

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

Service Appeal No.7881/2021


Mr.Maqsood-Ur-Rehman, Ex-Statistical Officer  
Crop Reporting Services,  
District Swat, Malakand Division

**VERSES**

**The Government of Khyber Pakhtunkhwa, through Chief Secretariat, Civil Secretariat Peshawar and others.**

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**DIRECTOR**  
**CROP REPORTING SERVICES**  
**KHYBER PAKHTUNKHWA**  
**PESHAWAR**

①

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

Service Appeal No.7881/2021

Mr. Maqsood-Ur-Rehman, Ex-Statistical Officer  
Crop Reporting Services,  
District Swat, Malakand Division

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5468

Dated 22-05-23

..... Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others.

..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS:**

**Respectfully Sheweth:**

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That the appeal is not maintainable in its present form and liable to be dismissed.
3. That the appellant has deliberately misinterpreted the rules besides concealing the important facts and has come to this Honorable Court with un-clean hands.
4. That the appeal is based on malafide intention and aims to deceive the Honorable Tribunal of legal facts.
5. That the appeal is bad due to mis-joinder / non-joinder of necessary parties.
6. That this Honorable Tribunal has no jurisdiction to entertain the appeal.
7. That the appellant is estopped by his own conduct.
8. That the appeal is barred by law.
9. That the appellant had once contested similar nature case in Service Appeal No.339/2017 and 567/2018 which was accepted in his favor, copy of judgment dated 02-09-2021 attached (**Annex-A**).

**ON FACTS:**

1. Correct.
2. Pertains to record.
3. Pertains to record.
4. Incorrect: As to be replied below in Para-5.
5. Correct to the extent that the colleagues of the appellant were granted personal up-gradation to BS-18 on the basis of having no chance of promotion to higher grades at that time, whereas the appellant has recently become entitled for promotion to BS-18, to BS-19 and to BS-20 from the date of becoming eligible as per the Hon'ble Tribunal Judgment dated 02-09-2021 (already attached with Service Appeal) in Service Appeal No. 339/2017 and 567/2018. Subsequently, the appellant in his departmental appeal requested to promote him to BPS-18 from 2011, to BPS-19 from 2012 and to BPS-20 from 2021. (**Annex-B**). Thus, the subject promotion case of the

appellant to mentioned higher grades has been put up for implementation before the concerned forum and is in its final stage of implementation (**Annex-C**). Hence the case of the appellant is not similar to that of his colleagues.


6. Incorrect: The laid down principle of law cannot be applied here in the instant case as the appellant has already become entitled for promotion to higher grades i.e. to BS-18, to BS-19 and to BS-20 retrospectively, while his colleagues were granted personal up-gradation to BS-18 because, at that time, they had no chance of promotion to higher grades as referred to in the judgment.
7. Incorrect: As replied in Para-5 and 06.
8. Incorrect: As replied above.
9. Pertains to record.
10. Incorrect: The appellant challenged the adjustment of Assistant Statistical Officers against the post of the appellant and the amalgamated seniority list. Both the appeals were accepted and, thus, the adjustment of Assistant Statistical Officers and amalgamation of seniority list were set aside. The appellant has been entitled for promotion to higher grades i.e. to BS-18, to BS-19 and to BS-20 from the date of becoming eligible vide judgment dated 02.09.2021. Furthermore, the grant of up-gradation to his other colleagues was on the plea of non-existence of any chance of promotion to higher grades at that time.
11. Incorrect. As replied in Para-10.
12. Correct.
13. Incorrect. As replied in above paras. The appellant is not entitled to up-gradation from BS-17 to BS-18 (personal) on strength of mentioned judgment as he is not a similarly placed person.
14. No Comments.

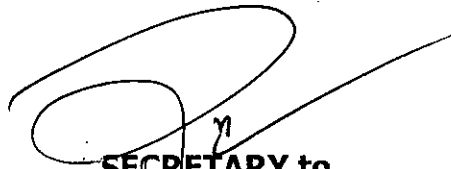
#### **Reply on Grounds**


- A. Incorrect: As replied in the above paras, the Appellant is not a similarly placed person. Furthermore, he has already been entitled for promotion to higher grades from the date when he became eligible.
- B. Incorrect: As replied in Para-06 of the facts.
- C. Incorrect: The Appellant is not discriminated against as replied in above paras.
- D. Incorrect: As replied above in Para-A.
- E. Incorrect: As replied above in Para-A & C.
- F. Incorrect: As in replied in above paras, the Appellant has been declared entitled for promotion to BPS-18, BPS-19 and BPS-20 in light of the judgment of this Hon'ble Court dated 02-09-2021 with all consequential benefits. Therefore, he is not a similarly placed person to his colleagues who were granted the personal upgradation to BPS-18, as at that time there were no chances of promotion for them to higher posts.
- G. The respondents may be allowed to raise and submit additional grounds at the time of argument

**Prayer:**

Keeping in view the above facts, it is most humbly prayed that on acceptance of para-wise comments the appeal being devoid of merits, may graciously be dismissed please.

*for*  
  
**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA  
(Respondent No.1)**

  
**SECRETARY to  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE DEPARTMENT  
(Respondent No.2)**

  
**SECRETARY to  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(Respondent No.3)**

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

**SERVICE APPEAL NO. 7881/2021**

**MR. MAQSOOD UR REHMAN**

.....**APPELLANT**

**VERSUS**

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY  
AND OTHERS**

**AFFIDAVIT**

I, Usman Ghani, Superintendent Crop Reporting Services HQ Peshawar do hereby solemnly affirm and declare on oath that the contents of the **Accompanying Reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

**Deponent**

**C.N.I.C: 17301-3507889-3**

**Cell # 0333-8956986**

**ATTESTED**

**Identified by:**



**Advocate General  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 567/2018

Date of Institution ... 12.04.2018

Date of Decision ... 02.09.2021



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

VERSUS

The Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil  
Secretariat, Peshawar and others. (Respondents)

ALI AZIM AFRIDI  
Advocate

For Appellant

USMAN GHANI  
District Attorney

For Official Respondents No.1 & 2

NOOR MUHAMMAD KHATTAK  
Advocate

For Private Respondent No.3

SALAH-UD-DIN  
ATIQ-UR-REHMAN WAZIR

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- This single judgment shall  
dispose of the instant service appeal as well as the connected Service Appeal bearing  
No. 339/2017; Mr. Maqsood Ur Rehman Vs Government of Khyber Pakhtunkhwa  
through Chief Secretary Civil Secretariat, Peshawar and others, as common question  
of law and fact are involved therein.

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Director  
Crop Reporting Services  
KPK Peshawar

02. Brief facts of the case are that the appellant was appointed as Assistant Statistical Officer BPS-17 in 1987 through initial recruitment on the recommendations of Public Service Commission under the service rules approved in 1981 and according to such rules, there were two categories of officers in crop reporting services i.e. Assistant Statistical Officer BPS-17 and Statistical Investigators BPS-16. The post of Statistical Investigators was up-graded vide order dated 27-06-1997 with new nomenclature as Assistant Statistical Officer, whereas the post of Assistant Statistical Officer was re-designated as Statistical Officer with provision of special pay of Rs. 150/pm vide order dated 27-06-1997. Later on up-gradation of the post of Statistical Investigators to BPS-17 was given retrospective effect vide order dated 17-02-2010 and such up-gradation was considered with effect from 01-05-1977 in pursuance of judgment dated 26-03-2009 rendered by this Tribunal in Service Appeal bearing No. 740/2008 titled "Shaukat Hayat VS Government of N.W.F.P through Chief Secretary and others". The post of Statistical Investigators was up-graded to BPS-17, but the post of Assistant Statistical Officer was also maintained in BPS-17, which created an anomalous situation with regard to determination of seniority between the two categories of posts. The respondents referred the issue to establishment as well law department and finally a committee was constituted to resolve the issue of their seniority. The committee considered the issue in light of advice of establishment department as well as judgment of this Tribunal dated 26-03-2009 and finally seniority of the two posts was amalgamated but Assistant Statistical Officer were placed juniors to Statistical Investigators, against which the appellant filed departmental appeal, which was rejected vide impugned order dated 06-12-2017, hence the instant service appeal as well as the connected Service Appeal No. 339/2017. In the instant service appeal, the appellant prayed that the post of Statistical Investigators may be up-graded without changing its nomenclature or allow them the nomenclature other than Assistant Statistical Officer, so as to maintain the separate entity of the post of Assistant Statistical Officer, whose incumbents were recruited through Public Service Commission from those, whose

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posts have been up-graded. In the connected service appeal, the appellant prayed that impugned notification/revised final seniority list dated 22-12-2016 may be set aside, where the appellant is placed junior to his erstwhile juniors.

03. Learned counsel for the appellant has contended that the appellant was not treated in accordance with law, rules and policy and the respondents acted in violation of Article-4 of the constitution; that while allowing similar up-gradation of BPS-16 posts in other attached departments of agriculture department, a separate designation was allowed to the up-graded officers and their seniority was never integrated with the supervisory officers, as is evident from notification dated 02-03-1987; that a different yardstick is used in respect of crop reporting services, which is discriminatory and in clear violation of judgment dated 26-03-2009; that DG Agriculture vide letter dated 02-07-2010 had hinted to the anomaly and had proposed for maintaining separate seniority for the two categories of officers, but in spite of the same, the impugned final seniority list was unlawfully issued in violation of the law; that Section-8 of the Civil Servant Act, 1973 is applicable to a post in one cadre or one batch, whereas in the instant case, there are two different posts with different job natures, which cannot be amalgamated; that due to the impugned revised seniority list, the appellant as well as his other colleagues have become juniors to their erstwhile juniors and who were previously their sub-ordinates, which has resulted in serious miscarriage of justice; that seniority of the appellant has been changed after 30 years of service by placing respondent No. 14, Mr. Fazil Wahab as senior to the appellant; that up-gradation is meant only for monetary benefits and not for seniority. The learned counsel prayed that in order to meet the ends of justice, the instant appeal as well as the connected service appeal may be accepted as prayed for.

W.M.  
 NOT TESTED 04.

Learned counsel for private respondent No. 3 has contended that the post of private respondents was up-graded in light of judgment dated 26-03-2009, passed in Service Appeal No. 740/2008 and the appellant was appearing as representative of

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the respondents in the said appeal; that the Notification dated 07.04.2012, issued regarding the up-gradation of the private respondents was never challenged by the appellant, hence the instant appeal is barred by time; that as per section- 8 of Civil Servant Act, 1973 and Section-17 of Government of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, seniority is determined from the date of regular appointment to a post and private respondents were recruited earlier than the appellant.

05. Learned District Attorney appearing on behalf of official respondents No. 1 & 2 has contended that seniority of the two post was amalgamated in light of judgment dated 26-03-2009, as such benefit was granted by this honorable Tribunal to the private respondents, hence in light of such judgment, the private respondents were declared senior to the appellant and others; that seniority takes effect from the date of regular appointment to the post, therefore, the date of up-gradation of the officers is considered as the date of their appointment and thus in conformity with Section-8 of Civil Servant Act, 1973; that seniority of statistical officers was issued after approval of the competent authority i.e. Chief Secretary vide notification dated 22-12-2016; that a critical study of the case was carried out departmentally as well as shared with law and establishment department; that a committee was constituted for the purpose to resolve the issue of seniority and the committee thoroughly examined the issue in light of advice of establishment and law department and formulated recommendations and in light of such recommendations, the seniority of two posts was combined.

06. We have heard learned counsel for the parties and have perused the record.

07. Record reveals that in the year 1972, the government upgraded the professional and non-professional posts in agriculture department from BPS-11 to BPS-16. In the year 1978, in the light of Federal Government decision, the provincial government of this province up-graded the posts of Agriculture Assistants, Veterinary

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Assistants, Soil Conservation Assistants, research assistants and other equivalent professional posts from BPS-16 to BPS-17 with effect from 01-05-1977, while the posts occupied by science graduates in other disciplines like Botany, Zoology, Chemistry and Statistics working in Agriculture department were not up-graded.

08. According to service rules notified vide government notification dated 01-02-1981, the appellant was appointed as Assistant Statistical Officer (BPS-17) in 1987 through initial recruitment on the recommendations of Public Service Commission, but before his appointment, a batch consisting of 28 candidates were appointed as Statistical Investigators (BPS-16) in the year 1985 on adhoc basis in crop estimation project, in which 22 candidates joined duty as Statistical Investigators, who were

later on confirmed as Statistical Investigators on permanent basis. In order to open avenues of further promotions for the post of statistical investigators, the said service rules notified on 01-02-1981 were amended in 1989 and according to the amended service rules, there were two categories of officers in crop reporting services i.e Assistant Statistical Officer (BPS-17) District In-charge and Statistical Investigators (BPS-16) Tehsil/Circle In-charge. As per service rules, 50% of the posts of Assistant Statistical Officers were required to be filled in by initial recruitment, whereas the remaining 50% were required to be filled in through promotion from amongst the posts of Statistical investigators based on seniority cum fitness basis with at least five years service as such.

09. In 1997, all the posts of statistical investigators (BPS-16) were up-graded and re-designated as Assistant Statistical Officers (BPS-17) vide 01-07-1997 vide order dated 27-06-1997 and on the same date, all posts of Assistant Statistical Officers (BPS-17) were re-designated as Statistical Officers (BPS-17) with a special pay of Rs. 150/pm as supervisory pay with effect from 01-07-1997 vide order dated 27-06-1997. Separate seniority lists for Assistant Statistical Officers (BPS-17) as stood on 01-03-2003 and for Statistical Officers (Supervisory), as stood on 01-06-2004 were circulated, but in the meanwhile posts of Statistical Investigators (Up-graded as

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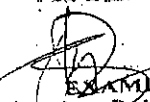
Assistant Statistical Officers (BPS-17) were abolished in the wake of devolution plan 2001, whereas the posts of Assistant Statistical Officer (Up-graded as Statistical Officer Supervisory BPS-17) remained intact, but in order to accommodate the incumbents of the abolished post, they were also posted against the posts of Statistical Officer (Supervisory), but their seniority was separately maintained till amalgamation of the seniority of the two groups of officers vide impugned notification dated 27-12-2016

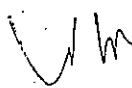

10. Simultaneously another developing story of the Statistical Investigators (BPS-16), whose posts had not been up-graded with their other colleagues at that particular time, as they were possessing degrees other than agriculture, took the matter to this Tribunal vide Service Appeal No. 27/1990 dated 16-04-1990, Service Appeals No. 359/1995, 360/1995, 361/1995, 362/1995 dated 21-05-1995 and Service Appeal No. 9/1995 dated 28-12-1995. The service Tribunal decided the cases in their favor vide judgment dated 16-06-1991, 16-08-1995 and 19-05-2003, thus their posts were up-graded to BPS-17 irrespective of possessing degree in agriculture and veterinary discipline with effect from 01-05-1977 or from the date of their appointments and were allowed monetary benefits, but were assigned separate designation from the officers appointed directly in BPS-17 through public service commission. The Statistical Investigators (BPS-16), whose posts had already been up-graded to BPS-17 with effect from 01-07-1997 also filed Service Appeals before this Tribunal and prayed for their up-gradation with effect from 01-05-1977 or from the date of their appointments, which was decided in their favor vide judgment dated 26-03-2009, operative part of which is reproduced as under:

*"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 (2<sup>nd</sup> Division) in other sciences, like Economics, Physics) which have been declared for the other similarly placed persons who were qualified in B.Sc Agriculture or B.Sc 2<sup>nd</sup> 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."*

In pursuance of the above mentioned judgment, the respondents up-graded all such posts with effect from 01-05-1977 or from the dates of their

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appointments against such posts vide order dated 17-02-2010 and 07-04-2012. After implementation of the judgment, the issue of seniority erupted amongst the two groups i.e. Assistant Statistical Officer (BPS-17) and Statistical Officer (Supervisory BPS-17), the former being inducted in BPS-16 as statistical investigators in 1985, whereas the later inducted in BPS-17 as Assistant Statistical Officer through Public Service Commission. Both the groups were having separate seniority list until amalgamation of the seniority of both the groups in 2016. In order to resolve the issue, the case lingered on for quite some time amongst the respondent Departments but they did not arrive at a logical conclusion.

11. In the meanwhile, the present appellant filed Service Appeal No. 804/2012 for issuing appropriate directions to respondents to assign/award separate designation to the Statistical Investigators (BPS-16) up-graded to (BPS-17) from the designation already assigned to Statistical Officers in BPS-17 or promoted to BPS-17 from the post of Statistical Investigator (BPS-16) in the department. This Tribunal vide its judgment dated 19-10-2015 remitted the matter to the respondents with observations that 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, but in spite of clear observations in the said judgment, the respondents amalgamated the seniority of two distinct groups together vide order dated 04-01-2016 putting the appellant as well as his other colleagues as juniors to their erstwhile juniors, against which the appellant as well as his colleagues preferred departmental appeals.

12. Finally, the respondent departments constituted a committee vide order dated 28-03-2016 to settle the issue of seniority. The committee examined the issue in light of the advice of Establishment Department, Law Department and judgment of this Tribunal Dated 26-03-2009.

13. We have observed that Agriculture Department as well as Establishment and Law Department did not properly examine the issue of seniority and badly failed

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to remove the anomaly. It was noted with concern that Establishment department without proper examination of the case, furnished its advice to determine their seniority in light of Section-8 of Civil Servant Act, 1973 as well as Section-17 of Government of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer rules) 1989, which however was not applicable in such case and furnishing such advice without proper evaluation of the issue in question examination amounts to gross negligence, as the appellant and his other colleagues were kept in constant mental agony. The committee constituted for the purpose also did not comprehend the judgment dated 26-03-2009 in its true letter and spirit, which created an anomalous situation and there was nobody on the ground to properly interpret the said judgment. It was astonishing to note that Director Agriculture, while addressing a letter dated 02-07-2010, had hinted to the anomaly and vide his detailed letter had forecasted the forthcoming complications of seniority and had proposed for maintaining separate seniority for the two categories of officers, but nobody appreciated his suggestions. The same letter contained the question as to whether seniority of two distinct groups/batches can be amalgamated, where one group is recruited in BPS-17 and another in BPS-16 having separate seniority. We failed to understand the wisdom behind the action, which put BPS-16 officers senior to BPS-17 with justification that BPS-16 officers were recruited earlier. We also feel sorry to notice that a clear judgment was mis-interpreted, which created the whole mess. The judgment so announced was based on the earlier judgments of this Tribunal announced on 16-06-1991, 16-08-1995 and 19-05-2003, where the similar nature posts in BPS-16 were up-graded to BPS-17 with effect from 01-05-1977 or from the date of appointment of the incumbents and were only allowed monetary benefits arising out of up-gradation, but were assigned separate designation from the officers appointed directly in BPS-17. In the judgment dated 26-03-2009, respondents were directed to extend the same benefit to the appellants as well as other similarly placed persons, which benefit was already extended vide judgments announced on 16-06-1991, 16-08-1995 and 19-05-2003.

W/h

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Director  
Crop Reporting Services  
KPK Peshawar

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*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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14. After perusal of the above-mentioned judgments, it can be easily concluded that the wordings "same benefit" used in the judgment dated 26-03-2009 was only up-gradation, which was already granted to similarly placed persons to the extent of monetary consideration having no nexus with seniority. It is otherwise an established fact that up-gradation does not confer any right of seniority, but the respondents considered their seniority with effect from the date of up-gradation i.e. 01-05-1977 or from the date of appointment of the incumbents, thus a batch of up-graded statistical investigators, who were originally inducted in BPS-16 on ad-hoc basis were placed senior over a batch of Statistical Officers, who were initially recruited in BPS-17 as Assistant Statistical Officers through Public Service Commission with a justification that the post of Statistical Investigators, who were inducted in 1985-86 were up-graded with effect from 01-05-1977, whereas appellant and his other colleagues were inducted in 1987, hence as per rule 17 (b) of Government of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989 and Section-8 of Civil Servant Act, 1973, seniority will be reckoned from the date of regular appointment to that post, which however was not applicable in the instant case, as the Rules mentioned above provides for Seniority inter-se of civil servants appointed to a service cadre or post in one batch, whereas the amalgamated two groups are separate posts in every respect, as from the very beginning, Assistant Statistical Officer (BPS-17) and Statistical Investigator (BPS-16) were two different cadres having separate seniority and amalgamation of their seniority and putting the appellant and his other colleagues juniors to their erstwhile juniors is illogical.

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**Director**  
**Crop Reporting Services**  
**KPK Peshawar**


15. We are of the considered opinion that respondents misinterpreted the judgment dated 26-03-2009, as up-gradation of a post along with incumbent with retrospective effect, cannot confer right of seniority upon the incumbents by any canon of law over another cadre/post, whose incumbents were separately recruited through Public Service Commission in 1987 in BPS-17 holding a separate seniority.

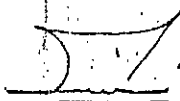
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**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**


and a separate job description, whereas the incumbents of the up-graded post were inducted in 1985-86 in BPS-16 on ad-hoc basis, who in due course of time were declared permanent and their posts were up-graded with effect from 01-05-1977. The expression "Up-gradation" is distinct from the expression "Promotion" which is not defined either in the Civil Servant Act or in the Rules framed thereunder, and is restricted to the post (office) and not with the person occupying it. Reliance is placed on 2016 SCMR 859. We are also of the firm opinion that respondents wrongly interpreted Rule 17 (b) and Section-8 of the Rules/Act ibid, while determining seniority of two distinct groups.

16. In view of the foregoing discussion, the instant appeal as well as the connected service appeal No. 339/2017 are accepted and the impugned orders dated 22-12-2016 and 06-12-2017 are set aside with directions to the respondents to assign separate nomenclature to both the posts as well as to maintain separate seniority list till retirement of the appellant alongwith his other batch-mates. The appellant alongwith his other batch-mates stands senior to their erstwhile juniors and shall be considered first for promotion to the next grade, however in case of their deprivation from promotion on account of impugned seniority list, they shall be considered for promotion with effect from the date, when they stood eligible for promotion in light of this judgment. Parties are left to bear their own costs. File be consigned to record room.

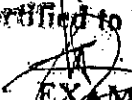
ANNOUNCED  
02.09.2021

  
**Director**  
Crop Reporting Services  
KPK Peshawar

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

  
(ATIQU-R-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

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To

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

Through **Proper Channel**

Subject: **Execution Petition No: 197/2021 in Service Appeal No: 339/17 & No: 567/2018 Titled Maqsood ur Rahman VS Government of Khyber Pakhtunkhwa and others.**

Memo:

Kindly refer to the above cited judgments already submitted to your good office vide application dated 13.9.2021 (**Annex-A**).

It is submitted for your consideration that The Honorable Service Tribunal has given its verdict in clear terms vide Para-16 of the judgment in Service Appeal No: 339/17 & No: 567/2018 that sets aside impugned Seniority List dated 22.12.2016 and 06.12.2017 and further ordains that,

....., however in case of their deprivation from promotion on account of impugned seniority list, they shall be considered for promotion with effect from the date, when they stood eligible for promotion in light of this judgment.....

As Mr. Samiullah Khan Statistical Investigator BS-16 from a cadre that has been adjudged and recognized as a subordinate cadre of Statistical Officer (Supervisory) was elevated and promoted from time to time, from BS-17 to BS-18, from BS-18 to BS-19 and finally from BS-19 to BS-20 on the basis of the impugned Seniority List, adjudged to be a falsity by the Honorable Service Tribunal, the undersigned deserves to be promoted/ elevated to BS-20. As the respondents got benefit on the basis of a false/ dubious Seniority List finally adjudged to be a nullity in the eyes of law, any relief less than what has been availed of by Mr. Samiullah Khan Statistical Investigator (BS-16 from a subordinate cadre) would be a grave and classic example of injustice to the undersigned and abuse of administrative process and authority in favor of those who got promotion on the basis of a false/ dubious Seniority List at the expense of the undersigned. It needs not to be emphasized that a BS-16 officer enjoyed the slot of Head of an entity on the basis of a dubious seniority list finalized with the connivance of some officers in the Department and with sheer undue, immoral and illegal support of the seniors looking after the Department.

The dictate of the judgment in Service Appeal No: 339/17 & No: 567/2018 allows further promotion to the undersigned from the date of eligibility. After retirement of Mr. Muhammad Statistician (BS-18) on 7<sup>th</sup> January 2011, the Appellant stood senior-most Statistical Officer Supervisory in the Department to be considered for promotion to the next higher Grade/ Scale on the following dates if was not deprived due to the impugned Seniority List/ Notifications as the three posts existed and lying vacant (**Annex-B**).

Post with the Scale	Date of eligibility for promotion
Statistician BS-18	08.01.2011
Director BS-19	08.01.2012
Director General BS-20	05.01.2021

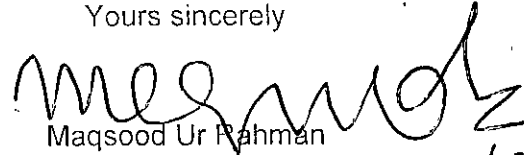
Director  
 Crop Reporting Services  
 KPK Peshawar



16

In light of the judgment of the Honorable Service Tribunal and in the name of fair play and justice, I request your honor to kindly allow me the promotions to the next scale from the dates as mentioned above. An undertaking on judicial stamp Paper to the effect that if the CPLA No: 637-P in 567/ 2018 and No: 638-P in 339/ 2017 is decided in favor of the Department, the undersigned would be liable for recovery of every extra penny, so paid per rules (Annex-C).

Yours sincerely



Maqsood Ur Rahman  
Statistical Officer (Supervisory)  
Crop Reporting Services

10/8/2022

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



Appellant  
Maqsood Ur Rahman  
Execution Petition No: 197/ 2021

**Director**  
**Crop Reporting Services**  
**KPK Peshawar**



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

No. SOE(AD)V-7/PSB/Maqsood/CRS/22/402  
Dated Peshawar, the 1<sup>st</sup> December, 2022

To

The Section Officer (PSB),  
Establishment Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject: **PROMOTION TO THE POST OF STATISTICIAN (BS-18) TO THE POST OF DIRECTOR (BS-19) AND TO THE POST OF DIRECTOR GENERAL (BS-20) IN LIGHT OF COURT JUDGEMENT**

I am directed to refer to the subject cited above and to enclose herewith 07 sets of working papers in respect of Mr. Maqsood ur Rehman an officer of Crop Reporting Services who had filed a Service Appeal No. 339/17 & 567/2018, wherein the appellant has prayed three steps promotion which was delayed during his service because of the seniority disputes in the department.

02. It is submitted that the Officer concerned has already been promoted to BS-18 on regular basis on 29.01.2021 and retired on 07<sup>th</sup> September, 2021 on superannuation (Annexure-II-III). However, he had filed court cases in 2017 and 2018 for seniority against officers who were junior to him but they were considered senior vide court Judgment 26.03.2009 (Annex-IV) as well as Notification dated 22.12.2016 and 06.12.2017 (Annexure-V-VI). Accordingly, his Colleague were promoted to BS-18, then to BS-19 and finally to BS-20. Now the Service Tribunal accepted the appeals and set aside both the above Notifications and entitled him for promotion to higher grade since when he became eligible (Annexure-VII). The department has already filed CPLA in Supreme Court of Pakistan (Annexure-VIII). However, the Hon'ble Service Tribunal in its hearing dated 20.10.2022 in Execution Petition directed the respondents to submit compliance report (Annexure-IX). Therefore, the case is submitted for conditional implementation in light of Service Tribunal judgement.

02. Considering the gravity of the situation the working papers may kindly be placed before Provincial Selection Board for its consideration, please.

**Encls. As Above:**

SECTION OFFICER-ESTT:

**Endst. Of even No. & Date:**

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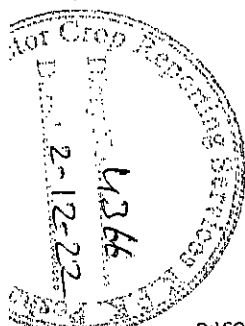
1. The Director, Crop Reporting Services, Khyber Pakhtunkhwa, Peshawar.
2. P.S. to Secretary Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
3. P.A to Deputy Secretary (Admn) Agriculture, Livestock, Fisheries & Cooperative Department Khyber Pakhtunkhwa, Peshawar.
4. Master File

*Estab./Roshkullah*

*02/12/2022*

*File*  
*272-22*

SECTION OFFICER-ESTT:





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GOVT. OF KHYBER PAKHTUNKHWA  
**Directorate General Crop Reporting Services**  
AGRICULTURE DEPARTMENT

Jamrud Road opp: Islamia College Peshawar

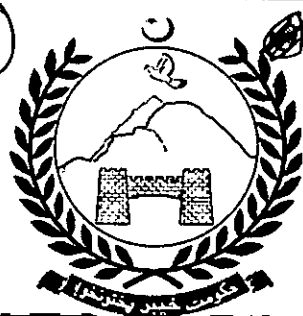
Ph:091-9224231 Fax: 091 -9224320 Email: dcrskpk@gmail.com



Directorate of Crop Reporting Services kpk



Crop Reporting services Kp



**OFFICE ORDER**

Mr. Usman Ghani, Superintendent, HQ Crop Reporting Services Khyber Pakhtunkhwa is hereby authorized to submit para-wise comments in WP-7881/2021 Titled Mr. Maqsood Ur Rehman Vs Government of Khyber Pakhtunkhwa thorough Secretary Agriculture & Other in Service Tribunal Peshawar on behalf of Respondents.

*[Signature]*  
DIRECTOR GENERAL  
CROP REPORTING SERVICE  
KHYBER PAKHTUNKHWA

PESHAWAR.

No. Court Cases/ 2238 /DG (CRS),

Dated Peshawar 19/5/2023

Copy for forwarded to:

The Registrar, Service Tribunal Peshawar, Government of Khyber Pakhtunkhwa  
Peshawar for information please.

*[Signature]*  
DIRECTOR GENERAL  
CROP REPORTING SERVICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.