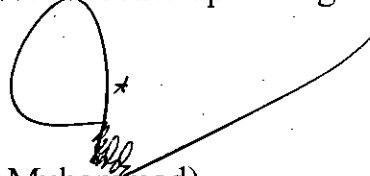


12.01.2023

Appellant alongwith his counsel present. Mr. Muhammad Jan,
District Attorney for the respondents present.

SCANNED
KPST
PESHAWAR

Learned counsel for the appellant requested for adjournment on
the ground that he has not made preparation for arguments.
Adjourned. To come up for arguments on 17.03.2023 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

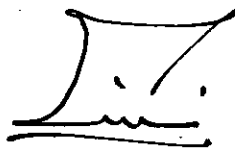
17th Mar, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

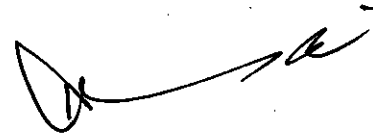
02. Learned counsel for the appellant has very fairly submitted that the desired relief in this appeal has already been granted to the appellant in the judgment passed in service appeal No. 567/2018, the execution/implementation petition which is pending before the Tribunal, therefore, he does not press this appeal. Disposed of accordingly. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 17th day of March, 2023.*

SCANNED
KPST
Peshawar



(Salah Ud Din)
Member(J)



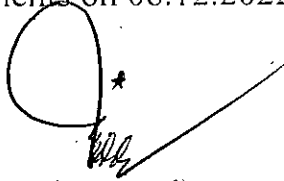
(Kalim Arshad Khan)
Chairman

24.10.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 & 2 present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 08.12.2022 before the D.B.

SCANNED
KPSST
Peshawar



(Mian Muhammad)
Member (E)



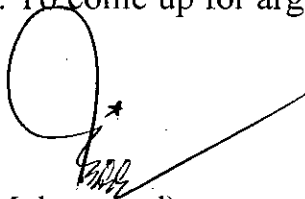
(Salah-Ud-Din)
Member (J)

08.12.2022

Appellant alongwith his counsel present. Mr. Muhammad Jan, District Attorney for official respondents No. 1 & 2 present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 12.01.2023 before the D.B.

SCANNED
KPSST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

17.05.2022

Appellant alongwith his counsel namely Mr. Taimur Ali Khan, Advocate present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 and 2 present.

Learned counsel for the appellant submitted rejoinder, copy of which is handed over to learned Additional Advocate General, who sought adjournment for preparation of arguments. Adjourned. To come up for arguments on 28.07.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

28th July 2022

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Arif, Statistical Officer for official respondents No. 1 & 2 present.

Private respondent No. 3 is not in attendance but his reply is found placed on the file. It is deemed appropriate that he be summoned through TCS. The appellant shall deposit the fees for summoning private respondent No. 3 within 03 days. To come up for arguments on 24.10.2022 before the D.B.

*Notice Issued
for 24/10/2022
through TCS*



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

29.06.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former requests for adjournment of the instant case. Adjourned. To come up for arguments on 11.11.2021 before D.B.



(Rozina Rehman)
Member(J)



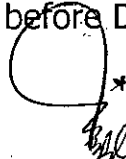
Chairman

11.11.2021

Counsel for appellant present.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

Request for adjournment was made on behalf of appellant; granted. To come up for arguments on 03.02.2022 before D.B.



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

03.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.05.2022 for the same as before.



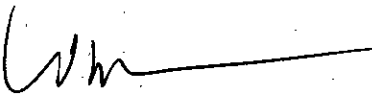
Reader

766/19

29.10.2020

Junior to counsel for the appellant, Addl. AG
alongwith Roohullah, Asstt. for the respondents present.

The Bar is observing general strike, therefore, the
matter is adjourned to 06.01.2021 for hearing before the
D.B.


(Atiq-ur-Rehman Wazir)
Member

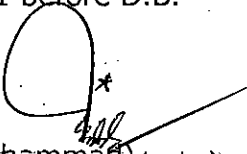

Chairman


06.01.2021

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General
alongwith Rooh Ullah Assistant for respondents present.


Comments submitted. To come up for arguments on
29.03.2021 before D.B.


(Mian Muhammad Wazir)
Member (E)


(Rozina Rehman)
Member (J)

29.03.2021

The concerned D.B is not available today, therefore, the
appeal is adjourned to 29.06.2021 for the same.


Reader

16.01.2020

Appellant absent. Learned counsel for the appellant absent. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up ~~reply/comment~~ on 25.03.2020 before D.B. Respondents No.2 & 3 be put to notice *for reply*. Appellant be also put to notice for the date fixed.

Member

Member

25.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 12.06.2020 before D.B.

Reader

12.06.2020

Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 25.08.2020 before D.B.

Reader

25.08.2020

Due to summer vacation case to come up for the same on 29.10.2020 before D.B.


Reader

01.10.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for official respondents present. private respondent No.3 in person present. Adjournment requested. Adjourn. To come up for further proceedings on 07.10.2019 before D.B.



Member



Member

7-10-2019

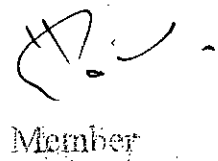
Due to tour of Honorable
Member to camp court court
The case is adjourned to 13-12-19
Rendler

13.12.2019

Lawyers are on strike as per the decision of All Pakistan Joint Lawyers Action Committee. Adjourn. To come up for further proceedings/arguments on 16.01.2020 before D.B



Member



Member

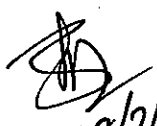
18.07.2019

Counsel for the appellant present.

Learned counsel states that Appeal No. 339/2017 has already been submitted by the appellant with respect to his seniority position which is fixed for hearing before D.B on 12.09.2019.


The resolution of issue of seniority of appellant would certainly affect the merits of instant appeal as well, therefore, it shall be admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 12.09.2019 before D.B.


Chairman


18/7/19
Appellant/Deposited
Security & Process Fee

12.09.2019

Learned counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for further proceedings on 01.10.2019 before D.B

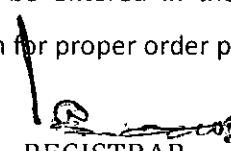


(Hussain Shah)
Member


(M Hamid Mughal)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 766/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/06/2019	<p>The appeal of Mr. Maqsood-ur-Reman resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 21/06/19</p>
2-	25/06/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/07/19</u></p> <p style="text-align: right;"> CHAIRMAN 18/07/19</p>


SCANNED
KE ST
Peshawar

The appeal of Mr. Maqsood-Ur-Rehman Statistical Officer Crop Reporting Services KP Peshawar received today i.e. on 10.05.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copy of impugned order dated 04.01.2019 mentioned in the heading of the appeal and departmental appeal against it are not attached with the appeal which may be placed on it.
- 3- Documents referred to in the memo of appeal Annexure-A to S are not attached with the appeal which may be placed on it.
- 4- Memorandum of appeal may be got signed by the appellant.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 936 /S.T.


Dt. 13-5-2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.M.Asif Yousafzai Adv. Pesh.

Respected Sirs

- 1- Removed.
- 2- order dated 4/1/2019 is attached at page 69 and departmental appeal at at page 70.
- 3- Removed
- 4- Removed
- 5- Removed

Resubmitted after compliance

21/06/2019.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 766 /2019

Mr. Maqsood-ur-Rahman,

(Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary & others

(Respondents)

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3.	Copy of notification of amendment dtd 03/09/1989	---B---	14-16
4.	Copy of notification for upgradation and re-designation dated 27/06/1997	---C---	17
5.	Copy of another notification for upgradation and re-designation dated 27/06/1997	---D---	18 ^a
6.	Copy of notification/service rules dated 06/06/2011	---E---	19
7.	Copy of seniority list SOs Supervisory dated 01/03/2004	---F---	20
8.	Copy of seniority list SOs non Supervisory dated 01/03/2004	---G---	21
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10.	Copy of service appeal No. 752/2008	---I---	23-27
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12.	Copy of summary for implementation	K	37-38
13.	Copy of notifications of implementation dated 17/02/2010, 07/04/2012 & 24/02/2014	L	39-48
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APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,


(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT,

&

(S. NOMAN ALI BUKHARI)

ADVOCATE PESHAWAR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 766 /2019

Mr. Maqsood-ur-Rahman,
Statistical Officer (Supervisory)
Crop Reporting Services,
Khyber Pakhtunkhwa, Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 744

Dated 10/5/2019

(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa Agriculture Livestock & Cooperative Department, Civil Secretariat, Peshawar.
3. Mr. Sami Ullah, Director (BPS-19), Crop Reporting Service Khyber Pakhtunkhwa, Peshawar.

(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER VIDE DATED 04.01.2019 WHEREBY THE RESPONDENT NO.3 WAS PROMOTED TO THE POST OF DIRECTOR (BPS-19) ON THE BASIS OF DISPUTED SENIORITY LIST DATED 22.12.2016, WHICH HAS ALREADY BEEN CHALLENGED BY THE APPELLANT IN SERVICE APPEAL NO.339/2017 IN THIS HONOURABLE TRIBUNAL AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THIS HONORABLE TRIBUNAL MAY GRACIOUSLY BE SET ASIDE THE IMPUGNED ORDER DATED 04.01.2019

Filed to-day

Registrar

10/5/19

Re-submitted to-day
and filed.

Registrar

21/6/19

AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF DIRECTOR (BPS-19) WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That appellant was appointed as Assistant Statistical Officer (BPS-17) on the recommendation of Khyber Pakhtunkhwa public Service commission vide order dated 01.05.1987 (**Annex -A**) and since then he has been performing his duties to entire satisfaction of his high ups. Thus at the moments the appellant has at his credit more then 32 years unblemished and excellent service record.

2. That initially the rules for recruitment, appointment of the employees of the agriculture department were promulgated in the year 1981, however, subsequently an amendment was introduced vide notification dated 03/09/1989 (**Annex: B**) under which , there became two categories of officers in crop reporting services (CRS) of the Agriculture Department Viz:
 - i. Assistant Statistical Officer, BPS-17 (District In-charge)
 - ii. Statistical Investigator, BS-16 (Tehsil/Circle In-charge)According to the rules *ibid*, Assistant Statistical officer (BPS-17) was to be promoted to the post of statistician (BPS-18) and statistical investigator (BPS-16) to the post of Assistant Statistical Officer (BPS-17).

3. That vide notification dated 27.06.1997 (Annex: C & D) the department upgrade and re-designated both the categories of officers w.e.f. 01.07.1997 as under:

S.No.	Post	Up Graded to
1.	Assistant Statistical Officer (BS-17)	Statistical Officer BS-17 + Rs. 150/- Supervisory
2.	Statistical Investigator (BS-16)	Assistant Statistical Officer (BS-17)

The service rules were accordingly amended vide notification dated 06.06.2011 (**Annex-E**) and the designated of Assistant Statistical officer was replaced with statistical officer supervisory for promotion to the post of statistician (BS:18). It is also important to mention here that the seniority lists (**Annex F & G**) of both the categories had been separately maintained by the department. The last approved seniority list of statistical officer (Supervisory) confirmed that the appellant was the senior most statistical officer (Supervisory) in the department who was entitled to promotion to the post of statistician (BPS-18) w.e.f. 08.01.2011.

4. That it is pertinent to add that in 1978, the government of Khyber Pakhtunkhwa Agriculture Department, had upgraded all BS-16 (Agri: graduates & DVM) posts to BS-17 vide notification dated 02.03.1978 (**Annex-H**). the upgraded officers, however, were granted Monetary Benefits only. In the year 2008, some of the statistical investigators (BPS-16) of the FRS filed service appeals (**Annex-I**) in this

Hon'ble Tribunal for upgradation of their posts to BPS-17 from their dates of appointments instead of 01.07.1997 in the light of the finance department notification dated 02.03.1978 *ibid.* the tribunal was pleased to accept their appeal vide judgment dated 26.03.2009 (**Annex-J**) the operative part of the judgment reads as under:

“We direct the official respondents to give the same benefits to the present appellants (who are B.Sc 2nd division in other sciences like economics, physics which have been declared for the other similarly placed persons who were qualified in B.Sc (Agri:) or B.Sc (2nd Division) or B.Sc Statistics or mathematics with statistics as a subject and who had litigated as mentioned above.

5. That while moving the summary (**Annex-K**) for approval of the competent authority for implementing the decision *ibid.*, the department wrongly quoted the existing designation of the upgraded officers as Statistical officers instead of Assistant Statistical Officers without any evidence to the effect that how and when these officers were promoted/upgraded to the posts of statistical officers (Supervisory) Except the three officers. The judgment was thus implemented vide notifications dated 17/02/2010, 07/04/2012 and 24/02/2014 (**Annex: L**) whereby as many as 36 posts of statistical investigator (BPS-16) were upgraded to BPS-17 including that of respondents No. 3 - 14 w.e.f. 01.05.1977 alongwith designation of statistical officers contrary to the directions of the judgment of the Hon'ble Tribunal, which allowed the relief to the officers in line with

the relief provided to officers serving in other attached departments of the agriculture department.

6. That due to the misinterpretation of the judgment and non-awarding, separate exclusive designation to the upgraded non-supervisory categories i.e. supervisory and non-supervisory statistical officers was created by the department, therefore, appellant being aggrieved of the same challenged the same before this Hon'ble tribunal in service appeal No. 804/2012, which came for final hearing on 19/10/2015 and was disposed of vide judgment (**Annex-M**), the relevant part of the judgment is as under:-

“from perusal of the record of the case it transpired that the appellant was appointed as Assistant Statistical Officer (BS:17) through Khyber Pakhtunkhwa Public Service Commission in Year 1987, under the relevant recruitment rules of the agriculture department of 1981 the post of Assistant Statistical Office (Being District Head) Used to be filled in 50% on the basis of promotion form statistical investigator (BS:16) (Tehsil Level Officer). The post of Assistant Statistical Officer was upgraded on 27/06/1997 as Statistical officer (BS:17) and re-designated as statistical Officer Supervisory, the same was however given effect from 01/07/1997 as statistical Officer (BS:17) and re-designated as Statistical officer supervisory, the same was however given effect from 01/07/1997. the appellant was placed at S.No. 6 of the seniority of statistical officer supervisory

(BS:17) vide notification dated 01/05/2001. subsequently the post of statistical investigator were up-graded in pursuance of service Tribunal judgment dated 26/03/2009 in appeal No. 752/2008 wherein the upgradation was given effect from 01/05/1997. from perusal of the record it reveals that before coming into effect of the service tribunal judgment cited above, the appellant enjoyed a senior position viz-a-viz the private respondent to BS-17 and given the same effect from 01/05/1977 appears to have created an anomalous situation as the appellant has been ranked junior to his erstwhile juniors in the CRS wing of the agriculture department. The tribunal is therefore, of the considered view that without going into the issue of limitation of the case on technical grounds, the case needs to be examined on merits to meet the ends of natural justice and requirement of equisalty as enunciated in the constitution. The case is accordingly remitted to the respondent department with the direction to revisit the case on merits strictly in accordance with law and decide the same within a period of two months after receipt of the instant Judgment. “

7. That the department did not implement the judgment *ibid*, within the stipulated period as mandated by the tribunal, therefore, execution petition No. 255/2016 has been filed which is still pending but meanwhile in utter defiance of the judgment of the Tribunal the impugned notification/revised final seniority list dated 22/12/2016 (**Annex: N**) was

hurriedly issued whereby the appellant being statistical officer supervisory was placed junior to respondent No. 3 to 14 the then statistical Investigators and subordinates of the then statistical Officers (Supervisory).

8. That being aggrieved of the impugned notification *ibid*, the appellant called in question the same through departmental representation (**Annex: O**) on 28/12/2016 but the same was not disposed of within the statutory period of 90 days then the appellant filed service appeal No. 339/2017 in this august Tribunal, which is still subjudice before this Hon'ble Tribunal. (**Annex: P**)

9. That on the basis of the disputed seniority dated 22.01.2016, the respondent No. 3 was promoted to the post of Director (BPS-19) vide notification dated 04.01.2019 (**Annex-Q**), against which the appellant filed departmental appeal on 18.01.2019 (**Annex-R**), which was not responded within the statutory period of ninety days. Hence this appeal inter-alia on the following grounds:-

GROUND:

- A) That the impugned order dated 04.01.2019 and not taking action on the departmental appeal of the appellant within the statutory period of ninety days is against the law, facts norms of justice and material on record, therefore not tenable and liable to set aside.

- B) That the impugned order dated 04.01.2019 was passed on the disputed seniority list which has already been challenged by the appellant in this Honourable Tribunal in service

appeal No. 339/2017 and as per superior court judgment when the seniority is subjudice to the Court/Tribunal then the department should not take action on that seniority list; but the respondent department issued the order dated 04.01.2019 whereby the respondent No.3 was promoted which is violation of superior court judgments as well as law and rules.

- C) That the impugned order dated 04.01.2019 was also passed in violation of promotion policy 2009 as in the policy it is clearly mentioned that when inter se seniority is disputed/sub-judice, then in such like situation promotion will be deferred, but despite that on disputed seniority the respondent department promoted the respondent No.3 to the post of Director (BPS-19), which is clear violation of promotion policy 2009.
- D) That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which is unjust, unfair and hence not sustainable in the eye of law.
- E) That while allowing similar up-gradation to the BPS-16 Officers in other Attached Department of Agriculture Department, a different designation was allowed to the upgraded officers and their seniority was never integrated with Supervisory Officers in the Department as is evident from Notification dated 02.3.1978 at that time the designation assigned to the upgraded Officers BS-17 and Supervisory Officers (BPS-17+150/) in all other Attached Departments was as under:-

Sr. No.	Department	Designation of District Officer, BS-17=Rs.150/- (Supervisory_	Designation of Up-graded Tehsil Officer from BS-16 to BS-17
1.	Agriculture Extension	Extra Assistant Director Agriculture Officer, APPO & AHO	Agriculture Officer
2.	Livestock	Assistant Director	Veterinary Officer
3.	Soil Conservation	Soil Conservation Officer	Assistant Soil Conservation Officer
4.	Crop Reporting Service	Statistical Officer	Assistant Statistical Officer

Likewise in in other Provinces too, separate designations were allowed to the up-graded vis:

Sr. No.	Department	Designation of District Officer, BS-17=Rs.150/- (Supervisory_	Designation of Up-graded Tehsil Officer from BS-16 to BS-17
1.	CRS Punjab	Assistant Director	Statistical Officer
2.	CRS Sindh	Assistant Director	Statistical Officer
3.	CRS Baluchistan	Assistant Director	Statistical Officer

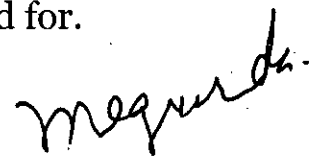
A different yardstick only with respect to CRS was discriminatory and in clear violation of the earlier passed by the Tribunal, therefore, the case was again remanded to the Respondents for re-considering the issue in accordance with law but without implementing the Judgment, the Revised

Final Seniority List was hurriedly issued resulting into manifest injustice which was also challenged by the appellant in this Honourable Tribunal but despite that disputed seniority list the respondent department promoted respondent No.3 which is utter violation of law, rules and promotion policy, which is liable to set aside.

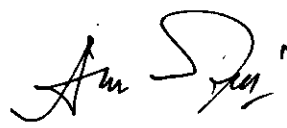

- F) That it is worthwhile to mention here that the Director General, Agriculture) Extension Khyber Pakhtunkhwa vide letter dated 02.07.2010 (**Annex-S**) had hinted to the anomaly and had proposed for maintaining separate Seniority Lists for the two categories of Officers. Similarly a Departmental Committee constituted on the directives of the Government also recommended that Supervisory and Non-Supervisory were two different category Officers and their seniority cannot be unified vide recommendation (**Annex-T**) but inspite of the same the impugned final Seniority List was unlawfully issued in violation of the Law and on that disputed seniority list the department made the promotion.
- G) That according to the rules, the seniority inter-se of an officer appointed through the same notification/advertisement is determined on basis of merit assigned by the Public Service Commission, However, in case of the appellant, the seniority decided by the Public Service Commission at the time of selection in 1987 has been changed after about 30 Years and respondent No.3 was placed senior to the appellant in the final seniority list which was challenged by the appellant in this august service Tribunal in the appeal No.?.

- H) That similarly in Agriculture Research Department, Khyber Pakhtunkhwa, the posts of Research Assistants/Statistical Assistants BPS-16 who were possessing Graduates degree in other Sciences were upgraded to BPS-17 vide notification dated 26.04.1978. they were granted only monetary benefits and were allowed/assigned separate designation from the Supervisory Officers BPS-17.
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT

THROUGH:


(M.ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

GOVERNMENT OF N.W.F.P.
AGRICULTURE FORESTS AND COOP. DEPARTMENT.

Dated Peshawar the 1 / 1 / 1977.

NOTIFICATION

No. SOE(AD)II(2)270/86. Consequent upon the recommendation of the NWFP Public Service Commission, the Governor NWFP is pleased to appoint the following candidates as Assistant Statistical Officer (BPS-17) in the Improved Crop Estimates Project NWFP (Extension Wing of Agriculture Department) on temporary basis with effect from the date of their taking over the charge:

1. Mr. Mahmood Khan S/O
Saad Muhammad Khan
Vill: Indora Khattak,
P.O. T. Ch. e-Nasrati,
Teh: & Distt: Karak.
2. Mr. Mazhar Iqbal S/O
Mohammed Rafiq,
C/O. Abasin Electric Trader
G.P.O. Lane Peshawar Cantt.
3. Mr. Magsoodur Rehman S/O
Mashqur Rehman of Dir
Vill: & P.O. Badwan
Tehsil Chakdara
District Dir.
4. Mr. Fazio Wahab S/O
Abdul Ghafoor
Vill: & P.O. Mian Brangola,
Tehsil Adenzai Distt: Dir.
5. Mr. Sardar Aslam Khan S/O
Noor Aslam Khan,
Vill: & P.O. Ahmed Abad (Land Namar)
Teh: and Distt: Karak.

2. The appointment of the said candidates is subject to the following conditions:

- i. They shall be governed by the provisions of NWFP Civil Servants Act, 1973 (NWFP Act. X VIII of 1973) and any bye-laws not specifically mentioned in this Notification shall be governed by such rules and regulations relating to leave, T.A. Medical Attendance, Seniority etc. as have been or may be prescribed from time to time by Government for that category/status of Government Servants to which they belong.
- ii. They shall be governed by the Government Servants Conduct Rules, 1966, the NWFP Government Servants (Efficiency and Discipline) Rules, 1973 and any other instructions on the subject as may be issued by the Government of NWFP from time to time;
- iii. They will initially be on probation for a period of two years. Their services will be liable to termination at any time without assigning any reason before expiry of the period of probation/extended period of probation if their work and conduct during this period is not found satisfactory.

ATTESTED...

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P-12-

ANNEX "A"

4/3

ATTESTED

[Signature]

[Signature]

(Handwritten initials)

P-13-

Copy forwarded to the:

2. Secretary, NWFP Public Service Commission, Peshawar.
- Director General, Agriculture Extension NWFP, for information and necessary action. He is requested to furnish a copy of assumption of charge as well as declaration of assets in respect of all candidates. He may also intimate if the candidate fails to join duty by the above date. Medical Certificates in respect of above selected candidates are also enclosed for onward submission to the Audit offices concerned.
3. Accountant General, NWFP, Peshawar.
4. All candidates concerned.
5. Manager, Govt. Printing and Stationery Deptt: Peshawar. for publication in the next issue of Govt. Gazette.
6. Personal files of candidates concerned.
7. Office orders file.
8. Senior Statistician, Improved Crop Estimates Project, NWFP, Peshawar.

(Handwritten signature)

(S. B. JAN JAG.)
SECTION OFFICER (ESTABLISHMENT)

RES HQ

ATTACHED

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ATTACHED

ANNEX B 14

COPY OF LETTER NO.III (S&GAD) 8-15/86/792 DATED 09.08.1989 RECEIVED FROM MR. ABDUL NAZIR KHAN, SECTION (R.III), GOVERNMENT OF NWFP, SERVICE & GENERAL ADMINISTRATIVE DEPARTMENT (REGULATION WING).

Subject:- AMENDMENT IN THE NWFP AGRICULTURE DEPARTMENT RECRUITMENT AND APPOINTMENT RULES, 1981 EXTENSION WING SOIL, CONSERVATION ETC.

Sir,

I am directed to refer to your U.O. letter No.SOE(AD)II (2) 429/88/19151 dated 10.07.1989 on the subject noted and to forward herewith the amendments in the Agriculture Department (Recruitment & Appointment) Rules, 1981 Extension Wing and Soil Conservation Wing duly approved by the Government of NWFP for further necessary action and issuing / notifying in the NWFP Government Gazettee. 10 copies of the Gazettee notification may kindly be sent to Law Department as well as this Department.

Yours Obedient Servant,

Sd/-XXX
(ABDUL NAZIR KHAN)
SECTION OFFICER (R.III)

GOVERNMENT OF NWFP
AGRICULTURE, FOOD & COOPERATION
DEPARTMENT

Endst: No.SOE(AD) II (2) 429/88-II/23146-49 Dated Pesh: the 03.09.1989

Copy alongwith copy of the amendments in the Agri: Department (Recruitment & Appointment) Rules, 1981 of Extension Wing & Soil Conservation Wing duly approved by the Govt; of NWFP are forwarded to: -

1. The Director General, Agriculture (Extension), NWFP, Peshawar for information and necessary action.

Sd/-XXX
(HASHIM KHAN AFRIDI)
SECTION OFFICER (ESTT:)

DIRECTOR GENERAL, AGRICULTURE (EXTENSION) NWFP, PESHAWAR

Endst: NO.18/39/Estt:/13109-18/DGA, Dated Peshawar the 07.09.1989

Copy forwarded to all the Sub-Offices for information and necessary action.

Sd/-XXX
DY: DIRECTOR OF AGRICULTURE (E&M)
DIRECTORATE GENERAL AGRI:
(EXTENSION) NWFP, PESHAWAR

ATTESTED

ATTESTED

16

P-15-

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
SERVICES AND GENERAL ADMINISTRATIVE DEPARTMENT

NOTIFICATION

Peshawar, dated the 3/9/1989.

In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act VIII of 1973), the Governor of the North-West Frontier Province is pleased to direct that in the North-West Frontier Province Agriculture Department (Recruitment and Appointment) Rules, 1981, the following further amendments shall be made, namely:

AMENDMENTS

1. In Schedule-I,

(a) for the entries at serial No. 1 to 7 of Part-A under the heading "Soil Conservation Wing" the following entries shall be substituted, namely:

.....
.....
.....

(b) for the entries at serial No. 1 to 25 under the heading "Extension Wing", the following entries shall be substituted, namely:


1	2	3	4	5	6
4	Statistician	--	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Statistical Officers in the Extension Wing with at-least five years experience in planning agricultural experiments and processing the data obtained there-from.
9.	Assistant Statistical Officer	Master Degree in Statistics or Maths or Economics with Specialization in Statistics from a recognized University.	--	21 to 35 years	a) Fifty per cent by initial recruitment; and b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst Statistical Investigators with at-least five years service as such.

ATTESTED

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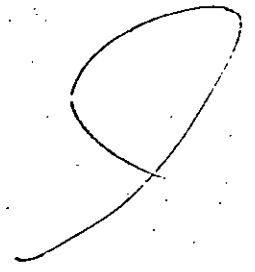
K-16




Technical

11	Statistical Investigator	M.Sc. Statistics; -Maths, or Economics with Statistics of one of the subject from a recognized University.	--	21 to 35 years	a) Seventy-five per cent by initial recruitment; and b) twenty-five per cent by promotion on the basis of seniority-cum-fitness, from amongst Statistical Computers / Crop Reporters with at-least ten years experience of working in the Statistics Cell.
27.	Statistical Computer / Crop Reporter	Secondary School Certificate from a recognized Board; or Trained Field Assistant from Agricultural Training Institute, Peshawar	--	18 to 25 years	By initial recruitment.


ATTESTED




ATTESTED

GOVERNMENT OF NWFP
FOOD, AGRICULTURE, LIVESTOCK & COOP.
DEPARTMENT

P-17

NOTIFICATION.

ANNEX C

(Signature)

NO. SOE(AD) II(2)286/91. The Governor NWFP is pleased to re-designate all posts of Assistant Statistical Officers (BS-17) of Agriculture Department (Extension Wing) as Statistical Officers (BS-17) with a special pay of Rs.150/- (Rupees One hundred and Fifty) per month as supervisory pay with effect from 1/7/1997.

SECRETARY TO GOVT. OF NWFP
FOOD, AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT

ENDST: NO. FD. (SR. I) 1-42/92/ Dated Peshawar the 27/6/1997.

Copy forwarded for information & n/action to:-

- 1- The Accountant General, N.W.F.P., Peshawar.
- 2- All the District/Agency Accounts Officers in N.W.F.P.

(Signature)
SECTION OFFICER (SR. I)
FINANCE DEPARTMENT

ENDST: NO. SOE(AD) II(2)286/91/ Dated Peshawar the 27/6/1997.

Copy forwarded for information & n/action to:-

- 1- The Director General Agric. (Extension), NWFP, Peshawar.
- 2- The Director Agriculture Extension, NWFP, Peshawar.
- 3- The Section Officer (SR. I), Finance Department, Peshawar w/r to his letters No. FD(SR. I) 1-42/92, Dt: 9/6/1997 and 19/06/1997.

(Signature)
(NISAR ALI SHAH)
SECTION OFFICER (ESTABLISHMENT)

ATTESTED
To be
True Copy.

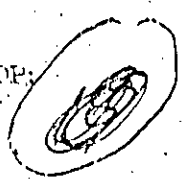
Appreciation of
A SO (BS-17) to
Statistical Officer
(BS-17) + 150

ATTESTED
Statistical Officer
Supervisory

ATTESTED
ATTESTED
*

P-18-

GOVERNMENT OF NWFP
FOOD, AGRICULTURE, LIVESTOCK & COOP.
DEPARTMENT



ANNEX D

NOTIFICATION.

NO. SOE(AD) II(2)285/91. The Governor NWFP is pleased to accord sanction to the up-gradation of all posts of Statistical Investigators from BPS-16 to BPS-17 and re-designation of the posts as Assistant Statistical Officer in the Agriculture Department (Extension wing) with effect from 1/7/1997.

SECRETARY TO GOVT. OF NWFP
FOOD, AGRICULTURE, LIVESTOCK AND COOP.
DEPARTMENT

ENDST: NO. FD. (SR.I) 1-47/92, Dated Peshawar the 27/6 /1997.

Copy forwarded for information & n/action to:-

- 1- The Accountant General, N.W.F.P., Peshawar.
- 2- All the District/Agency Accounts Officers in NWFP.

[Signature]
SECTION OFFICER (SR.I)
FINANCE DEPARTMENT

ENDST: NO. SOE(AD) II(2)286/91/ Dated Peshawar the 27/6 /1997.

Copy forwarded for information & n/action to:-

- 1- The Director General, Agri: (Extension), NWFP, Peshawar.
- 2- The Director Agriculture Statistics, NWFP, Peshawar.
- 3- The Section Officer (SR.I), Finance Department, Peshawar with reference to his letters No. FD. (SR.I) 1-47/92, Dated 9/6/1997 and 19/06/1997.

[Signature]
27/6/97
(NIBAR ALI SHAH)
SECTION OFFICER (ESTABLISHMENT).

For as near as possible
Assistant Statistical Officer
Non-supervisory

TESTED
ATTESTED

ATTESTED



Annex ⁿ E

(19)

(12)

Dated Peshawar, the 6/6/2011.

NOTIFICATION

NO. SOE (AD) II (2) 429/2010

In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion & Transfers) Rules, 1989, the Agriculture, Livestock and Cooperation Department, in consultation with the Establishment & Finance Department, hereby lay down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to this notification which shall be applicable to posts mentioned in column 2 borne in the Crop Reporting Services of the North-West-Frontier Province:-

APPENDIX

Sl. No.	Nomenclature of Post.	Qualification for apptt. by initial recruitment.	Age Limit.	Method of Recruitment.
1	2	3	4	5
1.	E.D.O. Agriculture (Crop Reporting Services) (BS-19).			By promotion, on the basis of seniority-cum-fitness, from amongst the Statistician, Crop Reporting Services (BS-18) with seven years service in BS-18 or 12 years service in BS-17 and above.
2.	Statistician (Crop Reporting Services) (BS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst the Statistical Officers (Supervisory) in Crop Reporting Services with at-least five years service.
3.	Statistical Officer (Supervisory) (BS-17).	Master 's Degree in Statistics or Economics or Mathematics with Statistics as a compulsory subject, in B.A. B.Sc from a recognized University.	21 to 32 years.	By initial recruitment.
4.	Statistical Clerk / Crop Reporter. (BPS-5).	Secondary School Certificate from a recognized Board or Trained Field Assistant from Agricultural Training Institute, Peshawar.	18 to 28 years	By initial recruitment.
5.	Driver (BPS-4).	Experience in driving with light vehicles driving licence.	18 to 40 years	By initial recruitment.
6.	Chowkidar (BPS-1).		18 to 45 years	By initial recruitment.
7.	Naib-Qasid. (BPS-1).		18 to 40 years	By initial recruitment.

**SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRI. LIVESTOCK & COOP. DEPARTMENT**

Dated Peshawar, the 6/6/2011.

Endst. No. SOE(AD)II(2)429/2010

Copy forwarded for information and necessary action to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment & Admn. Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Law Department.
4. The Statistician, Crop Reporting Services, Khyber Pakhtunkhwa, Peshawar
5. The Manager Govt. Printing Press, Khyber Pakhtunkhwa, Peshawar. He is requested that printed (preferable gazette) copies of the notification as and when published may be furnished to this Department, E&A and Law Department alongwith details of gazette in which is published.
6. PS to Secretary Agriculture.

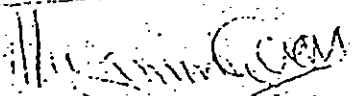
ATTESTED

SENIORITY LIST OF STATISTICAL OFFICERS (B-17) SUPERVISORY AGRICULTURE EXTENSION DEPARTMENT AS IT STOOD ON 01.03.2004.

INDEXED

S.No	Name & Designation of Officers	Qualification	Date of Birth & Domicile	Domicile	Date of 1 st entry into Govt. Service	Date of promotion to (BPS-17) Supervisory	Present place of posting
1	2	3	4	5	6	7	8
1.	Mr. Insanullah,	B.Sc Stat.	2.2.47	DIKhan	5.5.71	1.1.85	SO, Battagram.
2.	Mr. Pir Muhammad,	B.Sc Stat.	3.1.51	Swat	1.7.72	1.1.85	Instructor ATi
3.	Mr. Amir Rehman,	B.Sc Stat.	10.12.50	Swat	3.7.72	1.1.85	SO, Swat.
4.	Mr. Riaz Ahmad,	B.Sc Stat.	1.3.46	Charsadda	31.12.75	17.9.85	AAO(BAI)
5.	Muhammad Zaman,	B.Sc Stat.	12.12.46	Peshawar	23.9.78	17.9.85	SO, Nowshera.
6.	Maqsood-ur-Rehman,	M.Sc Stat.	24.10.61	Dir Lower	3.5.67	3.5.87	SO Dir Upper
7.	Mr. Fazli Wahab,	M.Sc Stat.	1.12.58	Dir Lower	4.4.67	4.4.87	SO Mkt Agy at Chargai.
8.	Mr. Sardar Aslam,	M.Sc Stat.	27.6.56	Karak	5.1.65	13.4.87	SO Karak.
9.	Mr. Munir Ahmad,	B.Sc Stat.	15.6.50	DIKhan	17.11.76	17.2.94	SO Fatak.
10.	Syed Altaf Ahmad,	M.Sc Stat.	25.12.67	Mardan.	30.5.94	30.5.94	SO Peshawar.
	Mr. Zahidullah,	M.Sc Stat.	20.2.67	Bannu	30.5.94	30.5.94	AHO (FATA) Peshawar

ATTACHED


 DIRECTOR GENERAL
 AGRICULTURE (EXTENSION)
 PESHAWAR

(51)

FRAMES & FRAMES ST

(51)

SENIORIA LIST OF ASSISTANT STATISTICAL OFFICERS OF AGRICULTURE EXTENSION AS STOOD ON 01.03.2003.

S.No.	Name of Officers	Qualification	Domicle	Date of Birth	Date of Appointment	Date of regular appointment	Remarks
1.	Bakhtiar Khan	B.Sc. Stat	Mardan	02.09.1951	16.11.1976	16.11.1976	Services maintained as per rules of Public Service Commission.
2.	Muhammad Ishaq	M.Sc. Ply.	D.Khan	02.09.1951	29.10.1976	29.10.1976	
3.	Saeedullah Sana	M.Sc. Ply.	Peshawar	11.09.1950	01.04.1981	01.04.1981	NVFP
4.	Muhammad Zahid Khan	B.Sc. Stat	Nowshera	20.03.1953	28.03.1981	28.03.1981	
5.	Muhammad Aslam	M.Sc. Stat	D.Khan	02.07.1956	23.04.1981	23.04.1981	
6.	Shaukat Hayat	M.Sc. Econ.	Mardan	03.11.1950	08.01.1985	21.01.1987	Services of Ad-hoc Appointment (Statistical Investigator) from
7.	Samiullah Khan	M.Sc. Math	D.Khan	01.05.1961	07.01.1985	21.01.1987	S.No. 6 to 10 have been regularized w.e.f 21.01.1987 vide Notification No SOE(AD)IV 285/86-87
8.	Haji Muhammad	M.Sc. Econ.	Malkhad	01.05.1959	08.01.1985	21.01.1987	285/87-33, dated 14.6.1987 and
9.	Aslam Khan	M.Sc. Stat	Bannu	23.12.1959	08.01.1985	21.01.1987	Corrigendum No. SOE(AD)II (2) 285-87/150-56 dated 27.1.87
10.	Syed Farooq Ali Shah	M.Sc. Stat	Peshawar	01.11.1956	09.01.1985	21.01.1987	
11.	Zulal-Jaloz	M.Sc.	Mardan	10.04.1957	09.01.1985	21.01.1987	
12.	Liaqat Ali	M.Sc. Math		01.01.1958	12.01.1985	21.01.1987	
13.	Imdadullah	M.Sc. Econ.	Mardan	31.03.1958	12.01.1985	21.01.1987	
14.	Nasir Khan	M.Sc.	Buner	2.01.1950	19.01.1985	21.01.1987	
15.	Farooq Aman Khattak	M.Sc. Stat	Kawal	19.12.1959	22.01.1985	21.01.1987	
16.	Nasir Isam	M.Sc. Stat	Bajaur	08.07.1959	24.01.1985	21.01.1987	
17.	Asad Ullah	M.Sc. Econ	Chitral	27.08.1953	24.08.1985	21.01.1987	
18.	Yousaf Khan	Maths	Mardan	5.05.1961	25.02.1987	03.09.1990 By Promotion	Services have been regularized w.e.f 23.01.88 vide Government Notification No. SOE(AD) II (2) 139/86-14023 dated 02.05.1988.

ANNEXED

DIRECTOR GENERAL
AGRICULTURE EXTENSION
PUNJAB PROVINCE, PESHAWAR

22

ANNEX H

GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT

NOTIFICATION

Dated Pesh.the 2nd March
1978.

No.FD(SRI)2-51/72-III in pursuance of the decision taken by the Federal Govt. that the posts having various designations and nomenclature for which the minimum qualifications and/or Agri.graduate degree shall be placed in the Revised N.P.S.No.17 with effect from 1.5.1977, the provl; Government are pleased to decide that the following posts, in the Agri.& Animal Husbandry Depts. the minimum prescribed qualification of which are aforesaid shall be placed in the revised National Pay Scale No. 17 from that date:

- i. Agricultural Assistant (redesignated as Agriculture Officer/Instructor.
- ii. Soil Conservation Assistant.
- iii. Research Assistant (Redesignated as Assistant Research Officer.

Animal Husbandry Sector

- iv. Veterinary Assistant (redesignated as Veterinary Officer, Research).
- v. Field Dairy Assistant (redesignated as Veterinary Officer (Dairy).

The Provl: Government are also pleased to place the following posts in Agricultural and Animal Husbandry Departments for which the minimum qualification is a veterinary or Agriculture degree in Revised National Pay Scale No.17 with effect from 1.5.1977 or the date of actual creation of the posts whichever be later on adhoc basis till the relevant Recruitment Rules prescribing the requisite qualifications are notified by the Govt.

Agricultural Sector.

- i. Chemical Assistant (redesignated as Agricultural Officer laboratory).
- ii. Land Development Officer.
- iii. Agriculture Extension Officer.

Animal Husbandry Sector

- iv. Sheep Development Inspector
- v. Cattle Development Inspector
- vi. Agro-strologist.
- vii. Laboratory Manager.
- viii. Live Stock Manager.

Grade 017 will be admissible to the incumbents of the posts mentioned in para 1 above who were in position on 30.4.1977 and also possessed the prescribed minimum qualifications of a degree in Agri. or Veterinary in the respective Sector. Grade 17 will be personal to them and they will be entitled to further promotion only after acquiring the qualifications of M.Sc.(Agri. or M.Sc.(A.H) D.V.M.

APPROVED

APPROVED

22-A

4. As regards the incumbents of the posts mentioned in paragraph 2 above, they will also be entitled to grade 17 provided they were in position on 30.4.1977 and possessed a degree in Agriculture/Veterinary. The grant of grade 17 to them will be on adhoc basis till the relevant recruitment rules prescribing the said qualifications are notified by the Government. Grade-17 will be personal to them and they will be entitled to further promotion after regularization of grad 17 appointment only on acquiring the qualifications of M.Sc. (Agri) or M.Sc.(A.H)/D.V.M. The adhoc appointments will be subject to the usual conditions that till the Recruitment Rules are approved such appointments will be reviewed and extended on six monthly basis.
5. Minimum qualification for initial recruitment to all the above posts, with effect from 1.5.1977 in the Agriculture Sector will be M.Sc (Agri) and in the Animal Husbandry sector M.Sc(A.H)/D.V.M. All those appointed against the above posts on 1.5.1977 and thereafter and who possessed B.Sc.(Agri) degree in Agriculture Sector will be entitled to grade 16. They will be eligible for grade 17 and for further promotion only after possessing the qualification of M.Sc. (Agri) or M.Sc. (A.H)/D.V.M. of the respective sectors.
6. The name of the incumbents of upgraded posts will be published in the gazette on obtaining the approval of M.L.A. in such case in accordance with the appointments rules 1975 and the payment of arrears allowed as may be due on or after 1.5.1977 after normal deductions.

Sd/
 (MIR BAKHSH ZAFAR)
 Addl. Finance Secretary

No.FD(SRI)2-51/72-III Dated Pesh.the 2nd March 1978.

Copy forwarded for information to:-

1. All Administrative Secretaries to Govt. of NWFP.
2. All Commissioners/Deputy Commissioners/Political Agents/Distt. and Session Judges.
3. All Heads of Attached Department.
4. The Registrar, Peshawar High Court, Peshawar.
5. The Secretary to Governor, NWFP, Peshawar.
6. The Secretary, Public Service Commission, Peshawar.
7. The Registrar, Service Tribunal NWFP.
8. The Martial Law Administrator Zone "B" Peshawar.

The order after fixation of pay in Grade 17 will be issued separately.

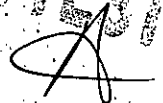
Sd/- (Safdar Ali Khan)
 Deputy Secretary (Regulation)
 Finance Department.

No.FD(SRI)2-51/72-III Dated Pesh.the 2nd March 1978.

Copy forwarded for information to:-

1. P.A to Secretary/Additional Secretaries/Joint Secretary/Deputy Secretaries in Finance Department.
2. All Section Officers/Budget Officers in Finance Department.
3. The Director, Local Fund Audit, NWFP, Peshawar.

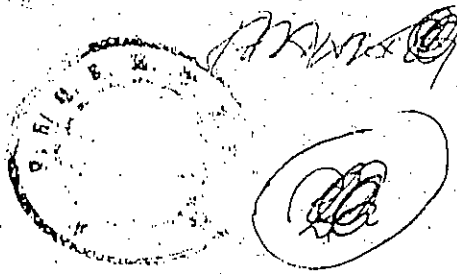
Sd/- (Ittikhar Hussain)
 Section Officer (S.R.I)
 Finance Department NWFP.

ATTESTED


BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR

ANNEX I (27)

Service Appeal No: 752 / 2008



Bakhtiar Khan

Versus

Govt. of NWFP etc

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<u>Annexure-C</u>	Departmental Appeal	10
<u>Annexure-C1</u>	Covering Letter / Dispatch No.	11
Wakalatnama		nil

Bakhtiar Khan
Appellant,

Through:

WAQAR AHMAD SETH
(Advocate, Peshawar)

[Handwritten signatures and initials]

[Handwritten signature: Waqar Ahmad Seth]

[Handwritten initials: WAH]
P.S. to
Chief Secy
Peshawar
3/8

Secretary Agriculture
Diary
No. 5010

[Handwritten signature: Waqar Ahmad Seth]
3/9/10

[Handwritten signature]

ATTESTED

24

23

BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.

Service Appcal No: 7521 2008

Bakhtiar Khan,
Statistical Officer,
CROP, Reporting Services,
Peshawar Appellant

Versus

1. Government of NWFP
Through Chief Secretary
2. Secretary,
Agriculture, Livestock & Cooperation,
Department, Peshawar
3. Secretary,
Government of NWFP,
Finance Department, Peshawar Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT,
1974 FOR THE GRANT OF UP-GRADATION TO BPS 17 w.e.f.
THE DATE OF APPOINTMENT / DATE OF NOTIFICATION
FOR WHICH APPEAL WAS MADE AND SAME HAS NOT BEEN
DECIDED WITH IN THE REQUISITE 90 DAYS TIME

Prayer: That on acceptance of this Service Appeal the Respondents
be directed to remove the existing disparity in Pay &
upgrade the Post of Statistical Investigator/ Statistical
Officer from BPS 16 to BPS 17 w.e.f. 01.05.1977 vide
Notification dated 02.03.1978, with back benefits and with
such other relief as may deem fit in the circumstances of
the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

ATTESTED
ATTESTED

25

Total
List

1. That, Appellant is Graduate in Statistic and presently working as Statistical Officer (BPS 17) in Crop Reporting Services, NWFP, Agriculture Department and initially he was appointed as Statistical Investigator BPS 16 in Agriculture Department, which was later on upgraded to BPS 17 and re-designate as Assistant Statistical Officer, copy of the Degree is attached as Annexure-A.
2. That, Government of NWFP, Finance Department vide Notification No.(SRI) 2-51/72-III dated 02.03.1978 granted BPS 17 to certain officers of Agriculture Department on the basis of being Graduate and Master in Agriculture and Veterinary from the date of Appointment / Notification, copy of the Notification is attached as Annexure B.
3. That, on the basis of said Notification all Degree Holders were given BPS 17 from the said Notification and in this respect this Honourable Tribunal passed the Judgment in Appeals No.359 / 1995, 360 of 1995, 361 of 1995, 362 of 1995 decided on 16.08.1995, Appeal No.27 of 1990 decided on 16.06.1991, Appeal No.582 of 1995 decided on 25.03.1996, Appeal No.5 of 1995 decided on 19.05.2003 and upheld by Supreme Court of Pakistan in Civil Petition No.468-P of 2003 decided 17.06.2005 and Civil Appeal No.642 of 2005 decided 23.03.2006.

It is important to mention here that this Honourable Tribunal as well as the Supreme Court of Pakistan decided the question of law in respect of applicability of said Notification regarding up-gradation from BPS 16 to BPS 17, therefore, the same was applicable to all the employees placed in similar category and as such the Appellants were of the view that the Respondents will themselves allow the up-gradation to the Appellant from 01.05.1977 but the Department violated the verdict of Reported Judgment 2005 SCMR 499 and 1996 SCMR 1185 therein it is very clearly held that if the Service Tribunal or Supreme Court decide a point of law relating to the term of service of a Civil Servant which covers not only the case of civil servant who litigated, but also to other civil servants, who may have not taken any legal proceedings, in such cases, the dictates and rules of good governess demands that the benefits of such judgments of Service Tribunal or Supreme Court be extended to other Civil Servants who may not be parties to the litigations instead of compelling them to approach the Service Tribunal or others forums.

4. That, when the Department failed to do there part of duty, therefore, the Appellant submitted his Appeal, through proper channel on 31.01.2008, copy of the Appeal is attached as Annexure-C and dispatch / covering letter is attached Annexure-C1.

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That, the Respondent No.2 fail to communicate / decide the Departmental Appeal of the Appellant within requisite time. Hence, this Appeal on the following amongst on other grounds.

GROUNDS:

- A. That, the officers of Crop, Reporting Service, N.W.F.P. (Agriculture Department) have requested for up-gradation of their posts with effect from 01.05.1977 on the nexus of Agriculture, Veterinary, Soil Conservation and Research Assistants of Agriculture Department and as per decisions of this Honourable Tribunal.
- B. That, the status, grade, qualification and nature of duties of the Statistical Investigators have always been the same and identical with Agriculture Assistant, Veterinary Assistant, Soil Conservation Assistant and Research Assistant since creation of their post working in the same department under the Administrative control of Secretary Agriculture.
- C. That, In 1972 the Government of NWFP Agriculture Department vide Notification No.SOG (E) (FACD)-11 (2) 255/72 had up-graded the above mention posts from BS-11 to BS-16 without discrimination.
- D. That, In the year 1976 the Federal Government took a decision with regard to up-gradation of the posts of Agriculture Assistant, Veterinary Assistant, Soil Conservation Assistant and Research Assistant.
- E. That, While adopting the said decision the Provincial Government of NWFP confined it to certain category of officers possessing degree in Agriculture and Veterinary subjects, whereas science graduates in other disciplines namely Statistics, Botany, Zoology, Chemistry working in the Agriculture Department were ignored and kept beyond the scope of Notification, therefore, they approached the Service Tribunal.
- F. That, the aggrieved officers filed petitions for their up-gradation to BS 17 on the analogy of up-graded officers of Agriculture Extension before the Service Tribunal, Peshawar and got relief which they had prayed for and accordingly they were allowed BPS 17 w.e.f. 01.05.1977 with all back benefits.

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That, It is pertinent to mention that the Supreme Court of Pakistan in a similar judgment dated 21.03.2006, Mohammad Idrees Qazi VS Government of NWFP termed such treatment as an act of discrimination.

That, to reinforce the above submission, another judgment of the Supreme Court of Pakistan (SCMR 2005) page No.506 and 1996 SCMR 1185 are supplemented, which provides that when a tribunal or court decides a point of law relating to the terms of service of a Civil Servant, which covers not only the case of a Civil Servant who litigated, but also of other Civil Servant, who may have not taken any legal proceedings, the dictates of Justice and Rules of good governance demand that the benefits of the judgment be extended to other Civil Servants, who might not be parties to the litigation instead of compelling them to approach the Tribunal or any other legal forum.

That, the instant case of Appellant is relevant in all dimensions and parameters as that of the beneficiaries of the impugned notification and subsequent court decisions.

That, Pay & Allowances including the financial benefits are recurring cause of action and it was the duty of the Department to have allowed the said benefits / up-gradation to the Appellant, well in time.

, therefore, requested that subject Appeal be accepted as prayed for.

Bunir
Appellant

Through:

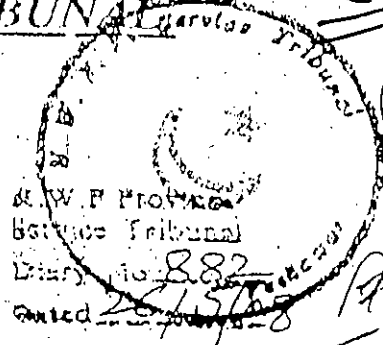
WAQAR AHMAD SETH
(Advocate, Peshawar)

APPROVED
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BEFORE NWFP SERVICE TRIBUNAL
PESHAWAR

ANNEX J

28



Service Appeal No: 752 / 2008

Bakhtiar Khan,
Statistical Officer,
CROP Reporting Services,
Peshawar

Appellant

Versus

1. Government of NWFP
Through Chief Secretary
 2. Secretary,
Agriculture, Livestock & Cooperation,
Department, Peshawar
 3. Secretary,
Government of NWFP,
Finance Department, Peshawar
- Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 FOR THE GRANT OF UP-GRADATION TO BPS 17 w.e.f. THE DATE OF APPOINTMENT / DATE OF NOTIFICATION FOR WHICH APPEAL WAS MADE AND SAME HAS NOT BEEN DECIDED WITH IN THE REQUISITE 90 DAYS TIME

Prayer: That on acceptance of this Service Appeal the Respondents be directed to remove the existing disparity in Pay & upgrade the Post of Statistical Investigator/ Statistical Officer from BPS 16 to BPS 17 w.e.f. 01.05.1977 vide Notification dated 02.03.1978, with back benefits and with such other relief as may deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

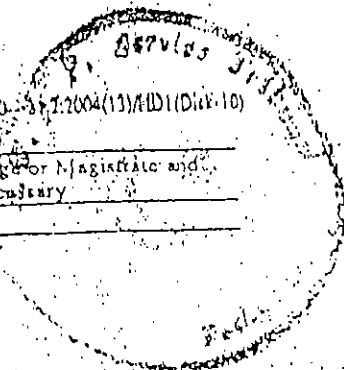
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Filed today
26/5/78

GS&PD,NWFP...457 P.S.--2,000 Page of 100...3/7/2004(13)/AD1(Dick-10)



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
2	3
26.03.2009	<p>Appellant in person, Maqsood-ur-Rehman, Statistician and Alamgir Shah, Supdt. for the respondents present. Arguments already heard. Record also perused. Vide our detailed judgment of today in Appeal No. 740 of 2008 (Shaukat Hayat-vs-Govt. of NWFP through Chief Secretary & others), this appeal is accepted in the light of the previous judgments with costs & with directions to the official respondents as mentioned in the last para of the judgment.</p>

ANNOUNCED
26.03.2009

Ed/
Member *Chair*



Number of appellations	800	27-3-09
Number of copies	6	
Total	6	
Date of completion of	4-4-09	
Date of delivery of copy	4-4-09	

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BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR

APPEAL NO.740/2008

Date of Institution 26.05.2008

Date of decision 26.03.2009

Shaukat Hayat, Statistical Officer,
CROP, Reporting Services, Swabi.

..... (Appellant)

VERSUS

1. The Govt. of NWFP through Chief Secretary.
2. Secretary Agriculture, Livestock & Cooperation Department, Peshawar
3. Secretary, Govt. of NWFP, Finance Department, Peshawar(Respondents)

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT 1974 FOR THE GRANT OF UPGRADATION TO BPS-17 W.E. FROM THE DATE OF APPOINTMENT/DATE OF NOTIFICATION FOR WHICH APPEAL WAS MADE AND THE SAME HAS NOT BEEN DECIDED WITHIN THE REQUISITE 90 DAYS TIME.

Mr. Waqar Ahmad Seth,
Advocate.

For appellant

Mr. Jamal Abdul Nasir
Addl: Govt. Pleader

For respondents

Mr. Justice Salim Khan.
Syed Manzoor Ali Shah

Chairman
Member

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.- The broad facts and legal question in Appeal No.740/2008 by Shaukat Hayat and Appeals No.741/08 by Noor Islam, 742/08 by Haji Muhammad, 743/08 by Nadir Khan, 744/08 by Liaqat Ali, 745/08 by Ziaul Islam, 746/08 by Mian Inayatullah, 747/08 by Tariq Usman Khattak, 748/08 by Syed Farman Ali Shah, 749/08 by Aslam Khan, 750/08 by Asadullah Khan, 751/08 by Pir Muhammad Khan, 752/08 by Bakhtiar Khan, 753/08 by Amir Rehman, 756/08 by Munir Ahmad, 757/08 by Muhammad Ishaq, 758/08 by Muhamamad Aslam and 767/08 by Fayaz Ahsan are similar, therefore, these cases are taken together for arguments and orders.

2. Shaukat Hayat appellant contended that he was Post Graduate in Economics and was working as Statistical Officer (BPS-17) in Crop Reporting

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BEFORE THE N.W.F.P. SERVICE TRIBUNAL, PESHAWAR

APPEAL NO: 740/2008

Date of institution 26.05.2008
Date of decision 26.03.2009

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Shaukat Hayat, Statistical Officer,
CROP Reporting Services, Swabi

(Appellant)

VERSUS

1. The Govt. of NWFP through Chief Secretary
2. Secretary Agriculture, Livestock & Cooperation Department, Peshawar.
3. Secretary Govt of NWFP, Finance Department, Peshawar. (Respondents)

APPEAL UNDER OF THE SERVICE TRIBUNAL ACT 1974
FOR THE GRANT OF DEGRADATION TO BPS-17
W.E.FROM THE DATE OF APPOINTMENT/DATE OF
NOTIFICATION OF WHICH APPEAL WAS MADE AND
THE SAME HAS NOT BEEN DECIDED WITHIN THE
REQUISITE 90 DAYS TIME

Mr. Waqar Ahmad Seth,
Advocate

For appellant

Mr. Jamal Abdul Nasir,
Addl. Govt. Pleader

For respondents

Mr. Justice (R) Salim Khan,
Syed Manzoor Ali Shah

Chairman
Member

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN

The broad facts and legal

questions in Appeal No. 740/2008 by Shaukat Hayat and Appeals No. 741/08
by Noor Isfah, 742/08 by Haji Muhammad, 743/08 by Nadir Khan, 744/08 by
Baqar Ali, 745/08 by Ziaul Islam, 746/08 by Mian Inayatullah, 747/08 by
Fariq Usman Khattak, 748/08 by Syed Farman Ali Shah, 749/08 by Aslam
Khan, 750/08 by Assadullah Khan, 751/08 by Pir Muhammad Khan, 752/08 by
Bakht Khan, 753/08 by Amir Rehman, 756/08 by Munir Ahmad, 757/08 by
Muhammad Ishaq, 758/08 by Muhammad Aslam and 757/08 by Fayaz Ahsan
are similar, therefore, these cases are taken together for arguments and orders.

Shaukat Hayat appellant contended that he was Post Graduate in
Economics and was working as Statistical Officer (BPS-17) in Crop Reporting

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Services of the Agriculture Department. He was appointed as Statistical Investigator (BPS-16) which post was upgraded to BPS-17 and was re-designated as Assistant Statistical Officer. Vide Notification dated 2.3.1978, the Finance Department granted BPS-17 to certain officers of Agriculture Department on the basis of being Graduate and Master in Agriculture and Veterinary from the date of appointment. This Tribunal was approached by other Degree holders through Appeals No. 359/1995, 360 of 1995, 361 of 1995, 362 of 1995 decided 16.8.1995, Appeal No. 27 of 1990 decided on 16.6.1991, Appeal No. 582 of 1995 decided on 25.3.1996, & Appeal No.5 of 1995 decided on 19.5.2003. The August Supreme Court of Pakistan also upheld the decisions vide C.P. No. 468-P of 2003 decided on 17.6.2005 and Civil Appeal No. 642 of 2005 decided on 23.3.2006. The department did not grant the same benefit to the appellants. They filed their departmental appeals which were not decided, hence the present appeal by Shaukat Hayat appellant and the other appellants of the above mentioned appeals. It is worth mentioning that the appellants claimed to be qualified with Post-Graduate Degrees either in Statistics or Mathematics or Economics or Physics.

3. The respondents contested these appeals. They contended that the posts of the appellants were upgraded from BPS-16 to BPS-17. But they did not have Degree in Agriculture/Veterinary, therefore, they were not equated with those officers who were given benefit vide Notification dated 2.3.1978. It was further contended that the present appeals were time-barred, that the conditions of service of the appellants were different from the conditions of service of other persons as well as were different from the prescribed criteria in the case of Mr. Idris Qazi.

4. We heard the arguments and perused the record.

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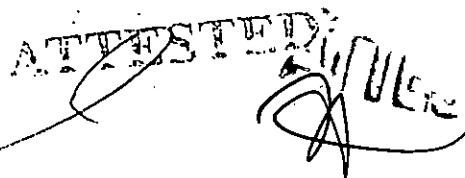
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The learned counsel for the appellants relied on the judgment in Appeal No.27 instituted on 16.4.1990 and decided on 16.6.1991. The appeal in that case was originally filed on 29.3.1981 but the case was remanded by the August Supreme Court of Pakistan vide its judgment dated 10.3.1990, therefore, it was again recorded as instituted in 1990. That appeal was against the Notification dated 26.4.1978 whereby the names of the then appellants were omitted and were not upgraded to BPS-17. It was held in that case that the Provincial Government had deviated from the criteria fixed by the Federal Government and had differentiated between the posts held by those who only possessed degree in simple science, and the functions and duties of the appellants were identical to those who were enjoying BPS-17 after up-gradation of the posts. This case was regarding a different Notification and the issue of the qualifications of Research Assistants with Graduation in other Sciences and of the Graduation in Agriculture was involved.

6. The learned counsel for the appellants also relied on the judgment in Appeal No. 582 of 1995. That appeal was also against the Notification dated 26.4.1978. It was mentioned that, under the West Pakistan Agriculture Research Subordinate Service Rules, 1963, qualification for the post of Research Assistant was B.Sc(Agri.) or B.Sc(2nd Division) in the subject, while qualification for the post of Statistical Assistant was Graduate in Statistics or Mathematics with Statistics as a subject. It was further mentioned that the appellant in that case was promoted as Additional Statistician in BPS-17 and move-over was granted to him to BPS-18. He was later on posted and adjusted as Director Communication for the purposes of pay. It was vide Notification dated 2.3.1978, in pursuance of the Notification of the Federal Government, that the Provincial Government upgraded the posts and ordered the re-designation of the officers in the Research Wing of Agriculture Department.

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Cases of Muzaffar Jamilher and others were dealt with and they were allowed.

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on the ground that they were Science Graduates. Appeal No. 27 of 1991 (referred to above) was decided in their favour on 16.6.1991 and leave to appeal was refused by the August Supreme Court of Pakistan on 01.12.1991.

7. The learned counsel for the appellants further relied on the judgment in Appeal No. 5/1997 decided on 19.5.2003. That appeal was filed by Muhammad Idris Qazi who was Statistical Assistant, qualified as M.Sc (Statistics). Two posts of Statistical Assistants and one post of Research Assistant (Statistics) were filled in through Public Service Commission. The posts were re-designated and then the appellant of that case was promoted as Additional Statistician BPS-17 (Supervisory). On move-over, and then on promotion, he was placed in BPS-18. The issue of the case of the Statistical Assistant and the issue of promotion of officers of other groups/categories was taken up vide para-6 of the mentioned judgment. On remand, the Finance Department showed its inability to upgrade the post of Muhammad Idris Qazi, who then filed the appeal. Vide para-8 of the mentioned judgment, the details of other cases were given including the judgment in C As No. 1321 to 1324 of 1996 by the August Supreme Court of Pakistan, in which leave was refused. The respondent department was, ultimately, directed to extend the benefit to that appellant also. Civil Appeal No. 642 of 2005 was filed which was decided on 21.3.2006. It was mentioned that some of the other employees placed under the same circumstances were availing the benefit of up-gradation of the post, but the same was denied to the private respondent in that appeal. Vide para-5 of the judgment, it was held that since that was a case of discrimination, therefore, in the interest of justice, the Hon'ble Judges of the August Supreme Court of Pakistan, were not inclined to examine the question of jurisdiction because substantial justice had been done, therefore, the appeal was dismissed.

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The learned counsel also relied on the judgment reported as 2005 SCMR 199 and explained the position of Judgment in rem. He also relied on the judgment reported as 1996 SCMR 1185 and contended that, when a benefit is given, on litigation, to certain other colleagues of such similarly placed persons, the same benefit had to be given to all those similarly placed persons who have not litigated..

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9. The A.G.P contended that the present appeals were time-barred, and the appellants had slept over their rights for a long time from 1978 onwards. He further contended that the appellants were estopped by their own conduct to sue through the present appeals, because they had accepted their position in accordance with the original rules. He also submitted that the case of Graduates/Post-Graduates in other Sciences was different from the case of the Graduates in Agriculture/Veterinary.


10. The above discussion has already clarified that cases of similarly placed persons were decided in their favour, and the judgments in those cases had attained finality. The appellants, being similarly placed persons, were entitled to the same benefits which were given to their colleagues. It was the responsibility of the respondents to give those benefits to them, even, if they had not litigated. Once a right is declared by a Judgment in rem, the same right accrues to all similarly placed persons whether they have, or have not, litigated. The responsibility to sue, after the issue of such judgment, shifts and is converted into responsibility to implement the judgment, and it gives the right to all similarly placed persons. The appellants, therefore, were not obliged to file Service Appeals, rather the respondent department was obliged to give them the same rights which had been given to their colleagues, who had litigated. It is further clarified that there can be no estoppel against law.

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11. The A.G.P. argued to the effect that the cases of Statistical Assistants/Research Assistants (Statistics), who graduated in other Sciences, and the cases of Graduates in Agriculture and Veterinary were different from each other, that the posts of Statistical Assistants/Research Assistants were upgraded to BPS-17 vide Notification dated 26.4.1978, while the cases of other Research Assistants who graduated in Agriculture and Animal Husbandry, were upgraded through Notification dated 2.3.1978. This argument could be further explained at the very initial stages of litigation between the respondent department and the appellants of the already mentioned appeals, including Buzarg Jamiher and Muhammad Idris Qazi. It appears that it was not properly done at that stage, and overlapping of discussion took place regarding two different Notifications while deciding the above mentioned appeals. The cases were regarding the Notification dated 26.4.1978, and were not regarding Notification dated 2.3.1978. They were declared similarly placed persons with those graduates in Science subjects, who were granted B.P.S-17.

12. The original qualification for the post of Research Assistant was B.Sc.(Agri.) or B.Sc. (2nd Division) in the subject. The qualification for the post of Statistical Assistant was Graduation in Statistics, or Mathematics with Statistics as a subject. A person qualified in Statistics, or Mathematics with Statistics as a subject was eligible for the post of Statistical Assistant while a Graduate in B.Sc.(Agri.) or B.Sc. in any other subject, but with 2nd Division, was qualified for the post of Research Assistant. The appellants qualified in Mathematics with Statistics, and the appellants qualified in Statistics, therefore, were eligible for the post of Statistical Assistant, while the appellants who were qualified in B.Sc. (Agri.) or who were qualified in B.Sc. including Statistics, Mathematics, Economics, Physics, but with 2nd Division, were qualified for the post of Research

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 J. J. J.

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Assistant: All the present appellants have higher qualification in other Sciences. Through the already granted judgments, their posts have already been equated with the posts of other Graduates.

13. It is, however, repeated for further clarity that the cases of the present appellants; of the appellants in previous cases, and of the other similarly placed persons are in respect of the Notification dated 26.4.1978, and not in respect of Notification dated 2.3.1978, which was specially concerning the graduates in Agriculture and Veterinary.

14. In the light of the above, we do not have any other alternative, but to accept the present appeals in the light of the previous judgments, with costs. We direct the official respondents to give the same benefits to the present appellants (who are B.Sc 2nd Division in other Sciences like Economics, Physics) which have been declared for the other similarly placed persons who were qualified in B.Sc (Agri.) or B.Sc (2nd Division) or B.Sc Statistics or Mathematics with Statistics as a subject and who had litigated as mentioned above. The official respondents are further directed to grant the same benefits to all other similarly placed persons who have not yet litigated, in order to avoid compelling them to enter into litigation with them.

*Sd/- Justice (S) Lalit Mohan Sharma
Chief Justice
Sd/- Jyoti Malhotra
JL*

ANNOUNCED
26.03.2009

[Signature]
Secretary

Number of pages	27
Number of volumes	3
Pages per volume	9
Number of copies	16
Date of completion of work	16/03/09
Date of delivery of copy	16/03/09

*For relief see page 26
only financial benefit
Nieder seniority in resignation
allowed*

ATTESTED

GOVERNMENT OF N.W.T.
AGRICULTURE, LIVESTOCK AND CO-OPERATION
DEPARTMENT, PRESHAW
SUMMARY FOR THE CHIEF MINISTER, N.W.P.

RE-DESIGNATION OF THE POST OF STATISTICAL INVESTIGATOR WITH INCUMBENTS FROM B2-16 TO B2-17 AND RE-DESIGNATION AS STATISTICAL OFFICER IN LIGHT OF THE JUDGMENT OF THE N.W.P. SERVICE TRIBUNAL PRESHAW IN APPEALS NO. 790-728 AND 791-728

The Finance Department has requested and re-designated certain categories of posts of officers of this Department from B2-16 to B2-17 with effect from 2-2-1977 with the consequential of possessing Degree in Agriculture and Veterinary subjects (Annex-I).

The Research and Statistical Assistants (B2-16) of Agricultural Research System who were non-Agriculture Graduate possessed Degree in single Sciences (i.e. Botany, Chemistry and Statistics) were kept beyond the scope of re-designation and not upgraded. They took the matter to the Service Tribunal Preshaw on 16-04-1970, 21-2-1972 & 28-12-1972 and the Tribunal ordered the cases in their favour on 16-8-1971, 16-8-1972 & 19-2-1973, but they were upgraded and re-designated as Research Officers (B2-17) with all back benefits irrespective of possessing Degree in Agricultural or Veterinary disciplines (Annex-II).

The Statistical Officers of the same status and qualifications appointed as Statistical Investigators in (B2-16) in Agriculture Department following the precedent submitted before the N.W.P. Service Tribunal Preshaw on 28-5-1970 praying to remove the existing disparity in pay and upgrade the post of Statistical Investigator from B2-16 to B2-17 with effect from 1-2-1977 on the date of appointment with back benefits. The N.W.P. Service Tribunal accepted the appeal on 28-03-1979 (Annex-III). The Service Tribunal while accepting the appeal has directed as under:

"We do not have any other alternative, but to accept the present appeals in the light of the previous judgments. With costs. We direct the official respondents to give the same benefits to the present appellants (who are B.Sc. 2nd Division in other Sciences like Economics, Physics) which have been declared for the other similarly placed persons who were placed in B.25 (Agriculture) or B.25 (Statistics) or B.25 (Mathematics) with Statistics as a subject and who had placed as mentioned above. The official respondents are further directed to grant the same benefits to all other similarly placed persons who have not yet filed, in order to avoid compelling them to enter into litigation with them."

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GOVERNMENT OF N.W.F.P.
 AGRICULTURE, LIVESTOCK AND CO-OPERATION
 DEPARTMENT PESHAWAR
 SUBJECT: UPGRADATION OF POSTS OF STATISTICAL INVESTIGATOR WITH ALL RIGHTS FROM BS-16 TO BS-17 AND RE-DESIGNATION AS STATISTICAL OFFICER IN LIGHT OF JUDGMENT OF THE SERVICE TRIBUNAL PESHAWAR IN APPEALS NO 748 AND 767.

The above judgment was sent to the Law Department on 28-4-2009 requesting them to ask the Advocate General, NWFP to file an appeal before the Supreme Court of Pakistan. The Law Department intimated on 8-7-2009 that the case was not fit for further appeal in the Supreme Court of Pakistan (Annex-IV).

5. In view of the judgment of the NWFP Service Tribunal and comments of the Law Department, a note was moved to the Chief Secretary, NWFP through Finance Department for approval of the following proposal:-

- i. Upgradation of eighteen (18) posts of Statistical Investigator from BS-16 to BS-17 and re-designated as Statistical Officer with effect from 1-5-1977 or from the date of their appointment as per (Annex-V).
 - ii. Financial implication amounting to Rs. 79,23,800/- vide (Annex-VI).
6. The Finance, Establishment and Law Departments agree with the proposal of the Department and the Chief Secretary, NWFP has desired to move a summary to the Chief Minister, NWFP for approval (Annex-VII).
7. The Chief Minister, NWFP is requested to approve the proposal contained in para-5/ante.

(Signature)
 (ATTA ULLAH KHAN)
 SECRETARY AGRICULTURE
 13/1/10

MINISTER FOR AGRICULTURE
NWFP

(Signature)
 Agriculture
 NWFP Peshawar

CHIEF SECRETARY, NWFP

CHIEF MINISTER, NWFP
(Signature)
 Agriculture

(Signature)
 16/1/2010
 (Chief Secretary)
 Govt. NWFP
 1977-78
 Govt. NWFP

(Signature)
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Annex

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Dated Peshawar, the 17/2/2010.

NOTIFICATION

NO. SOE (AD) III 2-2010/2009 in pursuance of the Government of NWFP Finance Department Order No. KC/SO(FR)-13/2008 dated 13-2-2010, the competent authority has been pleased to up-grade the following 18 (eighteen) posts of Statistical Investigators from BS-16 to BS-17 along with the incumbents and re-designate these posts as Statistical Officer with effect from 01-05-1977 or from the date of their appointment as noted against each:-

Sl. No.	Post No.	Name & Designation	Qualifications	Date of Appointment in BS-16	Date of Admissibility in BS-17	Place of Duty
1.	753/08	Mr. Amir Rehman, Statistical Officer	B.Sc. Stat. 3	03-07-1972	01-05-1977	District Swat
2.	751/08	Mr. Pir Muhammad, Statistician	--do--	01-07-1972	01-05-1977	District Battagram
3.	756/08	Mr. Muhammad, Statistical Officer	--do--	17-11-1976	01-05-1977	District Dikhan
4.	752/08	Mr. Bakht Khan, Statistical Officer	--do--	16-11-1976	01-05-1977	District Peshawar
5.	757/08	Mr. Muhammad Ishaq, Statistical Officer	--do--	29-10-1976	01-05-1977	District Dikhan
6.	755/08	Mr. Muhammad Alsam, Statistical Officer	MSc Statistics	23-4-1981	23-04-1981	District Dikhan
7.	740/08	Mr. Shaukat Hayat, Statistical Officer	MSc Economics	08-01-1985	08-01-1985	District Swabi
8.	742/08	Mr. Haji Muhammad, Statistical Officer	--do--	08-01-1985	08-01-1985	Malakand Agency
9.	749/08	Mr. Aslam Khan, Statistical Officer	MSc Statistics	08-01-1985	08-01-1985	District Larki Marwat
10.	748/08	Mr. Farman Ali Shah, Statistical Officer	--do--	09-01-1985	09-01-1985	District Abbottabad
11.	745/08	Mr. Zia-ul-Islam, Statistical Officer	--do--	09-01-1985	09-01-1985	District Mardan
12.	744/08	Mr. Liaqat Ali, Statistical Officer	MSc Maths	12-01-1985	12-01-1985	District Dir Lower
13.	746/08	Mr. Inayatullah, Statistical Officer	MSc Economics	12-01-1985	12-01-1985	District Charsadda
14.	743/08	Mr. Nadir Khan, Statistical Officer	MSc Statistics	19-01-1985	19-01-1985	District Bannu
15.	741/08	Mr. Noor Islam, Statistical Officer	--do--	24-01-1985	24-01-1985	Bajaur Agency
16.	750/08	Mr. Asadullah, Statistical Officer	MSc Economics	24-08-1985	24-08-1985	District Chitral
17.	747/08	Mr. Tariq Usman, Statistical Officer	MSc Statistics	22-01-1985	22-01-1985	District Kohat
18.	767/08	Mr. Fayaz Ihsan, Statistical Officer	MSc Economics	05-05-1986	05-05-1986	HQ office

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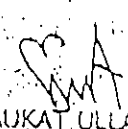
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Endst.No:KC/SO(FR)FD/7-13/2008

Dated Peshawar, the 17/2/2010

Copy forwarded for information and necessary action to:-

1. The Accountant General, NWFP, Peshawar.
2. The District / Agency Accounts Officers, Swat, Battagram, Dikhan, Swabi, Malakand Agency, Lakki Marwat, Abbottabad, Mardan, Dir Lower, Charsadda, Bannu, Bajaur Agency, Chitral and Kohat.



(SHAUKAT ULLAH)
SECTION OFFICER (FR)
GOVERNMENT OF NWFP,
FINANCE DEPARTMENT.

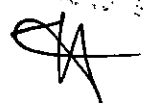
Endst.No.SOE(AD)III(2)201/2009

Dated Peshawar, the 17/2/2010

Copy forwarded for information and necessary action to:-

1. The Statistician, Crop Reporting Services, NWFP, Peshawar.
2. The Section Officer (FR) Government of NWFP, Finance Department w/r to his letter number referred to above.
3. Officers concerned.
4. PS to Secretary Agriculture, NWFP.
5. Personal files.


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

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A.R. Raza

(BB)

GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the April 7th, 2012

NO. SOE(AD)III(2)201/2011/CRS.- In pursuance of the Government of Khyber Pakhtunkhwa Finance Department letter No.SO(FR)/FD/7-13/008 dated 09.03.2012, the Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department pleased to accord sanction to the up-gradation of the following 04 (four) posts of Statistical Investigators from BS-16 to BS-17 alongwith the incumbents and re-designated the posts as Statistical Officers with effect from 01.05.1977 or from the date of the appointment as per detail given below:-

- | | | |
|---|---------------------|-------------------------|
| 1 | Mohammad Zaman | S/O Mohammad Khan |
| 2 | Mohammad Zahid Khan | S/O Mohammad Nadir Khan |
| 3 | Samee Ullah | S/O Atta Ullah |
| 4 | Saeed Ullah | S/O Atta Ullah Khan |

Sd.-
SECRETARY AGRICULTURE

SO(FR)7-13/2008

Dated Peshawar the April, 07/12

Forwarded for information and necessary action to the:-

- 1. Joint General, Khyber Pakhtunkhwa Peshawar.
- 2. Joint General PR, Sub Office Peshawar.
- 3. Accounts Officer, Tank.
- 4. Accounts Officer, Nowshera.

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

Encs. NO. SOE(AD)III(2)201/2010

Dated Peshawar the April, 2012

Forwarded for information and necessary action to the:-

- 1. Joint General, Crop Reporting Services, Khyber Pakhtunkhwa, Peshawar.
- 2. Joint General PR, Sub Office Peshawar.
- 3. Accounts Officer (FR) Government of Khyber Pakhtunkhwa Finance Department

A.R. Raza

GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

(REGULATION WING)

NO. SO(FR)/D/7-13/2008
Dated Peshawar, the 20-03-2012

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Agriculture, Livestock & Cooperative Department.

Subject: -

UPGRADATION OF STATISTICAL INVESTIGATORS (BS-16)
TO STATISTICAL OFFICER (BS-17) IN LIGHT OF JUDGMENT
OF SERVICE TRIBUNAL, PESHAWAR.

Dear Sir,

I am directed to refer to your letter No. SOE(AD)1(2)201/2011 dated 07-03-2012 on the subject noted above and to state that the competent authority has been pleased to up-grade the following 04 (four) posts of Statistical Investigators from BS-16 to BS-17 alongwith the incumbents and re-designate these posts as Statistical Officer with effect from 01-05-1977 or from the date of their appointment as per detail given below: -

i.	Mohammad Zaman	S/O	Mohammad Khan
ii.	Mohammad Zahid Khan	S/O	Mohammad Nadir Khan
iii.	Samee Ullah	S/O	Atta Ullah
iv.	Saeed Ullah	S/O	Atta Ullah Khan

2. The Administrative Department may kindly amend the service/ recruitment rules through Standing Service Rules Committee (SSRC) accordingly.

3. Audit copies may be prepared and sent to this department for authentication.

Yours faithfully,


(BIBI FATIMA)
SECTION OFFICER (FR)

ENDST. NO. & DATE EVEN.

Copy of the above is forwarded to Budget Officer-VII, Finance

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DIRECTORATE OF CROP REPORTING SERVICES, KHYBER PUKHTOONKHWA, AGRICULTURE DEPARTMENT, AT1,
CAMPUS JAMRUD ROAD, PESHAWAR, PH. #091-9216376 & FAX # 091-9218599 EMAIL ADDRESS:
www.crsnkpk@gmail.com

No. 818 /SCRS
Dated Peshawar, the April 21, 2012

To

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

Subject

DEPARTMENTAL APPEAL AGAINST RE-DESIGNATION OF
THE POST OF STATISTICAL INVESTIGATOR (BS-16) AS
STATISTICAL OFFICER AFTER ITS UP-GRADATION TO BS-17.

Memo,

A copy of the Departmental Appeal submitted by Mr.; Maqsood-ur-Rahman, Statistical Officer Supervisory (BS: 17+ Rs; 150 P.M) against re-designation of the post of Statistical Investigator (BS: 16) as Statistical Officer after its up-gradation to BS 17 vide notification No: SOE (AD) III (2)201/2011 dated 7.4.2012 is enclosed for favor of information and further consideration, please.

STATISTICIAN
CROP REPORTING SERVICES
KHYBER PAKHTUNKHWA
PESHAWAR

No. 819 /SCRS Dated Peshawar, the 21.04 /2012

Copy forwarded to the officer concerned

STATISTICIAN

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To

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

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Subject: - DEPARTMENTAL APPEAL AGAINST RE-DESIGNATION OF
THE POST OF STATISTICAL INVESTIGATOR (BS-16) AS
STATISTICAL OFFICER AFTER ITS UP-GRADATION TO BS-17.

Dear Sir,

Kindly refer to your office Notification No: SOE (AD) III (2)201/2011 dated
7.4.2012 (Annex-A).

I have the honor to submit the following few lines for your kind
consideration & Sympathetic action, please:

1. I was appointed as Assistant Statistical Officer (BS-17) through Public Service Commission, Khyber Pakhtunkhwa in the year 1987(Annex-B). According to the Services Rules framed in 1981 and amended in 1989, an Assistant Statistical Officer was to be promoted to the post of Statistician (BS-18) and a Statistical Investigator to the post of Assistant Statistical Officer (Annex-C)
2. From 01.07.1997, the Department re-designated the post of Assistant Statistical Officer as Statistical Officer (Supervisory) vide Notification No. SOE (AD) II (2)286/91 dated 27.06.1997, with a special Supervisory pay of Rs.150/- P.M. (Annex-D). As a result, the designation of Assistant Statistical Officer (BS-17) was replaced with Statistical Officer (Supervisory) in the Revised Service Rules notified vide No. SOE (AD) II (2) 429/2010 dated 06.06.2011 (annex-E).

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3. In 1978, the Federal Government had up-graded all those BS-16 posts to BS-17 for which the minimum qualification was a "Graduate Degree in Agriculture or DVM". Like other provinces, the Government of Khyber Pakhtunkhwa also adopted the same in line with the decision of the Federal Government (Annex-F).
4. In 2008, the Statistical Investigators (BS-16) prayed to the Service Tribunal Khyber Pakhtunkhwa to extend the sphere of notification to Non-Agriculture Graduates working in the same department. The Court accepted their appeal on grounds of discrimination.
5. To implement the Court Judgment, the Department moved a summary to Chief Minister Khyber Pakhtunkhwa for up-gradation of the post of Statistical Investigator (BS-16) to (BS-17). The judgment of the Court was re-produced in the summary at Para 3 as under (Annex-G).

"We direct the official respondents to give the same benefits to the present appellants (who are B.Sc 2nd Division in other Sciences like Economics, Physics) which have been declared for the other similarly placed persons who were qualified in F Sc (Agri.) or B.Sc (2nd Division) or B.Sc Statistics or Mathematics with Statistics as a subject and who had litigated as mentioned above".

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6. In all Attached Departments of Agriculture (Federal & Provincial), a separate designation was awarded to the up-graded officers and their seniority was never integrated with those officers who were promoted to BS: 17 or were selected in BS-17 directly through Public Service Commission against a Supervisory post. Thus only monetary benefits were granted to these up-graded officers

Sl. No.	Department	Designation of Supervisory Officer, BS-17+Rs. 50/-	Designation of UP-GRADED Officer
a.	Agriculture Extension	Extra Asstt. Director Agri., APPO, AHO.	Agriculture Officer
b.	Livestock	Assistant Director	Veterinary Officer
c.	Soil Conservation	Soil Conservation Officer	Assistant Soil Conservation Officer

7. Likewise, in other provinces too, a separate designation was allowed to the up-graded officers.

Sl. No.	Department	Designation of Supervisory Officer, BS-17+Rs. 150/-	Designation of UP-GRADED Officers
i.	CRS Punjab	Assistant Director	Statistical Officer
ii.	CRS Sindh	Assistant Director	Statistical Officer
iii.	CRS Baluchistan	Assistant Director	Statistical Officer

8. While processing the case for up-gradation of these Statistical Investigators from BS: 16 to BS: 17, their existing designation was incorrectly quoted as Statistical Officer instead of Assistant Statistical Officer in Para-3 of the Summary to Chief Minister, Khyber Pakhtunkhwa (Annex-G). *The Department cannot produce any evidence that how and when these Statistical Investigators were promoted / up-graded to the post of Statistical Officer (Supervisory).*

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9. The Finance Department vide letter No: SO (FR) FD/7-13/2008 dated 20.3.2012 has advised the Department to amend the Service Rules accordingly. It confirms that the existing designation of Supervisory officers will not be assigned to these newly up-graded officers (Annex-H).

In view of above, it is requested to kindly rectify the anomaly by awarding a separate designation to the up-graded officers instead of Statistical Officer which already allowed to their one step above Supervisory Officers in the Department. Otherwise, it will create an anomaly in the existing seniority of Supervisory and Non-Supervisory Officers in the Department. It is pertinent to mention that in all Attached Departments of Agriculture (Federal & Provincial), the posts of Supervisory Officers have been up-graded to BS-18 except in CRS, Khyber Pakhtunkhwa where Supervisory Officers are feared to be brought under sub-ordination of their tehsil tier officers due to anomaly in re-designation of the up-graded Officers.

✓
Dated 7th April, 2012.

Yours Sincerely,

(MAQSOOD-UR-RAHMAN)
Statistical Officer (Supervisory)
Crop Reporting Service
Agriculture Department

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the 24/02/2014

NOTIFICATION

NO.SC3(AD)3(2)201/2011/SCRS.

In pursuance of the Government of Khyber Pakhtunkhwa, Finance Department letter No.KC/SO(FR)/FD/7-13/2008 dated 8/11/2013, the Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department is pleased to accord sanction to the up-gradation of the following 24 (Twenty Four) posts of Statistical Investigators from BS-16 to BS-17 and re-designate as Statistical Officer with effect from 01.05.1977 or from the date of their appointment, whichever is later as per detail given below:-

Sr#	Name & Designation of the officer	Qualification	Date of appointment in BS-16	Date of Up-gradation	Status
1.	Mr.Shoukat Ali	M.A (Eco)	01.05.1977	01.5.1977	Retired
2.	Mr.Azimullah	B.Sc (Stat)	-do-	-do-	
3.	Mr.Amanullah	B.Sc (Stat)	-do-	-do-	
4.	Mr.Gul Noor Khan	-do-	-do-	-do-	
5.	Sakhiwot Shah	-do-	-do-	-do-	
6.	Mir Sarwar Khan	-do-	-do-	-do-	
7.	Muhammad Rafique	-do-	-do-	-do-	
8.	Ihsanullah Khan	-do-	-do-	-do-	
9.	Inayatullah Khan	M.Sc (Math)	-do-	-do-	
10.	Fayaz Ahmad	B.Sc (Stat)	-do-	-do-	
11.	Riaz Ahmad	M.Sc (Phy)	-do-	-do-	
12.	Sardar Aslam Khan	M.Sc (Stat)	8.1.1985	8.1.1985	Statistical Officer
13.	Muhammad Naeem	M.Sc (Stat)	10.2.1985	10.2.1985	Section Officer P&D Department
14.	Waheed Gul	-do-	15.2.1985	15.2.1985	Working as District Zakat Officer in Zakat Department
15.	Nadir Khan-II	M.Sc (Eco)	15.2.1985	15.2.1985	
16.	Abidullah	M.Sc (Stat)	1.4.1985	1.4.1985	
17.	Hamidullah	-do-	11.8.1985	11.8.1985	
18.	Behri Karam	M.Sc (Math)	22.12.1985	22.12.1985	
19.	Muhammad Tariq	M.Sc (Eco)	4.1.1986	4.1.1986	
20.	Noor Jamal	-do-	10.5.1986	10.5.1986	
21.	Ihsanullah	M.Sc (Stat)	1.11.1986	1.11.1986	
22.	Shabir Ahmad	-do-	1.11.1987	1.11.1987	
23.	Mubashar Raza	M.Sc (Stat)	20.9.1994	20.9.1994	
24.	Sibghatullah	-do-	10.9.1995	10.9.1995	

-sd-

SECRETARY AGRICULTURE

Endst. No.KC/SO(FR)/FD/7-13/2012

Dated Peshawar, 24/02/2014

Copy forwarded for information and necessary action to:-

- The Accountant General, Khyber Pakhtunkhwa Peshawar;
- The District Accounts Officers, concerned.

(SHOUKAT ULLAH)
SECTION OFFICER (FR)

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

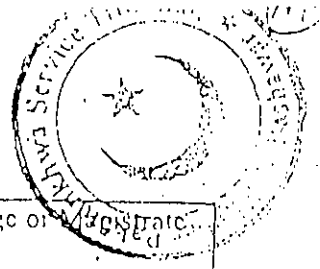
SHABIR AHMAD
Section Officer (Z&U)
Zakat, Usm & Social Welfare Department
Khyber Pakhtunkhwa

SECRETARY ZAKAT OFFICE

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ANNEX "M"



1

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate.
1	2	3
	19.10.2015	<p align="center">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</p> <p align="center">APPEAL NO.804/2012</p> <p>(Maqsood-ur-Rehman -vs- Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others).</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>ABDUL LATIF, MEMBER:</u></p> <p>Appellant with counsel (Mr. Khalid Rehman, Advocate), Mr. Muhammad Imran; Agriculture Officer and Mr. Sameen Jan, Supdt alongwith Mr. Ziaullah, Government Pleader for official respondents and counsel for private respondents No.10,13 and 14 (Mr. Ghulam Nabi, Advocate) present.</p> <p>2. The instant appeal has been filed by the appellant under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 for issuing appropriate directions to respondents No. 1 to 5 to assign/award separate designation to the Statistical Investigator (BPS-16) upgraded to (BPS-17) from the designation already assigned to statistical Officers (BPS-17) Supervisory directly selected through Public Service Commission in BPS-17 or promoted to BPS-17 from the post of Statistical Investigator (BPS-16) in the Department. Appellant prayed that on acceptance of the instant appeal, appropriate directions be issued to the respondents No. 1 to 5 to assign/award separate designation to the Statistical</p>

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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Investigators (BPS-16) upgraded to BPS-17 from the designation already assigned to Statistical Officers (BPS-17) from the designation already assigned to Statistical Officers (BPS-17) Supervisory directly selected through Public Service Commission in BPS-17 or promoted to BPS-17 from the post of Statistical Investigator (BPS-16) in the Departments.

3. Brief facts giving rise to the instant appeal are that the appellant was appointed as Assistant Statistical Officer (BPS-17) on the recommendation of the Khyber Pakhtunkhwa Public Service Commission vide order dated 01.05.1987. That initially the rules for recruitment, appointment of the employees of the Agriculture Department were promulgated in the year 1981, however, subsequently an amendment was introduced vide notification dated 03.09.1989 under which, there became two categories of Officers in Crop Reporting Services of the Agriculture Department. According to the Rules ibid, Assistant Statistical Officer (BPS-17) was to be promoted to the post of Statistician (BPS-18) and Statistical Investigator (BPS-16) to the post of Assistant Statistical Officer (BPS-17). That vide Notifications dated 27.06.1997 the department upgraded and re-designated both the categories of officers w.e.f 01.07.1997 as Assistant Statistical Officer (BPS-17) upgraded to Statistical Officer BPS-17-Rs.150/- Supervisory and Statistical Investigator (BPS-16) up-graded to Assistant Statistical Officer (BPS-17). It is important to mention here that the Seniority lists of both the categories have been separately maintained by the Department till date. The last approved seniority list of Statistical Officer

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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(Supervisory) confirms that presently the appellant is the senior-most Supervisory Officer in the Department. That in the year 2008, some of the Statistical Investigators (BPS-16) filed service appeals in the Service Tribunal for up-gradation of their posts to BPS-17 from their dates of appointments instead of 01.07.1997 in the light of the Finance Department notification dated 02.03.1978 which was accepted vide judgment dated 26.03.2009. That due to the misinterpretation of the judgment and non-awarding separate exclusive designation to the upgraded Non-Supervisory Statistical Officer (BPS-17), an anomaly of seniority of both the categories i.e Supervisory and Non-Supervisory Statistical Officers has been created by the Department, which has adversely affected the rights of the appellant and other similar officers, therefore, appellant preferred a departmental appeal on 07.04.2012 to the competent authority which was not responded, hence the instant appeal.

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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

4. Counsel for the appellant argued that respondents had not treated appellant in accordance with law, rules and policy on the subject and acted in violation of Article-4 of the Constitution of the Islamic Republic of Pakistan, 1973 and unlawfully amalgamated the category of Statistical Officers (BPS-17) with special pay of Rs. 150/- and the category of Statistical Officers since up-graded from Statistical Investigator (BPS-16) pursuant of the Khyber Pakhtunkhwa Service Tribunal judgment in Appeal No. 752/2008. He further argued that while allowing similar up-gradation to BPS-16 Officers in other attached Departments of the Agriculture Department a different designation was allowed to the up-graded Officers and their seniority was never integrated with

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the supervisory Officer in the Department as is evident from notification dated 02.03.1978 and from the comparison as noted below:-

S.#	Department	Designation of District Officer, BPS 17+Rs.150/- (Supervisory)	Designation of Up-Graded Tehsil Officer from BPS-16 to BPS-17
1.	Agriculture Extension	Extra Assistant Director Agri. Officer, APPO & AHO	Agriculture Officer
2.	Livestock	Assistant Director	Veterinary Officer
3.	Soil Conservation	Soil Conservation Officer	Assistant Soil Conservation Officer
4.	Crop Reporting Service	Statistical Officer	Assistant Statistical Officer

He further submitted that a different yardstick only with respect to Crop Reporting Services (CRS) was discriminatory and clear violation of the Service Tribunal judgment cited above. He further argued that the Director General Agriculture Extension vide letter dated 02.07.2010 to the Secretary Agriculture had pointed out the anomaly and had proposed for maintaining separate seniority list for two category Officers. Similarly the departmental committee constituted on the directive of the Government also recommended that Supervisory and non-supervisory were two different category and their seniority could not be unified. He further argued that neither Supervisory Statistical Officers were party before the Service Tribunal nor were they heard or provided opportunity of defense therefore the judgment was not binding on them, be that as it may, the cited judgment had never touched the question of seniority between the two rival categories of Officers. He further contended that the judgment was only with regard to the financial

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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

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benefits and therefore the same could not be stretched to encroach upon the seniority rights of the Supervisory Statistical Officers. He further argued that Sec-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 provides that seniority in various cadres of civil servant appointed by initial recruitment viz-a-viz those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre provided if the two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment. That due to the impugned re-designation the Supervisory Statistical Officers (BPS-17) have become juniors to the erstwhile Statistical Investigators (BPS-16) who were previously their subordinates, which has resulted into serious miscarriage of justice and resentment.

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5. The learned counsel for private respondents argued that prayer made by the appellant requesting the Service Tribunal for passing appropriate direction to the government was not in conformity with the law as the Service Tribunal had no such jurisdiction to make any directions to the government. He further argued that notification dated 06.06.2011 clearly spelt out various categories of Officers borne on the Establishment of Crop Reporting Services (CRS) of the Agriculture Department and the appellant failed to challenge the said notification which had since attained finality. He further argued that up-gradation of 18 Officers was notified in the year 2010 but the appellant then remained silent hence the present appeal was badly barred by time. He further contended that tentative seniority list of Statistical

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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

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Officer (BPS-17) was circulated on 09.12.2011 against which no objection was raised by the appellant. He also argued that notification pertaining to three categories where appellant was merged with private respondents was never challenged by the appellant, hence it was useless to cry over the spilt milk. He relied on 1994 SCMR 1033, 2006 SCMR 518, 2006 SCMR 1630, 2011 PLC (C.S) 596, PLD Supreme Court 338 and PLD 2014 Supreme Court. He prayed that the appeal being devoid of any merits may be dismissed.

6. The learned Government Pleader resisted the appeal and argued that the appeal had not impugned any final order before the Service Tribunal as required by the Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 hence the appeal is not maintainable in its present form. He further argued that framing of rules and amendment therein fell in the executive domain of Government and the same could not be challenged before any court of law nor the Tribunal enjoyed jurisdiction to pass any directions to the Government in this regard. He further argued that the appellant never challenged up-gradation of 2010 in respect of the private respondents nor did he make any mention of the same in his departmental appeal. He further argued that the appellant was in the knowledge of all cases on the instant subject as he represented Government in all the cases before the Tribunal. He relied on 2006 SCMR 1630, 2015 SCMR 269 and 1994 SCMR 1033. He prayed that the appeal being devoid of any merits may be dismissed.

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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7. Arguments of learned counsels for the parties heard at length and record perused with their assistance.

8. From perusal of the record of the case it transpired that the appellant was appointed as Assistant Statistical Officer (BPS-17) through Khyber Pakhtunkhwa Public Service Commission in the year 1987. Under the relevant recruitment rules of the Agriculture Department of 1981 the post of Assistant Statistical Officer (Being District Head) used to be filled in 50% on the basis of promotion from Statistical Investigator (BPS-16) (Tehsil Level Officer). The post of Assistant Statistical Officer was up-graded on 27.06.1997 as Statistical Officer (BPS-17) and re-designated as Statistical Officer Supervisory, the same was however given effect from 01.07.1997. The appellant was placed at S.No.6 of the Seniority of Statistical Officer Supervisory (BPS-17) vide notification dated 01.05.2001. Subsequently the post of Statistical Investigator were up-graded in pursuance of Service Tribunal judgment dated 26.03.2009 in appeal No. 752/2008 wherein the up-gradation was given effect from 01.05.1977. From perusal of the record it reveals that before coming into effect of the Service Tribunal judgment cited above, the appellant enjoyed a senior position viz-a-viz the private respondents. Up-gradation of the private respondents to BPS-17 and given the same effect from 01.05.1977 appears to have created an anomalous situation as the appellant has been ranked junior to his erstwhile juniors in the Crop Reporting Services wing of the Agriculture Department. The Tribunal is therefore, of the considered view that without going into the issue of limitation of the case on technical grounds, the case needs to be

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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examined on merits to meet the ends of natural justice and requirements of equality as enunciated in the Constitution. The case is accordingly remitted to the respondent-department with the direction to revisit the case on merits strictly in accordance with law and decide the same within a period of two months after receipt of the instant judgment. Parties are left to bear their own costs. File be consigned to the record.

9. This judgment will also dispose of the connected appeal No. 1549 of 2011 titled Maqsood-ur- Rehman-vs- Govt: of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others as the fate of the case in hand has a close linkage and bearing on the said case.

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

sd
sd
Pi: Bakhtshah member
Abdullahif member

ANNOUNCED
19.10.2015

Date of Presentation of Application 20-10-2015
Number of Words 3900
Copying Fee 18-0
Grant 18-0
Total 18-0
Name of Copyist Al
Date of Completion of Copy 2-11-2015
Date of Delivery of Copy 2-11-2015

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ANNEX N³



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the December 22nd, 2016

NOTIFICATION

NO. SOE(AD)/III(2)291/2014.

In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, final seniority list of officers of Statistical Officers (BS-17)-Crop Reporting Services, Agriculture Department Khyber Pakhtunkhwa, as stood on 01.06.2016, is notified:-

S.No.	Name & Academic Qualification	Date of Birth/ Domicile	Date of 1st entry into Govt. Service	Regular Appointment/ Upgradation/ Promotion to the present post			Present posting	Date of retirement	Remarks
				Date	BPS.	Methods of recruitment			
1	2	3	4	5	6	7	8	9	10
1.	Mr. Samiullah Khan M.Sc(Maths)	01.05.1951 DKhan	07.01.1985	07.01.1985	BS-17	By upgradation	Statistical Officer, Tank	31.04.2021	
2.	Mr. Sardar Aslam M.Sc Statistics	27.06.1955 Karak	08.01.1985	08.01.1985	BS-17	By Upgradation	Statistical Officer, CRS, Karak	26.06.2016	
3.	Mr. Haji Muhammad M.A (Eco)	01.05.1959 Malakand	08.01.1985	08.01.1985	BS-17	By Upgradation	Statistical Officer, Malakand	30.04.2019	
4.	Mr. Aslam Khan M.Sc(Stat)	23.12.1959 Bannu	08.01.1985	08.01.1985	BS-17	By Upgradation	Statistical Officer, Bannu	22.12.2019	
5.	Mr. Shaikat Hayat M.A (Eco)	30.12.1960 Mardan	08.01.1985	08.01.1985	BS-17	By Upgradation	Statistical Officer, Swabi	29.12.2020	
6.	Syed Farman Ali Shah M.Sc (Stat)	01.11.1956 Peshawar	09.01.1985	09.01.1985	BS-17	By Upgradation	Statistical Officer, Abbottabad	31.10.2016	
7.	Mr. Zia-ul-Islam M.Sc (Stat)	10.04.1957 Mardan	09.01.1985	09.01.1985	BS-17	By Upgradation	Statistical Officer, Nowshera	09.04.2017	
8.	Mr. Liaqat Ali M.Sc (Maths)	01.01.1958 Dir Lower	12.01.1985	12.01.1985	BS-17	By Upgradation	Statistical Officer, Dir Lower	31.12.2017	
9.	Mr. Inayatullah M.Sc(Eco)	31.03.1958 Mardan	12.01.1985	12.01.1985	BS-17	By Upgradation	Statistical Officer, Mardan	30.03.2018	
10.	Mr. Naveed Khan M.Sc (Eco)	02.01.1950 Bannu	19.01.1985	19.01.1985	BS-17	By Upgradation	Statistical Officer Lakki Marwat	01.01.2020	

ATTESTED

ATTESTED

Annex N³

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6

11.	Mr Tariq Usman M.Sc (Stat)	19.12.1959 Kohat	22.01.1985	27.01.1985	BS-17	By Upgradation	Statistical Officer Agriculture FATA, DIK	18.12.2019
12.	Noor ul Islam M.Sc (Stat)	8.7.1959 Bajour	24.01.1985	24.01.1985	BS-17	By Upgradation	Statistical Officer, Swat	7.7.2019
13.	Mr. Asadullah M.A Eco	27.8.1958 Chitral	24.08.1985	24.08.1985	BS-17	By Upgradation	Statistical Officer, CRS, Central	28.08.2018
14.	Mr. Fezli Wahab M.Sc (Stat)	01.12.1958 Dir Lower		04.04.1987	BS-17	By initial recruitment	Instructor ATI, Peshawar	30.11.2018
15.	Mr. Maqsood ur Rehman M.Sc (Statistics)	24.10.1961 Dir Lower		03.05.1987	BS-17	By initial recruitment	Statistician CRS, HQ	23.10.2021
16.	Syed Altaf Ahmad M.Sc Statistics	25.01.1957 Mardan		30.05.1994	BS-17	By initial recruitment	Statistical Officer	24.01.2022
17.	Mr. Zahidullah M.Sc Statistics	20.02.1957 Banaru		30.05.1994	BS-17	By initial recruitment	O/o DA (FATA), Peshawar	19.02.2022

Certified that the above list is final and correct.

Sd/-
Chief Secretary

Endst. No. and Date even.

Copy forwarded to the:

1. Director Crop Reporting Services, Khyber Pakhtunkhwa Peshawar.
2. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. PS to Secretary Establishment, Khyber Pakhtunkhwa.
4. PS to Secretary Agriculture Department.
5. Officers Concerned.
6. Manager, Government Printing Press, Peshawar.
7. Master file.

Dr. Mir Ahmad Khan
SECTION OFFICER (ESTT)

ATTESTED

ATTESTED

Handwritten signature/initials

Handwritten signature/initials

To

(8)
The Secretary,
Government of Khyber Pakhtunkhwa,
Agriculture, Livestock & Coop: Deptt:
Peshawar.

ANNEX 02

58
8

Through. Proper Channel.

Subject: - DEPARTMENTAL APPEAL AGAINST THE REVISED SENIORITY LIST OF STATISTICAL OFFICER, CRS, AGRICULTURE DEPARTMENT AS STOOD ON 1st JUNE 2016 ISSUED VIDE NOTIFICATION DATED 22.12.2016.

Dear Sir,

Kindly refer to the combined Seniority list of Statistical Officers Supervisory & Statistical Officers Non-Supervisory (erstwhile Statistical Investigator BS: 16), notified vide your office Notification No: SOE (AD) III (2)291/ 2014 dated 22nd December, 2016 through which your good office has considered District Heads junior to Tehsil Heads in the Department (Annex: A). In this connection, I have the honor to submit my Departmental Appeal as under.

1. I had challenged the re-designation of the post of Statistical Investigator (BS-16) as Statistical Officer after its up-gradation to BS-17 vide Service Appeal No: 804/ 2012. The honorable Service Tribunal has remitted the case to the Department with the direction to re-visit the same on merits strictly in accordance with law within two months. The Honorable Court pin pointed gross anomalies in re-designation of the post of Statistical Investigator (BS-16) up-graded to BS-17 in their observations/ findings and gave clear directions under para-8 of the Judgment dated 19.10.2015 (Annex: B). I am still waiting for the decision with respect to the implementation of the judgment as required under the court procedure. *Thus issuance of the combined seniority list of two distinct groups of officers without execution of the judgment in Service Appeal No: 804/ 2012, is a gross violation of the Court Judgment as well as advice of the Law Department (Annex- C). It is the same honorable Service Tribunal that upgraded the post of Statistical Investigator (BS-16) to BS-17 that has accepted my plea and directed the Department in clear terms to remove the anomaly in my case.* Therefore, the Implementation Report of the verdict given by the Honorable Service Tribunal is required to be submitted to the Court, under intimation to the Appellant as per legal procedure.

ATTESTED

2.

2. Sir, it is very hurting as well as amusing that even the seniority decided by the Public Service Commission at the time of selection in 1987 has been changed as Mr. Fazli Wahab has been placed senior to me in the revised seniority list. The act reflects poor on the part of dealing staff in the Department. *The same needs to be probed in that how seniority Inter-se can be changed after 29 years (Annex-D). This is not an instance of negligence or lack of understanding on the part of dealing staff but worst type of abuse of authority with obvious mala fide intention.*

ANNEX 02

(9)


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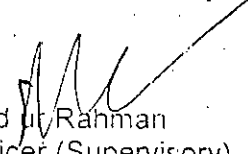
3. In the Court Judgment dated 26.3.2009 in Appeals No: 740-57/2008 (Annex: E), the Deptt: was directed to give the appellants (Statistical Investigator BS: 16) the "Same Benefits" as that of B.Sc Agriculture/ DVM (2nd Div.). In none of the Attached Department of Agriculture in Pakistan including Khyber Pakhtunkhwa, the seniority of officers up-graded from BS: 16 to BS-17 and the officers selected in BS: 17 directly through Public Service Commission have ever been integrated. Thus such course of action in the CRS is a sheer violation of the Court Judgment and against the laid down parameters (**Same Benefits**).

In view of above, it is humbly requested that the judgment in Service Appeal No: 804/ 2012 may kindly be implemented under intimation to the Court/ Appellant (undersigned) as per legal procedure. The Notification dated 22.12.2016 may also be rescinded and my top position amongst the Statistical Officers Supervisory, CRS may be restored, please.

Yours Sincerely


Maqsood ur Rahman
Statistical Officer (Supervisory)
District Shangla.

Copy in advance forwarded to the worthy Secretary, Agriculture Department, Government of Khyber Pakhtunkhwa, Peshawar for information and sympathetic consideration, please.


Maqsood ur Rahman
Statistical Officer (Supervisory)

ATTESTED



ATTESTED



Amma- P 60

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2017

Mr. Maqsood-ur-Rahman

Statistical Officer (Supervisory)

Crop Reporting Services

Khyber Pakhtunkhwa, Peshawar

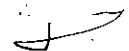
Appellant

Versus

1. The Govt. of Khyber Pakhtunkhwa
through Chief Secretary
Civil Secretariat, Peshawar
2. The Secretary
Govt. of Khyber Pakhtunkhwa
Agriculture, Livestock & Cooperative Department
Civil Secretariat, Peshawar.
3. Mr. Samiullah Khan,
Statistician (OPS),
Crop Reporting Service,
Headquarters, Peshawar
4. Mr. Haji Muhammad
Statistical Officer,
Crop Reporting Service, Malakand
5. Mr. Aslam Khan,
Statistical Officer,
Crop Reporting Service, Bannu
6. Mr. Shoukat Hayat
Statistical Officer,
Crop Reporting Service, Swabi
7. Mr. Asadullah,
Statistical Officer,
Crop Reporting Service, Chitral
8. Mr. Zia-ul-Islam,
Statistical Officer,
Crop Reporting Service, Nowshera.
9. Mr. Liaqat Ali,
Statistical Officer,
Crop Reporting Service, Dir Lower.

ATTESTED





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10. Mr. Inayatullah,
Statistical Officer,
Crop Reporting Service, Mardan
11. Mr. Nadir Khan,
Statistical Officer,
Crop Reporting Service, Lakki Marwat.
12. Mr. Tariq Usman,
Statistical Officer,
Crop Reporting Service,
Agriculture FATA, Peshawar
13. Mr. Noor-ul-Islam,
Statistical Officer,
Crop Reporting Service, Swat.
14. Mr. Fazli Wahab,
Statistical Officer (Supervisory)
Instructor ATI, Peshawar Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION/REVISED FINAL SENIORITY LIST DATED 22.12.2016 WHEREBY THE APPELLANT HAS BEEN RENDERED JUNIOR TO RESPONDENTS NO.3-14 AGAINST WHICH APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION ON 28.12.2016 BUT THE SAME WAS NOT DISPOSED OF WITHIN THE STATUTORY PERIOD OF 90.

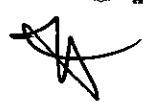
PRAYER:

On acceptance of the instant appeal, the impugned Notification/Revised Final Seniority List dated 22.12.2016 may graciously be set aside being illegal, unlawful, violative of the Judgment dated 19.10.2015 of the Hon'ble Tribunal passed in Service Appeal No.804/2012.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

ATTESTED



1. That appellant was appointed as Assistant Statistical Officer (BPS-17) on the recommendation of the Khyber Pakhtunkhwa Public Service Commission vide order dated 01.05.1987 (*Annex:-A*) and since then he has been performing his duties to the entire satisfaction of the high-ups. Thus at the moment appellant has at his credit about 30 years unblemished and excellent service record.
2. That initially the rules for recruitment, appointment of the employees of the Agriculture Department were promulgated in the year 1981, however, subsequently an amendment was introduced vide Notification dated 03.09.1989 (*Annex:-B*) under which, there became two categories of Officers in Crop Reporting Services ("CRS") of the Agriculture Department viz:


- (i) Assistant Statistical Officer (BPS-17) (District Incharge)
- (ii) Statistical Investigator (BPS-16) (Tehsil/Circle-Incharge).

According to the Rules *ibid*, Assistant Statistical Officer (BPS-17) was to be promoted to the post of Statistician (BPS-18) and Statistical Investigator (BPS-16) to the post of Assistant Statistical Officer (BPS-17).

3. That vide Notifications dated 27.06.1997 (*Annex:-C&D*) the Department upgraded and re-designated both the categories of officers w.e.f. 01.07.1997 as under:-

S.#	Post	Up-graded to
1.	Assistant Statistical Officer (BS-17)	Statistical Officer BS-17 +Rs.150/- Supervisory
2.	Statistical Investigator (BS-16)	Assistant Statistical Officer (BS-17)

The Service Rules were accordingly amended vide Notification dated 06.06.2011 (*Annex:-E*) and the designation of Assistant Statistical Officer was replaced with Statistical Officer Supervisory for


ATTESTED


promotion to the post of Statistician (BS: 18). It is also important to mention here that the Seniority Lists (*Annex:-F&G*) of both the categories had been separately maintained by the Department. The last approved Seniority List of Statistical Officers (Supervisory) confirmed that the appellant was the senior-most Statistical Officer (Supervisory) in the Department who was entitled to promotion to the post of Statistician (BPS-18) w.e.f. 08.01.2011.

4. That it is pertinent to add that in 1978; the Government of Khyber Pakhtunkhwa Agriculture Department; had up-graded all BS-16 (Agri: graduates & DVM) posts to BS-17 vide Notification. Dated 02.03.1978 (*Annex-H*). The upgraded officers, however, were granted Monetary Benefits only. In the year 2008, some of the Statistical Investigators (BPS-16) of the CRS filed Service Appeals (*Annex:-I*) in the this Hon'ble Tribunal for up-gradation of their posts to BPS-17 from their dates of appointments instead of 01.07.1997 in the light of the Finance Department Notification dated 02.03.1978 *ibid*. The Tribunal was pleased to accept their appeals vide Judgment dated 26.03.2009 (*Annex:-J*), the operative part of the Judgment reads as under:-

"We direct the official Respondents to give the same benefits to the present appellants (who are B.Sc 2nd Division in other Sciences like Economics, Physics which have been declared for the other similarly placed persons who were qualified in B.Sc (Agri:) or B.Sc (2nd Division) or B.Sc. Statistics or Mathematics with Statistics as a subject and who had litigated as mentioned above."

5. That while moving the summary (*Annex:-K*) for approval of the competent authority for implementing the decision *ibid*, the Department wrongly quoted the existing designation of the upgraded Officers as *Statistical Officers* instead of *Assistant Statistical Officers* without any evidence to the effect that how and when these officers were promoted/up-graded to the posts of Statistical Officer

ATTESTED


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(Supervisory) except the three officers. The Judgment was thus implemented vide Notifications dated 17.02.2010, 07.04.2012 and 24.02.2014 (*Annex:-L*) whereby as many as 36 posts of Statistical Investigator (BPS-16) were upgraded to BPS-17 including that of Respondents No.3-14 w.e.f. 01.05.1977. alongwith designation of Statistical Officers contrary to the directions of the Judgment of the Hon'ble Tribunal, which allowed the relief to the Officers in line with the relief provided to Officers serving in other attached Departments of the Agriculture Department.

6. **That** due to the misinterpretation of the Judgment and non-awarding separate exclusive designation to the upgraded Non-Supervisory Statistical Officer (BPS-17), an anomaly of seniority of both the categories i.e. Supervisory and Non-Supervisory Statistical Officers was created by the Department, therefore, appellant being aggrieved of the same challenged the same before this Hon'ble Tribunal in Service Appeal No.804/2012, which came for final hearing on 19.10.2015 and was disposed of vide Judgment (*Annex:-M*), the relevant part of the Judgment is as under:-

"From perusal of the record of the case it transpired that the Appellant was appointed as Assistant Statistical Officer (BS: 17) through Khyber Pakhtunkhwa Public Service Commission in year 1987. under the relevant recruitment rules of the Agriculture Department of 1981 the post of Assistant Statistical Office (Being District Head) used to be filled in 50% on the basis of promotion from Statistical Investigator (BS:16)(Tehsil Level Officer). The post of Assistant Statistical Officer was up-graded on 27.06.1997 as Statistical Officer (BS: 17) and re-designated as Statistical Officer Supervisory, the same was however given effect from 01.07.1997. The appellant was placed at S.No: 6 of the Seniority of Statistical Officer Supervisory (BS: 17) vide notification dated 01.05.2001. Subsequently the post of Statistical Investigator were up-graded in pursuance of Service Tribunal judgment dated 26.03.2009 in appeal No.752/2008 wherein the

ATTACHED

up-gradation was given effect from 01.05.1977. From perusal of the record it reveals that before coming into effect of the Service Tribunal judgment cited above, the appellant enjoyed a senior position viz-a-viz the private respondents. Up-gradation of the private respondents to BS-17 and given the same effect from 01.5.1977 appears to have created an anomalous situation as the appellant has been ranked junior to his erstwhile juniors in the CRS wing of the Agriculture Department. The Tribunal is therefore, of the considered view that without going into the issue of limitation of the case on technical grounds, the case needs to be examined on merits to meet the ends of natural justice and requirement of equality as enunciated in the Constitution. The case is accordingly remitted to the respondent-department with the direction to revisit the case on merits strictly in accordance with law and decide the same within a period of two months after receipt of the instant judgment."

7. That the Department did not implement the Judgment *ibid*, within the stipulated period as mandated by the Tribunal, therefore, Execution Petition No.255/2016 has been filed which is still pending but meanwhile in utter defiance of the Judgment of the Tribunal the impugned Notification/Revised Final Seniority List dated 22.12.2016 (*Annex:-N*) was hurriedly issued whereby the appellant being Statistical Officers Supervisory was placed junior to Respondents No.3 to 14 the then Statistical Investigators and subordinates of the then Statistical Officers (Supervisory).
8. That being aggrieved of the impugned Notification *ibid*, the appellant called in question the same through departmental Representation (*Annex:-O*) on 28.12.2016 but the same was not disposed of within the statutory period of 90 days, hence the instant appeal *inter-alia* on the following grounds:-

ATTESTED



Grounds:

A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned Notification/Revised Final Seniority List, which is unjust, unfair and hence not sustainable in the eye of law.

B. That while allowing similar up-gradations to the BPS-16 Officers in other Attached Departments of Agriculture Department, a different designation was allowed to the upgraded officers and their seniority was never integrated with the Supervisory Officers in the Department as is evident from Notification dated 02.03.1978. At that time the designation assigned to the upgraded Officers (BPS-17) and Supervisory Officers (BPS-17+150/) in all other Attached Departments was as under:-

S.#	Department	Designation of District Officer, BS-17+Rs.150/- (Supervisory)	Designation of Up-Graded Tehsil Officer from BS-16 to BS-17
1.	Agriculture Extension	Extra Assistant Director Agri: Officer, APPO & AHO	Agriculture Officer
2.	Livestock	Assistant Director	Veterinary Officer
3.	Soil Conservation	Soil Conservation Officer	Assistant Soil Conservation Officer
4.	Crop Reporting Service	Statistical Officer	Assistant Statistical Officer

Likewise in other Provinces too, separate designations were allowed to the up-graded Officers viz:

S.#	Department	Designation of District Officer, BS-17+Rs.150/- (Supervisory)	Designation of Up-Graded Tehsil Officer from BS-16 to BS-17
1.	CRS Punjab	Assistant Director	Statistical Officer
2.	CRS Sindh	Assistant Director	Statistical Officer
3.	CRS Baluchistan	Assistant Director	Statistical Officer

In all Departments mentioned above, the existing BS-17 Supervisory

ATTACHED

Officers were later on up-graded to BPS-18 and even to BPS-19 in some Departments. A different yardstick only with respect to CRS was discriminatory and in clear violation of the earlier Judgment passed by the Tribunal, therefore, the case was again remanded to the Respondents for re-considering the issue in accordance with law but without implementing the Judgment, the impugned Notification/Revised Final Seniority List was hurriedly issued resulting into manifest injustice.

- C. That it is worthwhile to mention here that the Director General, Agriculture (Extension), Khyber Pakhtunkhwa vide letter dated 02.07.2010 (*Annex:-P*) had hinted to the anomaly and had proposed for maintaining separate Seniority Lists for the two categories of Officers. Similarly a Departmental Committee constituted on the directives of the Government also recommended that Supervisory and Non-Supervisory were two different category Officers and their seniority cannot be unified vide recommendations (*Annex:-Q*) but in spite of the same the impugned final Seniority List was unlawfully issued in violation of the law.
- D. That Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 provides that seniority in various cadres of civil servants appointed by initial recruitment viz-a-viz those appointed otherwise shall be determined with reference to the dates of their regular appointments to a post in that cadre provided if the two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment. The Respondents have failed to differentiate between the post and grade which are two distinct service incidents while a grade is used with reference to financial benefits, post refers to the placement of an employee in the cadre or service.
- E. That due to the impugned Notification/Revised Final Seniority List the erstwhile Assistant Statistical Officers (BPS-17) including the

ATTESTED



appellant have become juniors to the erstwhile Statistical Investigators (BPS-16) (Respondents No.3 to 14) who were previously their subordinates, which has resulted in serious miscarriage of justice and resentment.

F. That according to the rules, the seniority inter-se of an officer appointed through the same notification/advertisement is determined on basis of merit assigned by the Public Service Commission. However, in case of the Appellant, the seniority decided by the Public Service Commission at the time of selection in 1987 has been changed after about 30 years as Respondent No.14 (Mr. Fazli Wahab) has been placed senior to the Appellant in the impugned Notification/Revised Final Seniority List.

G. That similarly in Agriculture Research Department, Khyber Pakhtunkhwa, the posts of Research Assistants/Statistical Assistants (BPS-16) who were possessing Graduate degree in other Sciences were upgraded to BPS-17 vide Notification dated 26.04.1978. They were granted only monetary benefits and were allowed/assigned separate designation from the Supervisory Officers (BPS-17).

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Through

Appellant
Khaled Rafiqan,
Advocate,
Supreme Court of Pakistan

Dated: 04 /04/2017

ATTESTED
A

Better copy page (69)

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the January 04, 2019

NOTIFICATION

NO SOE(AD)V7/2018/CRS: on recommendations of the provincial selection Board (PSB), the competent authority is pleased to promote the following BS-18 Officer of Crop reporting services to BS-19 on regular basis with immediate effect;

SR. NO.	NAME OF OFFICER
1.	Mr. Samiullah

2. They will be on probation for a period of one year in terms of Rule 15 of APT Rule, 1989. their posting order will follow subsequently.

SD/-

SECRETARY TO

GOVT. OF KHYBER PAKHTUNKHWA

AGRICULTURE, L/STOCK AND COOP: DEPTT:


Ends. Of even No. & date:

Copy forwarded for information and necessary action to the:

1. The Director, Crop Reporting service, Khyber Pakhtunkhwa, Peshawar with request to furnish adjustment proposal in respect of the above named officers for approval.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar
3. District Accounts Officer Concerned.
4. PS to Minister for Agriculture Khyber Pakhtunkhwa.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary Agriculture, Khyber Pakhtunkhwa
7. Officers Concerned.
8. Personal File.

(JAVED MAQBOOL AHMAD)

SECTION OFFICER-ESTT

ATTESTED




GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the January 04, 2019

NOTIFICATION.

NO. SOE (AD) V-7/2018/CRS.-

On recommendations of the Provincial Selection Board (PSB), the competent authority is pleased to promote the following BS-18 Officer of Crop Reporting Services to BS-19 on regular basis with immediate effect:-

SIR. NO.	NAME OF OFFICER
1.	Mr. Samiullah


2. They will be on probation for a period of one year in terms of Rule-15 of APT Rule, 1989. Their posting order will follow subsequently.

SD/-
SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND COOP. DEPTT.

Endst. of even No. & Date.

Copy forwarded for information and necessary action to the:-

1. The Director, Crop Reporting Service, Khyber Pakhtunkhwa, Peshawar with request to furnish adjustment proposal in respect of the above named officers for approval.
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3. District Accounts Officers concerned.
4. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
7. Officers concerned.
8. Personal file.


(JAVED MAQBOOL AINI)
SECTION OFFICER-ESTT

ATTACHED

A

Annex

69

Annex - R (70)

To
The Secretary,
Government of Khyber Pakhtunkhwa,
Agriculture, Livestock & Coop: Deptt:
Peshawar.

Through Proper Channel

Subject: DEPARTMENTAL APPEAL AGAINST PROMOTION OF MR. SAMIULLAH STATISTICIAN TO THE POST OF DIRECTOR BS-19 CRS, KHYBER PAKHTUNKHWA.

Memo:
Kindly refer to the notification of promotion in respect of Mr, Samiullah, Statistician to the post of Director BS-19.

It is submitted that the undersigned was the senior most Statistical Officer (Supervisory) in the Department after retirement of my colleague Mr, Pir Muhammad on 7.1.2011 (Annex: A). However, the Department MISCONSTRUED a Court judgment and re-constructed the seniority of Statistical Officers placing the Statistical Investigators BS-16 seniors to their District Heads BS-17, after a period of 30 years. (Annex: B). The undersigned being an aggrieved party who was the senior most officer in CRS challenged the Revised Seniority List of Statistical Officers in the Service Tribunal Peshawar vide Appeal No: 339/ 2017. The case has been fixed for arguments on 26.2.2019.

2. The undersigned is at the twilight of his career and is fighting for restoration of his legitimate right of senior-most status to ensure his promotion to the post of Director BS-19 from 7.1.2012 being my date of entitlement.

3. There is only one post of Director BS-19 in the Department. In case the judgment in Service Appeal No: 339/ 17 comes in favor of the appellant then the seniority status of the Officer promoted to the post of Director BS-19 CRS will be dropped to No: 9 in the seniority list of Statistical Officers issued vide notification at annexure-B above.

Therefore, it is requested that for dispensation of justice, the notification of promotion in respect of Mr, Samiullah Gandapur, Statistician to the post of Director BS-19 may be withdrawn or at least pended till the adjudication of the issue of seniority by the Honorable court in Service Appeal No: 339/ 2017. Any matter relating to promotion if decided at this stage would be ultra virus and nullity in the eyes of law being a SUBJUDICE matter, please.

ATTESTED
[Signature]

Yours sincerely,

[Signature]
Maqsood-ur-Rahman
Statistical Officer (Supervisory) CRS

Copy in advance forwarded to the worthy secretary Agriculture for information and sympathetic consideration, please.

[Signature]
Maqsood-ur-Rahman
Statistical Officer (Supervisory) CRS
18/1/2019

LEOPARDS COURIER SERVICE (PVT) LTD. CASH 504741363 P Z	
G.S.T. NO. 12-00-9808-001-91	
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To: The Secretary	SERVICE CHARGES
From: [Handwritten]	Pieces
DE 18-1-2019	Weight

No.12/40/E III /DG
Dated Peshawar, the 2/7/2010

To:

The Secretary to Govt. of Khyber Pakhtunkhwa
Agriculture; Livestock and Cooperation
Department, Peshawar.

Subject:

UP-GRADATION OF THE POSTS OF STATISTICAL INVESTIGATOR
WITH INCUMBENTS FROM BS-16 TO BS-17 AND RE DESIGNATION
AS STATISTICAL OFFICER IN LIGHT OF JUDGEMENT OF THE
KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR IN
APPEALS NO 740-758 AND 767.

Memo:

Kindly refer to your office letter No.SOE (AD) 17-167/2008 dated
10.6.2010.

In this regard it is submitted that CRS Wing of Agriculture Extension
Department before the arrival of the judgement of the Tribunal / up gradation of the
posts of Statistical Investigator BS-16 to the post of Statistical Officer BS-17, before the
up gradation of the post the following two categories of officers were exists at the
strength of this department.

- a. Assistant Statistical Officer (BS-17) Being District Head
- b. Statistical Investigator (BS-16) Tehsil level officer

According to the recruitment and appointment rules, 1989 Annexure-A, the
post of Assistant Statistical Officer and Statistical Investigator will be filled in with the
following manner.

1. Assistant Statistical Officer
 - a. 50% by initial recruitment; and
 - b. 50% by promotion; on the basis of Seniority cum fitness, from amongst
Statistical Investigator with at least five years service
2. Statistical Investigator
 - i. 25% by initial recruitment; and
 - ii. 75% by promotion on the basis seniority cum fitness, from amongst
Statistical Computer/Crop Reporter with at least ten years experience of
working in the Statistical cell.

The post of ASO carry special pay of Rs. 150/- P.M and the seniority of
both the cadres are maintain separately and have never been questioned by any
officer. Copy of last circulated seniority list is attached as Annexure-B & C.

ATTACHED

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Annex = T. (72)
Annex

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RECORD NOTE OF THE COMMITTEE CONSTITUTED FOR PREPARATION OF
TENTATIVE SENIORITY LIST OF STATISTICAL OFFICERS, CROP REPORTING
SERVICES, KHYBER PAKHTUNKHWA

In pursuance of the office order No.12/40/Estt/12559-61/DG dated 14.7.2011, a meeting of the committee constituted for preparation of tentative seniority list was held on 15.7.2011 for perusal of relevant record and Judgement of Service Tribunal, Peshawar dated 26.3.2009.

According to Service Rules notified vide Govt. of KPK, S&GAD (Regulation Wing) Notification No.SOR-II(S&GAD)2-11/78 dated 1.2.1981 amended in 1989 there were two cadres, one was Assistant Statistical Officer (BS-17) and the other was Statistical Investigator (BS-16). (Annexure-A).

Seniority list of these posts was maintained separately by the Department. These officers were governed by different rules i.e. the Statistical Investigator (BS-16) was to be promoted to the post of Assistant Statistical Officer (BS-17) as evident from the Govt. of KPK, Agriculture Department Notification No.SOE(AD)II(2) 286/81 dated 27.12.1984 and No.SOE(AD)II(2)286/85 dated 17.9.1985. (Annexure-B & C).

Later-on the post of Assistant Statistical Officers (BS-17) of Agriculture Extension Department was re-designated as Statistical Officer (BS-17) with Rs.150/- PM as supervisory pay with effect from 1.7.1997 vide Govt. of KPK, Agriculture Department Notification No.SOE(AD)II(2)286/91 dated 27.6.1997. (Annexure-D).

Similarly the posts of Statistical Investigators (BS-16) was upgraded and re-designated as Assistant Statistical Officer (BS-17) with effect from 1.7.1997 vide Govt. of KPK, Agriculture Department Notification No.SOE(AD)II(2)286/91 dated 27.6.1997. (Annexure-E).

The Seniority list of Statistical Officer BS-17 (Supervisory) as it stood on 1.6.2004 and seniority list of Assistant Statistical Officer (BS-17) as it stood on 1.3.2003 were circulated vide Director General, Agriculture (Extension) circular letter No.11/98/Estt/ 8404-3/DG dated 26.5.2004 and No.11/98/Estt/9895-9014/DG dated 29.3.2003. (Annexure-F & G).

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Since it is crystal clear that there were two hierarchies i.e. one was Statistical Officer (Supervisory) cadre with special pay of Rs.150/- PM and the other was Statistical Officer (non-supervisory).

Due to Devolution Plan of 2001, the post of Assistant Statistical Officers was abolished and the post of Statistical Officer (Supervisory) was remained intact. The incumbents of the post of Statistical Investigator who were upgraded from BS-16 to BS-17 were adjusted against the post of Statistical Officer BS-17 (Sup) with effect from 01.07.2001 and they are working against these posts till date. These facts have been admitted by seven Nos. Statistical Officers in their application addressed to the Secretary Agriculture KPK. (Annexure-H).

The existing Service Rules, 1989 was not amended wherein the post of Assistant Statistical Officer (re-designated as Statistical Officer) was required to be filled in by the following manners;

- a) Fifty percent by initial recruitment; possessing Master Degree in Statistics or Math's, or Economics with specialization in Statistics from a recognized University.; and
- b) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst Statistical Investigator with at least five years service as such.

Now the existing Service Rules, 1989 have been amended vide Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department Notification No.SOE(AD)II(2)429/2010 dated 06.06.2011 wherein the post of Statistical Officer (Supervisory) BS-17 is to be filled in by initial recruitment possessing Master Degree in Statistics or Economic or Mathematics with Statistics as compulsory subject in BA/B.Sc. from a recognized university. (Annexure-I).

It is evident from the foregoing facts, that the following officers were appointed as Assistant Statistical Officer (sup) by the Public Service Commission vide Govt. of KPK, Agriculture, Forests and Cooperation Department Notification No.SOE(AD)II(2)270/86 dated 1.4.1987 and having qualification of Master Degree in Statistics or Math's, or Economics with specialization in Statistics from a recognized University. (Annexure-J).

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1. Mr. Maqsoodur Rehman s/o Mashuqur Rahman District Dir.
2. Mr. Fazli Wahab s/o Abdul Ghafoor District Dir
3. Mr. Sardar Aslam Khan s/o Noor Aslam Khan District Karak.

Similarly the following officers were also appointed through Public Service Commission vide Govt. of KPK, Agriculture, Livestock and Cooperation Notification No.SOE(AD)II(2)286/KC dated 30.5.1994. (Annexure-K).

1. Syed Altaf Ahmad s/o Syed Mehtab-ud-Din District Peshawar.
2. Zahidullah s/o Saifullah District Bannu.

It is further added that Mr. Munir Ahmad who was promoted to the post of Assistant Statistical Officer was placed later in the seniority list after the names of officers mentioned at S No.1-3 above.

Section-8 of the KPK Civil Servants Act, 1973 framed which provides that seniority in various cadres of Civil Servants appointed by initial recruitment vis-a-viz those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre provided if the two dates are the same, the person appointed otherwise, shall rank senior to the persons appointed by initial recruitment.

Due to up-gradation of the post of Statistical Investigator from BS-16 to BS-17 along with incumbents and re-designation of these posts as Statistical Officers with effect from 01.05.1977 or from the date of their appointment vide Govt. of KPK, Agriculture Department Notification No.SOE(AD)III(2)/201/2009 dated 17.2.2010. Anomalies of seniority have been cropped up amongst the Statistical Officers of Crop Reporting Services.

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It is worth mentioning that all the post of Assistant Statistical Officers (BS-17) were re-designated as Statistical Officers (BS-17) with effect from 1.7.1997 with allowing special pay of Rs.150/-p.m. and also given the status of supervisory vide your office Notification No.SOE (AD)II(2)286/91 dated 27.6.1997 Annexure-D, and all the posts of Statistical Investigator BS-16 were re designated as Statistical Officer BS-17 with effect from 1.7.1997 vide your office Notification of even No & dated 27.6.1997 Annexure-E. Upon the up gradation of the post of Statistical Investigator BS-16 to BS-17 and re-designation the post of Statistical Officer BS-17 with effect from 1.5.1977, or from the date of their appointment in light of the judgment of the tribunal dated 26.3.2009 in appeal No.740 /2008 thus this Notification has created anomaly and the officers who had already attained the status of supervisory officers i.e. Statistical Officer (BS-17) with special pay of Rs.150/- being incharge of the District have feared to become junior to those Statistical Investigator BS-16 now up-graded and re-designated as Statistical Officer (BS-17) as a result of creating this anomaly can disturb the whole structure of CRS Agriculture Extension Department if the anomaly persists, the same may become a point of further litigation for the officers. Because the Statistical Officers already exist in the Department before the up gradation they were directly appointed in BS-17 on the recommendation of the Public Service Commission for example M/s. Maqsood ur Rehman, Fazle Wahab & Sardar Aslam vide your office Notification No.SOE (AD) II (2) 270/86 dated 1.5.1987 Annexure-F are at S.No.5, 7 & 8 of the seniority list of Statistical Officer BS-17 at stood on 1.5.2004 and rest of their seniors at S.No.1 to 5 were promoted from the post of Statistical Investigator BS-16 attached as annexure-B above.

Keeping in view of the position explained above it is submitted that this office may be advise as to whether this office prepare the seniority list separately of those officers who have already attained the status of supervisory officer i.e. Statistical Officer plus special pay of Rs.150/-p.m. and the officers who were recently up-graded and re-designated as Statistical Officer with effect from 1.5.1977 or from the date of appointment on the analogy of technical cadre post of this department as per detail given below or otherwise

S.No.	Department	Re-designated post	Supervisory Post
1.	Agriculture Extension	Agricultural Officer BS-17.	EADA (E&M), APPO, AHO, SMS, Assistant Agronomist and Junior Instructor BS-17 + and special pay of Rs.150/-per month.

[Signature]
DIRECTOR GENERAL
AGRICULTURE (EXTENSION)
KHYBER PATHUNKHWA
PESHAWAR

ATTESTED
[Signature]

VAKALAT NAMA

NO. _____/2019

IN THE COURT OF KP Service Tribunal Peshawar

Magsood-Ul-Rehman.

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Govt. of KP/K

(Respondent)
(Defendant)

I/we Magsood Ul-Rehman

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Magsood
(CLIENT)

ACCEPTED

M. ASIF YOUSAFZAI
Advocate

Tahir Ali Khan
Adv

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.766/2019

Maqsood-ur-Rahman, Statistical Officer
Crop Reporting Services, Khyber Pakhtunkhwa

.....Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department, Civil Secretariat, Peshawar.
3. Mr. Samiullah, Director (BS-19), Crop Reporting Services, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

Sub Comments on Behalf of Private Respondents No. 3.

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That this appeal is not maintainable in its present form and liable to dismissal.
3. That the appellant has misinterpreted the rules and derived the meaning according to his own sweet will, beside concealing the important facts and approached to this Honourable Tribunal with un-cleaned mind.
4. That the appeal is based on malafide intention and tries to deceive the Honourable Tribunal from legal facts.
5. That the appeal based for non-joinder and mis-joinder of the necessary parties.
6. That this Honourable Tribunal has no jurisdiction to entertain the appeal.
7. That the appellant is estopped by his own conduct.
8. That similar nature appeal bearing No.339/2017 claiming seniority on the same ground is subjudice before this Hon'ble Court.

PARAWISE COMMENTS / REPLY OF THE PRIVATE RESPONDENT No. 3.

1. In-correct, The Appellant was appointed as Assistant Statistical Officer, BS-17 (non-supervisory) against a project post in the project titled "Improved Crop Estimate Project" on 01.05.1987.
2. Correct.
3. The concept of special pay Rs.150/- PM and supervisory status in the Crop Reporting Services no longer exists as none of the officer supervised the work of two officers of identical grade. Furthermore, the seniority of the Statistical Officers remained suspended since 2003 due to a prevailing dispute among the officers. The same was finalized in light of the direction / judgement dated 19.10.2015 of this honourable Tribunal (**Annex-A**) and notified on 22.12.2016 (**Annex-B**) after careful examination of the case, based on the report submitted by the Departmental Committee constituted for the purpose as well as opinion of Law & Establishment Department (**Annex-C**).
4. In-correct, the designation i.e. Statistical Officers (BS-17) to the up-graded Statistical Investigators BS-16 were assigned strictly in accordance to the criteria adopted in the case of notification dated 26.04.1978, which was specifically highlighted in Para"13" of the judgment dated 26.03.2009 of this Honourable Tribunal.

The Designation of the post and grade are co-related, whenever the post is up-graded from the lower to the higher position, the change in designation invariably take place. Moreover, appointment through Public Service Commission is a method of recruitment to the posts and does not establish rights of promotion nor makes bind the department to alter the seniority position of some-one on this very point.

The Statistical Investigators (BPS-16) had been up-graded to BS-17 and re-designated as Statistical Officer with retrospective effect i.e. 01.05.1977, 1981, 1982, 1985 &1986 by the orders of the competent authority and notified vide notification dated 17.02.2010.

It is added for further clarity that the dates of up-gradation of the respondents in BS-17 is to be considered as the dates of their appointment in BPS-17, which come early to the induction of the appellant in services i.e. 1987. Thus under Section 8 (4) of NWFP Civil Servant act 1973 as well as Rules 17 of Khyber Pakhtunkhwa

(Appointment, Promotion and Transfer) Rules 1989, the seniority take effect from the regular date of appointment to the post. As such the up-graded officers (respondents) in terms of earlier selection to the post are senior as compared to the appellant.

5. In-correct. After devolution plan 2001, the post of Assistant Statistical Officer was abolished and only one cadre post of Statistical Officer (BS-17) remained intact in the Department. Furthermore, as discussed in the forgoing Para "4", whenever the grade is raised, designation would invariably be changed. In case the least designation i.e. Assistant Statistical Officer (BS-17) was awarded to the up-graded Statistical Investigator BS-16 (respondents) in lieu of Statistical Officer still, it would have been no significant impact on the seniority pattern / career progression of the appellant for being inducted in service as Assistant Statistical Officer BS-17 in 1987 late in time sequence. Furthermore, no concept of tehsil heads prevails in the Services Rules of Crop Reporting Services Agriculture Department. All the officers by designation are Statistical Officer and working as District Head of the Crop Reporting Services Agriculture Department.
6. Correct to the extent that this honourable service Tribunal vide judgment dated 19.10.2015, remitted the case to the department with the directions to re-visit the case on **Merit**, strictly accordance with law and decide the case within a period of two month of the receipt of the judgment.
7. In-correct, after commencement of the above judgment, the department carried out a critical study of the case as well shared with Law & Establishment Departments.

Thereafter, a committee was constituted with a view to resolve and accomplish the task in conformity to the directions of this honourable court in lawful and transparent manner. The Committee after series of meetings and threadbare deliberation, unanimously arrived at the conclusion that the seniority list maintained by the Director, Crop Reporting Services, Khyber Pakhtunkhwa is correct and in consonance with the Rules-17 of appointment and Promotion rules 1989 as well as section 8 (4) of NWFP Civil Servant act 1973 and may be sent to the competent authority for approval and implementation of the decision of the honourable Services Tribunal announced on

26.03.2009 in Service appeal No.752/2018 and subsequent instant decision announced on 19.10.2015 in appeal No.804/2012.

Accordingly, final seniority list of the Statistical Officers based on above exercise was finalized and after approval of the competent authority issued on 22.12.2016. The judgment of this Honourable Court has been implemented strictly in accordance with the direction of the Court and in conformity with the Services Rules in vogue as well as the committee recommendations and informed the appellant. The implementation order/report to this effect was submitted in this Honourable Court on 06.12.2017. After hearing the arguments of the party this Honourable Court disposed-off the Execution Petition No.255 in Service Appeal No.804/2012 vide order dated 15.01.2018 (**Annex-D**).

8. In-correct. As replied/highlighted in para-7 ante, the Judgement of this Hon'ble Tribunal has been implemented strictly in accordance with merit and Law.
9. In-correct. The respondent No. 03 has been promoted to the post of Director BS-19 on the basis of Seniority of Statistician BS-18. It is worth clarification that the appellant had not even challenged the promotion of the respondent to the post of Statistician BS-18. The appeal/request dated 18-01-2018 of the appellant for keeping on pending the promotion case of the respondent No. 03 was not feasible under the rules. Moreover, the instant appeal has been filed before this Hon'ble Tribunal on 05-08-2019 after the laps of Six Months period of the submission of the Departmental appeal which is utterly time barred and liable to rejection.

Reply on Grounds is as under:

- A. In-correct. As replied in para-9 above.
- B. In-correct. As replied in above para-9. The appellant till date did not challenged the promotion of the respondent No. 03 to the Statistician (BS-18), while the Respondent No. 03 has been further promoted from Statistician (BS-18) to the post of Director (BS-19).
- C. In-correct. As replied above.
- D. In-correct. As replied above.
- E. In-correct. As replied in para-7. Furthermore, No. Proximity of the mentioned Departments could be established with the Crop Reporting

Services, for having the cited Departments professionalized staff, carrying various nomenclature posts / grades, chain of promotion, channel of commands, work load and not in any way in contrast with the Crop Reporting Service.

The following chart will further elaborate the hierarchal structure of the Green Sector Department at District Level.

S. #	Department	Designation & District Officer with Grade	Lower positions		Professional / Non Professional Degree
			BPS-18	BPS-17	
1.	Agriculture Extension	District Director (BS-19)	SMS (BS-18)	Agri: Officer (BS-17)	Professional Degree
2.	Livestock	District Director (BS-19)	Distt: Officer (BS-18)	Veterinary Officer (BS-17)	Professional Degree
3.	Soil Conservation	District Director (BS-19)	Distt: Officer (BS-18)	Soil Conservation Officer (BS-17)	Professional Degree
4.	Crop Reporting Services	NIL	NIL	Statistical Officer (BS-17) (District Officer)	Non-Professional

Similarly, in other provinces Punjab, Sindh & Baluchistan there are two categories of posts i.e. Assistant Statistical Officer and Statistical Officer, where-as on the other hand signal category / cadre post i.e. Statistical Officer (BS-17), exists in the Crop Reporting Services, Agriculture Department, Khyber Pakhtunkhwa. The Seniority List, which was held in abeyance due to the prevailing dispute among the officers was finalized and issued on 12.12.2016.

F. Incorrect and misleading, after the declaration of Crop Reporting Services as independent organization and its detachment from the Agriculture Extension Department in the year 2003, the Crop Reporting Services Department was placed under the control of Statistician BS-18 (Appellant), who was directly responsible to the Secretary Agriculture, Government of Khyber Pakhtunkhwa. The Director General, Agriculture Extension remained unaware of the developments / changes taken place in the Crop Reporting Services since disintegration. However, the Administrative Department (Secretary Agriculture) after the up-gradation of the officers in BS-17 and concurrence of the Establishment Department, assigned the task of seniority formation of the Statistical Officer to the Director General, Agriculture Extension, for the reason that head of the Crop Reporting Services was appellant in the case. The necessary documents / record relating to the matter were also made available to him. The Director

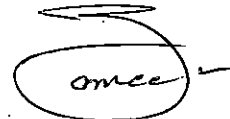
General, Agriculture Extension drafted the tentative seniority list and sent it to the Director FATA and Statistician (Appellant). Since it was conflicting to the interest to the appellant "therefore" not circulated and kept under the carpet; however, the Director FATA circulated and noted it from the Statistical Officers of CRS working under his control. The word "non-supervisory" has not been depicted anywhere in the current Services Rules 2016 nor in the previous Services Rules 2011 of the Department.

G. In-correct. As replied above.

H. In-correct. As replied above in para-4.

The Respondent seeks permission to present further grounds and evidences at the time of hearing.

In view of the above facts, it is therefore humbly prayed that the instant appeal may kindly be dismissed, please.



Sami Ullah

DIRECTOR
CROP REPORTING SERVICES
KHYBER PAKHTUNKHWA
PESHAWAR