court.

19. The learned counsel representing the petitioners further invited our attention to different office orders, issued in light of the judgment cited above by various Heads of the Institutions / Administrative Secretaries of the Provincial Government complying with the said judgment in full.

20. The learned counsel then invited the Court attention to the case of "*Mst. Shagufta Sayed Vs. Government of KPK & others*" W.P.No. 1731/2006 along with W.P.No. 475/2006 dated 11.09.2007, extending the benefit of the provision of Regularization of Services (Amendment) Act 2005 to various employees, who were appointed on contract basis on Farm Management Wing of the Agriculture Department. The learned counsel also produced copy of the judgment of the Hon'ble Apex

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Court given in Civil Appeals No. 150-P & 151-P of 2009 decided on 24.03.2011 where the abovementioned judgment of this Court was impugned. The Hon'ble Apex Court after elaborately & extensively dealing with each & every legal & factual aspect of the case, not only upheld the view held by this Court but also referred to its own judgment given in Civil Appeals No. 834-P to 837-P of 2010 decided on 01.03.2011 wherein, it was held that the cases of contractual employees though appointed on project are squarely covered by the provision of Section 19 (2) of the NWFP Civil Servants Act 1973. Accordingly, both the appeals filed by the Government in the said case were dismissed.

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21. Confronted with the above ironclade legal position, the learned Additional Advocate General and the learned counsel appearing for the respondents were time and again asked to draw line of distinction between the case of the petitioners and of those to whom benefit of the said provision of law

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was extended and their contractual services were regularized, however, they were found defenseless and were found having no answer muchless plausible to offer. We have on record the copies of the appointment orders issued by the Competent Authority appointing the petitioners at different occasions on different dates as contract employees on the posts in question

22. An ironclad proof in the shape of documentary record is available on file that the petitioners were appointed on contract basis by the Competent Authority, which is a fact undeniable in nature and their contractual services were renewed and extended from time to time.

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23. The undeniable legal position is that the petitioners are contract employees because they have not been absorbed permanently in the departments concerned where they have been appointed, therefore, they are entitled to the protection of the beneficial provision of sub-section (2) of Section 2

of the then NWFP now KPK Civil Servants

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EXAMINER
Peshawar High Court

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(Amendment) Act, 2005 and their rights are further protected in a more effective manner by provisions of Section 3 of the then NWFP now KPK Employees (Regularization of Services) Act, 2009 to which superimposing & overriding effect was given on all the rules & law to the contrary. The latest enactment came into force on 24th October 2009 when it was published in the official gazette of the Province extraordinary.

24. The learned AAG and the learned counsel appearing for the respondents also took the plea that these are not substantive vacancies, therefore, the question of regularization of contractual services of the petitioners could not be made, is absolutely fallacious because in the first instance no document or record was produced to substantiate this plea. The contents of the published notice in the Press do not indicate in any manner that these vacancies are temporary and not substantive one, hence, this plea has been raised out of malafide and has no foundation to stand upon. However, in case the

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 Peshawar High Court

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number of vacancies not commensurate with number of petitioners then, in that case some of them may be placed in the surplus pool for onward posting on various projects in near future when the circumstances so arises and re-adjustment becomes possible.

25. For the detailed reasons discussed above, we entertain no amount of doubt that the petitioners are entitled to the prayed relief because services of similarly placed employees of different Institutions/ departments, who were appointed on contract basis, were held to have been regularized through the provision of various enactments, discussed above,

moreso, when the main judgment of this Court was

not impugned before the Hon'ble Apex Court by the

Provincial Government, therefore, no distinction can

be drawn between the case of the petitioners and of

those to whom the same and similar benefit was

extended by this Court. Even otherwise, once the law

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has been interpreted in the earlier judgments of this Court in favour of the employees then, the subsequent Division Bench, in view of the long chain of authorities / dictas of the Hon'ble Apex Court, cannot deviate from the previous view, moreso, when we have no reason to differ with the earlier view.

26. Accordingly, this and all the connected petitions, cited in the opening paragraph, are admitted and allowed and the respondents are issued a writ, directing them to treat the petitioners of this and of all the connected petitions as regular/ permanent employees from the date the law came into force, as discussed above or from the date of officiating service as stated in the relevant provisions of law. Formal office order be immediately issued in this regard by the competent authorities in regard to the above legal position, the service books/ record of

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all the petitioners be duly arranged and prepared,
however, their inter se seniority be determined by the
competent authorities in accordance with law and
rules on the subject.

Announced:
15.09.2011.

Chief Justice *Muhammad Kh*
JUDGE

Chief Justice *Yahya Afzali*
JUDGE

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Issue

TL
AC

Add. Registrar

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No. 38089
Date of Presentation of Application 21/6/21
No of Pages 28/7
Copying fee 1
Total 112
Date of Preparation of Copy 22/6/21
Date of Delivery of Copy 22/6/21
Received By [Signature]

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CERTIFIED TO BE TRUE COPY
EXAMINER
Punjab High Court, Lahore
Authorized Under Article 87 of
The Constitution of Pakistan 1973
22 JUN 2021

1965

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Annex 'E'

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

Dated the Peshawar the 3rd July, 2013

Notification

No. SQE(AD)/17-131/2004

In continuation to this department Office Order of even number dated 10.01.2013, the competent authority is pleased to regularize the services of the following Water Management Officers (BS-17) (In order of merit) under Section-19 sub Section (2) of the Khyber Pakhtunkhwa Civil Servant (Amendment) Act, 2005 and Regularization Act, 2009 from the date of their initial appointment noted against each:-

S/No	Name of Officers	Date of initial appointment
1. ✓	Rafiq Ur Rahman	24.11.2004
2.	Faisal Younas Khan	24.11.2004
3.	Amir Hussain	24.11.2004
4.	Khalid Usman	24.11.2004
5.	Muhammad Tufail	24.11.2004
6.	Nisar Ahmad	24.11.2004
7.	Asma Ahmad	24.11.2004
8.	Muhammad Farooq	24.11.2004
9.	Waseemullah	24.11.2004
10.	Shaheen Iqbal	24.11.2004
11.	Moeen-Ud Din	24.11.2004
12.	Javed Akhtar	24.11.2004
13.	Tahir Khan	24.11.2004
14.	Qiaash Ahmad	24.11.2004
15.	Muhammad Shoaib	24.11.2004
16.	Khan Daraz	24.11.2004
17.	Muner Ahmad Khan	24.11.2004
18.	Muhammad Karimullah	24.11.2004
19.	Saeed Shah	24.11.2004
20.	Qazi Shifa Ur Rahman	24.11.2004
21.	Fazal Sattar	24.11.2004
22.	Zulfiqar Ali Khan	24.11.2004
23.	Aman Khan	24.11.2004
24.	Ihsan Ullah Khan	24.11.2004
25.	Atta Ullah	24.11.2004
26.	Muhammad Idrees	24.11.2004
27.	Zia Ul Haq	24.11.2004
28.	Amjad Ali	15.1.2005
29.	Niaz Ahmad	4.2.2005
30.	Mohammad Yaseen	4.2.2005
31.	Fazal Hussain	4.2.2005
32.	Nauman Adil	3.3.2005
33.	Ahmad Saeed	12.3.2007
34.	Hafeezullah	12.3.2007
35.	Farmanullah	12.3.2007
36. ✓	Saleem Javed	12.3.2007
37.	Adam Khan	12.3.2007
38.	Fazal Sher	12.3.2007
39.	Salman Khan	12.3.2007
40.	Ayaz Ali	12.3.2007
41.	Naseeb Gul	12.3.2007
42.	Gulzari Lal	12.3.2007
43.	Muhammad Qasim	12.3.2007

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Terms and Conditions of their regularization in service are as under:-

1. Their services will be considered regular, and are entitled to General Provident Fund in such a manner and at such rates as may be prescribed by the Government under Khyber Pakhtunkhwa Civil Servants (Amendments) Act, 2013.
2. Their services will be liable to termination on one month's notice from either side. In case of resignation without notice, their two month's pay/allowances shall be forfeited to Government.
3. They will be governed under such rules and regulations as may be issued from time to time by the Government.
4. In case of misconduct, they will be proceeded against the Government Servants (Efficiency & Discipline) Rules, 2011 and the Rules framed from time to time.

Sd/xx
CHIEF SECRETARY

Enclst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. Registrar Hon' able Peshawar High Court, Peshawar.
2. The Director General, On Farm Water Management, Khyber Pakhtunkhwa, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The PS to Chief Secretary, Khyber Pakhtunkhwa.
6. The Budget Officer, Government of Khyber Pakhtunkhwa Finance Department w/r to his letter No.80VII/FD/2-3/SNE/2012-13 dated 18.10.2012.
7. All District/Agency Accounts Officers in Khyber Pakhtunkhwa.
8. The Manager, Government Printing Press, Peshawar.
9. Officers/Officials Concerned.
10. PS to Minister Agriculture, Khyber Pakhtunkhwa, Peshawar.
11. PS to Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
12. PS to Secretary Agriculture, Live Stock and Cooperative Department.
13. PS to Secretary to Government of Khyber Pakhtunkhwa, Law, Parliamentary Affairs and Human Rights Department.
14. Master file.

Dispatched
dated: 10/11/13
To: Livestock & Coop
Peshawar

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10/11/13
M/ST/c

(MUHAMMAD SHERAZ)
SECTION OFFICER-ESTT:

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Annexure 1

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

448

Bench-V:

Mr. Justice Syed Mansoor Ali Shah
Mrs. Justice Ayesha A. Malik

C.P.1763/2019, C.P.1766/2019 and C.P.1825/2019
(Against the consolidated judgment of Khyber Pakhtunkhwa Service Tribunal,
Peshawar dated 12.02.2019, passed in Appeal No.20 of 2017, etc.)

Fazal Sher (In CP 1763/2019)
Adam Khan (In CP 1766/2019)
Nasib Gul (In CP 1825/2019)

..... *Petitioner(s)*

Versus

Government of Khyber Pakhtunkhwa thr. Secretary Agriculture,
Live Stock & Cooperative Department, Khyber Pakhtunkhwa,
Peshawar (In all cases)

....*Respondent(s)*

For the petitioner(s): Mr. Sikandar Rasheed, ASC.
(In all cases)

For the respondent(s): Mr. Atif Ali Khan, Addl. A.G. KPK.
(In all cases) Rahat Shah, Dy. Director.

Date of hearing: 12.10.2022

ORDER

Syed Mansoor Ali Shah, J.- Relevant facts are that the petitioners were initially appointed on contract basis as Water Management Officers on a project funded by World Bank in association with Agriculture Livestock and Cooperative Department, Government of NWFP on 24.11.2004. Their contractual terms were extendable from time to time as per the Notification dated 24.11.2004. The record reveals that the petitioners kept on working and the final Notification dated 05.09.2006 shows that the petitioners were working as Water Management Officers with the Department till 31.03.2007. The record further reveals that the petitioners have been continuously working in the Project and then with the Department from the year 2004, however, they were regularized vide Notification dated 03.07.2013 from the date of their initial appointment wrongly mentioned as 12.03.2007 instead of 24.11.2004 as was in the case of other officers inducted at the same time. We repeatedly asked the learned law officer to explain how the initial date of

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Senior Court Associate
Supreme Court of Pakistan
Islamabad

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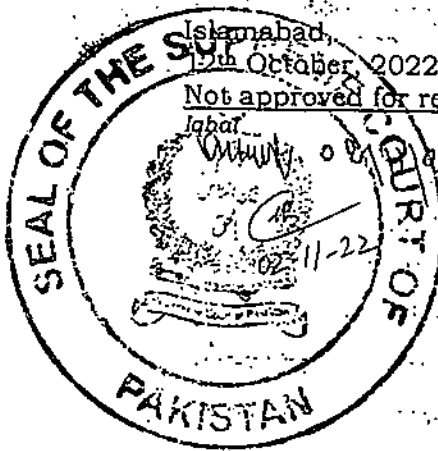
appointment of the petitioner was not 24.11.2004, but no plausible explanation has been rendered in this behalf. Therefore the petitioners ought to have been regularized from the date of their initial appointment i.e., 24.11.2004.

2. Resultantly, the impugned consolidated judgment dated 12.02.2019 is set aside and these petitions are converted into appeals and allowed.

Sd/-J

Sd/-J

Islamabad,
12th October, 2022.
Not approved for reporting
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Certified to be True Copy

Senior / Court Associate
Supreme Court of Pakistan
Islamabad

CA No. 10754/24 Civil Criminal
 Date of Petition 05-8-24
 No of Pages 300x2 = 600
 No of F. 6
 Recd. 5-00
 Copy Fee 3-72
 Court Fee 8-72
 Date of Completion 05-8-24
 Date of Receipt of Copy 05-8-24
 Compared by/Prepared by: [Signature]
 Received by: _____

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Annex "G"

To,

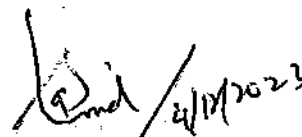
Director General
On Farm Water Management
Khyber Pakhtunkhwa Peshawar.

Subject: DRAFT SENIORITY LIST OF AD/AD PLANNING AD (FO), AD (TECH) /INSTRUCTOR/AD TRAINING & WMO BPS 17.

Respected Sir:

Reference to letter No. 2478/DG/OFWM/ Estt: dated Peshawar the, 06-12-2023, in pursuance to order dated 12-10-2023 of august Supreme Court of Pakistan in C.P No.1763/2019, 1766/2019 & 1825/2019 title "Fazal Sher & others VS Govt: of Khyber Pakhtunkhwa" & Subsequent notification No. SOE(AD)3(2)291/ Seniority BS17/23/WM draft/tentative Seniority list of AD /AD(P), the Director (FO)/AD(Tech)/ instructor /AD-training & WMOs (BPS-17) of OFWM as 01-01-2024. Please consider my date of initial appointment as 23rd November 2004 as included in Seniority of Fazal Sher & others. Moreover I have M.SC (Hons) Rural Development in 2002 may be included for the purpose of seniority.

The copy of notification of 23rd November 2004 and M.SC (Hons) Agriculture are attached with the application.

 4/11/2023

Salim Javed
WMO
On Farm Water Management
Dir Lower.



www.ofwm.kp.gov.pk
GOVT: OF KHYBER PAKHTUNKHWA
ON FARM WATER MANAGEMENT DEPARTMENT
Balambat Dir Lower at Timergara

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M dowmdirlower@gmail.com On Farm Water Management Dir Lower @ofwmdirlower 0945-9250109

No. 1147 /DOWM Dir Lower Dated the 05 / 12 /2023.

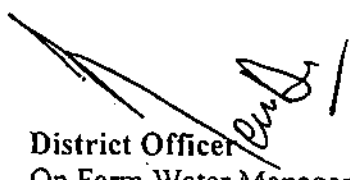
To,

Director General
On Farm Water Management
Khyber Pakhtunkhwa Peshawar.

Subject: DRAFT SENIORITY LIST OF AD/AD PLANNING AD (FO), AD (TECH) /INSTRUCTOR/AD TRAINING & WMO BPS 17.

Respected Sir:

Enclosed please find herewith the application of Mr. Salim Javed WMO for correction of date of initial appointment & inclusion of MSC (Hons) in seniority list for further necessary action please.


District Officer
On Farm Water Management
Dir Lower.

Annex "A"
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DIRECTORATE GENERAL
ON FARM WATER MANAGEMENT
KHYBER PAKHTUNKHWA, PESHAWAR

www.ofwm.kp.gov.pk <https://twitter.com/dgofwmkp>
<https://www.facebook.com/dgofwmkp> 091-9224307-08/Fax 0919224370

No. 2478 /DG/OFWM/Estt: dated Peshawar the, 6/12/2023

To

1. Director (HRD) OFWM
Training Centre DIKhan, Swat
2. Director Merged Area (NMAs)
3. All District Directors/District Officers In Khyber Pakhtunkhwa
4. All BPS-17 officers On Farm Water Management
In Khyber Pakhtunkhwa


Subject: - DRAFT / TENTATIVE SENIORITY LIST OF ASSISTANT DIRECTOR/ASSISTANT DIRECTOR PLANNING/ASSISTANT DIRECTOR (FO)/ASSISTANT DIRECTOR TECHNICAL/ ASSISTANT DIRECTOR TRAINING / INSTRUCTOR AND WATER MANAGEMENT OFFICERS (BPS-17)

Memo,

In pursuance to order dated 12-10-2022 of august Supreme Court of Pakistan in C.P No. 1763/2019, 1766/2019 & 1825/2019 titled Fazal Sher & others vs Govt. of Khyber Pakhtunkhwa and subsequent notification No. SOE(AD)3(2)291/Seniority BS-17/ 23/WM dated 30-10-2023 of Govt. of Khyber Pakhtunkhwa Agriculture department, the draft/tentative seniority list of Assistant Director/Assistant Director Planning/Assistant Director (FO) / Assistant Director Technical / Instructor/ Assistant Director Training and Water Management Officers (BPS-17) of On Farm Water Management department as on 01-01-2024 is enclose herewith for information and with the directions to intimate discrepancy/omission in the seniority list, if any to this office within 10 days positively for necessary correction.

Moreover, you may submit NOC if you find no discrepancy/omission in the attached seniority list so that the list may be forwarded to the Administrative Department for notification accordingly.

Encl: As above


Director General
On Farm Water Management
Khyber Pakhtunkhwa, Peshawar

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DIRECTORATE GENERAL ON FARM WATER MANAGEMENT
KHYBER PAKHTUNKHWA PESHAWAR

DRAFT / TENTATIVE SENIORITY LIST OF ASSISTANT DIRECTOR/ASSISTANT DIRECTOR PLANNING/ASSISTANT DIRECTOR (FO)/ASSISTANT DIRECTOR TECHNICAL/ INSTRUCTOR/ ASSISTANT DIRECTOR TRAINING AND WATER MANAGEMENT OFFICERS (BPS-17) OF ON FARM WATER MANAGEMENT AS ON 01-01-2024

S.No	Name of officer / Official with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present appointment	Remarks
				Date	BPS	Methods of recruitment appointment		
1	2	3	4	5	6	7	8	9
1	Fazal Sher B.Sc Agriculture Engineering	01/01/1975 Peshawar	24/11/2004	24/11/2004	17	Initial Recruitment	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Peshawar	-
2	Tahr Khan B.Sc Agriculture Engineering	01/01/1977 Shangla	24/11/2004	24/11/2004	17	Initial Recruitment	District Officer (BS-18) On Farm Water Management Shangla (acting charge basis)	-
3	Muhammad Shahid Nawaz M.Sc.(Hons) Agriculture (Soil Sciences)	02/03/1977 D.I.Khan	24/11/2004	24/11/2004	17	Initial Recruitment	Water Management Officer (BS-17) o/o the District Officer On Farm Water Management Tank	-
4	Naseeb Gul B.Sc Agriculture Engineering	14/03/1977 Malakand	24/11/2004	24/11/2004	17	Initial Recruitment	Water Management Officer (BS-17) o/o the District Officer On Farm Water Management Buner	-

S.No	Name of officer / Official with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present appointment	Remarks
				Date	BPS	Methods of recruitment appointment		
5	Asma Begum M.Sc (Hons) Agriculture (Entomology)	12/09/1977 Charsadda	24/11/2004	24/11/2004	17	Initial Recruitment	Assistant Director (FO) (BS-17) o/o the the Director General On Farm Water Management Khyber Pakhtunkhwa, Pesahwar	
6	Wakil Khan M.Sc.(Hons) Agriculture (Agronomy)	01/03/1978 Lakki Marwat	24/11/2004	24/11/2004	17	Initial Recruitment	Instructor (BS-17) o/o the Prindpal Provincial Training Directorate On Farm Water Management Khyber Pakhtunkhwa, Peshawar	
7	Adam Khan B.Sc Agriculture Engineering	27/04/1978 Malakand	24/11/2004	24/11/2004	17	Initial Recruitment	Water Management Officer (BS-17) o/o the District Officer On Farm Water Management Malakand at Bakhela	
8	Sadia Rahman M.Sc (Hons) Agriculture	03/02/1979 Peshawar	24/11/2004	24/11/2004	17	Initial Recruitment	Assistant Director (FO) (BS-17) o/o the the Director General On Farm Water Management Khyber Pakhtunkhwa, Pesahwar	
9	Zia-ul-Haq B.Sc Agriculture Engineering	10/03/1979 Dir Lower	24/11/2004	24/11/2004	17	Initial Recruitment	Water Management Officer (BS-17) o/o the the District Officer On Farm Water Management Dir Lower	
10	Fazal Hussain B.Sc Agri: Engineering	15/01/1975 Dir Lower	04/02/2005	04/02/2005	17	Initial Recruitment	Water Management Officer (BS-17) o/o the the District Officer On Farm Water Management Chitral Lower	

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S.No	Name of officer / Official with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present appointment	Remarks
				Date	BPS	Methods of recruitment appointment		
11	Mehreen Ghous M.Sc (Hons) Agriculture	03/01/1977 Swabi	04/02/2005	04/02/2005	17	Initial Recruitment	Assistant Director (FO) (BS-17) o/o the the Director General On Farm Water Management Khyber Pakhtunkhwa, Pesahwar	-
12	Noman Adil B.Sc Agri: Engineering	18/02/1978 Peshawar	04/02/2005	04/02/2005	17	Initial Recruitment	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Charsadda	-
13	Ahmad Saeed M.Sc (Hons) Agriculture	15/04/1979 Mansehra	03/03/2005	03/03/2005	17	Initial Recruitment	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Haripur.	-
14	Guizar Lal B.Sc Agriculture Engineering	27/12/1970 Buner	12/03/2007	12/03/2007	17	Initial recruitment	Water Management Officer (BS-17) o/o the District Officer On Farm Water Management Buner	-
15	Salman Khan B.Sc Agriculture Engineering	14/04/1976 Malakand	12/03/2007	12/03/2007	17	Initial Recruitment	Water Management Officer (BS-17) o/o the District Officer On Farm Water Management Dir Upper	-
16	Saleem Javed B.Sc Agriculture Engineering	12/06/1977 Dir Lower	12/03/2007	12/03/2007	17	Initial Recruitment	Water Management Officer (BS-17) o/o the District Officer On Farm Water Management Dir Lower	-

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S.No	Name of officer / Official with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present appointment	Remarks
				Date	BPS	Methods of recruitment appointment		
17	Qalb-e-Abbas M.Sc Agriculture Engineering	01/04/1979 Hangu	12/03/2007	12/03/2007	17	Initial Recruitment	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Mansehra	
18	Farmanullah B.Sc Agriculture Engineering	02/04/1979 Kohat	12/03/2007	12/03/2007	17	Initial Recruitment	District Officer (BS-17) On Farm Water Management Orakzal (In his own pay & scale)	
19	Ayaz Ali B.Sc Agriculture Engineering	06/10/1979 Swabi	12/03/2007	12/03/2007	17	Initial Recruitment	Water Management Officer (BS-17) o/o the Director PIO (PHLCEP) Project Swabi (On deputation basis)	
20	Muhammad Qasim B.Sc Agriculture Engineering	10/12/1981 Mansehra	12/03/2007	12/03/2007	17	Initial Recruitment	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Haripur	
21	Mazhar Iqbal DAE+B.Tech (Hons) (Civil)	04/04/1973 Karak	02/03/2005	31/03/2022	17	By Promotion	Water Management Officer (BS-17) o/o the District Officer On Farm Water Management Karak	
22	Muhammad Atif DAE+B.Tech (Hons) (Civil)	11/02/1984 Abbottabad	02/02/2005	13/04/2022	17	By Promotion	Assistant Director (Training) (BS-17) o/o the Deputy Director (Training) Training Centre Hazara Division at Mansehra	

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S.No	Name of officer / Official with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present appointment	Remarks
				Date	BPS	Methods of recruitment appointment		
23	Muneer Iqbal DAE Civil + B.Tech (Hons) (Civil)	17/10/1981 Buner	08/01/2005	13/04/2022	17	By Promotion	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Haripur	.
24	Muhammad Riaz DAE+ B.Sc Civil Engineering	21/02/1981 Peshawar	18/01/2005	13/04/2022	17	By Promotion	Water Management Officer (BS-17) o/o the Director Merged Area On Farm Water Management Khyber Pakhtunkhwa, Peshawar	.
25	Asghar Ali DAE+ B.Tech (Hons) (Civil)	08/01/1978 Mardan	31/01/2005	13/04/2022	17	By Promotion	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Mardan	.
26	Muhammad Shualb DAE+B.Tech (Hons) (Civil)	03/04/1979 Malakand	07/01/2005	13/04/2022	17	By Promotion	Water Management Officer (BS-17) o/o the District Officer On Farm Water Management Malakand at Batkhela	.
27	Asad Ali DAE Civil+ B.Tech (Hons) (Civil)	16/12/1979 Malakand	07/01/2005	13/04/2022	17	By Promotion	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Mardan	.
28	Samtullah DAE + B.Tech (Hons) (Civil) -	03/01/1977 Lakki Marwat	25/01/2005	13/04/2022	17	By Promotion	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Lakki Marwat	.

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S.No	Name of officer / Official with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present appointment	Remarks
				Date	BPS	Methods of recruitment appointment		
29	Habib Ullah DAE Civil+B.Tech (Hons) (Civil)	30/03/1976 Swat	10/01/2005	13/04/2022	17	By Promotion	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Swat	
30	Iqbal Muhammad DAE Civil + B.Tech (Hons) (Civil)	03/06/1977 Swat	07/01/2005	13/04/2022	17	By Promotion	Water Management Officer (BS-17) o/o the District Officer On Farm Water Management Mohmand	
31	Tila Muhammad DAE Civil	12/12/1963 Charsadda	16/03/1987	31/03/2022	16	By Promotion	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Charsadda	
32	Arshad Khan DAE Civil	04/06/1964 Charsadda	01/04/1987	31/03/2022	16	By Promotion	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Charsadda	
33	Sheikh Jamsheed DAE Civil	03/02/1967 DIKhan	05/09/1988	28/03/2023	17	By Promotion	Water Management Officer (BS-17) o/o the District Director On Farm Water Management DIKhan	
34	Shoukat All DAE Auto	10/04/1967 Peshawar	19/10/1989	28/03/2023	17	By Promotion	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Peshawar	
35	Muhammad Ayaz DAE Civil	27/03/1967 Karak	28/11/1989	28/03/2023	17	By Promotion	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Kohat	

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S.No	Name of officer / Official with academic qualification	Date of Birth and domicile	Date of 1st entry into Govt. Service	Regular appointment/promotion to the present post			Present appointment	Remarks
				Date	BPS	Methods of recruitment appointment		
36	Muhammad Shakeel Akhtar DAE Mechanical	13/01/1966 DIKhan	23/08/1989	28/03/2023	17	By Promotion	Water Management Officer (BS-17) o/o the District Officer On Farm Water Management Tank	-
37	Ijaz Tehsin DAE Mechanical	02/08/1966 Karak	23/11/1989	28/03/2023	17	By Promotion	District Officer (BS-18) On Farm Water Management Kohistan Upper (OPS)	-
38	Hussain Ahmad DAE Mechanical	01/01/1969 DIKhan	01/09/1991	28/03/2023	17	By Promotion	Water Management Officer (BS-17) o/o the District Director On Farm Water Management Lakki Marwat	-
39	Muhammad Nawaz DAE Civil	03/03/1979 Battagram	10/12/2004	25/10/2023	17	By Promotion	waiting for posting	-
40	Muhammad Rjaz Khan B.A + DAE Civil	07/04/1979 Battagram	10/12/2004	25/10/2023	17	By Promotion	waiting for posting	-
41	Zarmast Khan DAE Civil	03/03/1982 Battagram	10/12/2004	25/10/2023	17	By Promotion	waiting for posting	-

Director General
On Farm Water Management
Khyber Pakhtunkhwa, Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL AT PESHAWAR

WAKALAT NAMA

Service Appeal No. _____ of 2024

Saleem Javed (WMO)

VERSUS

D.O, OFWM and another.

I, Saleem Javed (WMO) S/O Khaista Rehman R/o Koki Dherai, Tehsil Lal Qila, District Dir(Lower) do hereby appoint **Sabir Shah Advocate Supreme Court, Aftab Hussain Butt Advocate, High Court (s)**, in the above mentioned case, to do all or any of the following acts, deeds and things: -

- 1) To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
- 2) To sign and verify and file, petitions, appeals, affidavits and applications as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
- 3) To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of the proceedings.
- 4) To do any act necessary or ancillary to the above acts, deed and things.
- 5) To appoint any other counsel to do any/all of the acts, deeds and things.
- 6) I/we, shall appear in the court/tribunal on every date of hearing for assistance and if due to my/our nonappearance, any adverse judgment/order/decree is passed, they will not be held responsible.

IN WITNESS whereof I/we have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this **10-09-2024**

Signature of Executant(s) _____

Saleem Javed

NIC No: 15302-0958478-3

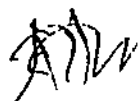
Cell No.03005048350



ATTESTED & ACCEPTED BY:



SABIR SHAH
Advocate Supreme Court



AFTAB HUSSAIN BUTT
Advocate High Court