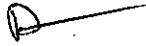


24.11.2016

Counsel for the appellant and Assistant AG for official respondents and counsel for private respondents also present. Counsel for the appellant submitted reply on application which is placed on file. Case to come up for further proceedings on 03.04.2017.



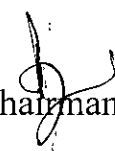
(ABDUL LATIF)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER

03.04.2017

Counsel for the appellant and Mr. Adeel Butt, Addl: AG for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 30.06.2017 before D.B.



Chairman

10. 30.06.2017

The learned counsel for the appellant, Mr. Ziaullah, Deputy District Attorney alongwith Muhammad Kaleem, Statistical Officer for the official respondents and counsel for private respondents No. 3 to 24 present.

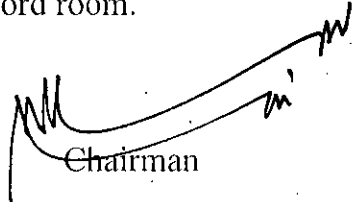
Vide our detailed order of to-day in connected service appeal No. 1378/2015, entitled "Iqbal Zarin Versus Secretary to Government of Khyber Pakhtunkhwa, Agriculture Livestock & Cooperative Department, Peshawar and others", this appeal is also returned as per detailed order. Parties are left to bear their own costs. File be consigned to the record room.



Member

ANNOUNCED

30.06.2017



Chairman

24.05.2016

Counsel for the appellant and Addl. AG for the official respondents and counsel for private respondents No. 3 to 24 present. Learned counsel for private respondents informed the Tribunal that in view of judgment of the august Supreme Court of Pakistan in C.A Nos. 101 & 102-P/2011 and observations made therein the Tribunal is not vested with jurisdiction to entertain the instant appeal regarding upgradation of the post. Learned counsel for the appellant is not willing to withdraw the appeal. To come up for written reply/comments on 26.07.2016 before S.B.


Chairman

26.7.2016

Counsel for the appellant, Addl. AG for the official respondents No. 1 & 2 and counsel for private respondents No. 3 to 24 present. Application for return of appeal to appellant on the ground of lack of jurisdiction submitted by counsel for private respondents No. 3 to 24 copy whereof supplied to learned counsel for the appellant as well as learned Addl. AG. To come up for reply of appellant as well as official respondents and arguments on application before the **D.B** on 24.11.2016.


Chairman

09.02.2016

Counsel for the appellant present. Learned counsel for the appellant argued that similar nature appeals including appeals No. 1378 to 1381 of 2015 have already been admitted to regular hearing.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.2.2016 before S.B.


Chairman

25.02.2016


Appellant Deposited
Security & Process Fee

Appellant with counsel present. Security and process fee not deposited. The same be deposited within a week, where-after notices be issued to the respondents for written reply/comments for 25.4.2016 before S.B.


Member

25.4.2016



Junior to counsel for the appellant, Mr. Asadud Din Asif Jah, Assistant alongwith Addl. AG for the official respondents and counsel for private respondents No. 3 to 24 present. Wakalatnama placed on file. Learned counsel for the appellant requested for adjournment as the appeal pertains to up-gradation of the post regarding which the august Supreme Court of Pakistan has observed vide judgment dated 17.2.2016 in C.A No. 101 & 102-P/2011 that Service Tribunal would have no jurisdiction in matters wherein issue of up-gradation is involved. To come up for further proceedings on 24.5.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 85/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21.01.2016	<p>The appeal of Mr. Qaiser Khan resubmitted today by Mr. Nasir Mahmood 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</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>09-2-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Qaiser Khan Statistical Assistant Office of Crop Reporting Service Mardan received to-day i.e. on 13.01.2016 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Addresses of the respondents No. 3 to 24 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- 24 copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 88 /S.T,

Dt. 14/1 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Nasir Mahmood Adv. Pesh.

*Siz - Re-submitted after completion
on 21/1/2016*

N/S

21/1

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO. 85...2016

statistical Assistant
Qaiser Khan ~~Crop Reporter~~ (BPS-11) Office of Crop Reporting Services
District ~~Nowshera~~ *Mardan* Appellant

Versus

1. Secretary to Govt. of KPK Agriculture Livestock & Cooperative Dept.
KPK Peshawar and others Respondents

INDEX

S.No	Description of Documents	Annexure	Pages
1.	Grounds of Appeal with affidavit		1-4
2.	Copy of Educational Testimonials'	A	5
2.	Seniority List	B	6-8
3.	Copy of the Minutes of the Meeting	C	9-13
4.	Copy of the letter dt.12.08.2014	D	14-15
5.	Copy of the Up-Gradation notification dt.21.08.2015	E	16-19
6.	Copy of departmental appeal dated 31.08.2015	F	20
7.	Wakalat Nama		

Through

Qaiser
Appellant
Nasir Mahmood
Nasir Mahmood Advocate,
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar.
Mob.No.0333-9176275

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.....85.....\2016

E.W.F. Province
Service Tribunal

Story No 38

Dated 13-01-2016

statistical Assistant

Qaiser Khan ~~Crop Reporter~~ (BPS-01) Office of Crop Reporting Services
District ~~Nowshera~~ *Mardan*.....Appellant

Versus

1. Secretary to Govt. of KPK Agriculture Livestock & Cooperative Dept.
KPK Peshawar.
2. Director Crop Reporting Services, Agriculture Dept. KPK, ATI,
Campus Jamrud Road, Peshawar.
3. Ghulam Mustafa, *Statistical Investigator* Office of the Statistical Officer, DIKhan.
4. M. Raziq Shah, *do* Office of the Statistical Officer, Swat.
5. Mehtaj Ali, *do* Office of the Statistical Officer, (CRS), Kohat.
6. Bahrullah, *do* Office of the Statistical Officer, (CRS), Charsadda.
7. Umar Daraza, *do* Office of the Director, (CRS), HQ.
8. Hazrat Ali, *do* Office of the Statistical Officer, (CRS), Mardan.
9. Hidayatullah, *do* Office of the Statistical Officer, (CRS), Abbottabad.
10. Sultan yousaf, *do* Office of the Statistical Officer, (CRS), Dir Upper.
11. Said Wahid, *do* Office of the Statistical Officer, (CRS), Swabi.
12. Khalid Khan, *do* Office of the Statistical Officer, (CRS), Malakand.
13. Mir Alam, *do* Office of the Statistical Officer, (CRS), Chitral.
14. Gul Rahman, *do* Office of the Statistical Officer, (CRS), Lakki Marwat.
15. Rawaiz Khan, *do* Office of the Statistical Officer, (CRS), Haripur.
16. Wazir Gul, *do* Office of the Statistical Officer, (CRS), Batagram.
17. Gul Zaman, *do* Office of the Statistical Officer, (CRS), Dir Lower.
18. Barkatullah, *do* Office of the Statistical Officer, (CRS), Nowshera.
19. Asad Sohail, *do* Office of the Statistical Officer, (CRS), Hangu.
20. Atta Hussain Shah, *do* Office of the Statistical Officer, (CRS), Tank.
21. Rahman Akber, *do* Office of the Statistical Officer, (CRS), Kohistan.
22. Muhammad Ayub, *do* Office of the Statistical Officer, (CRS), Karak.

13/1/16

Re-submitted
21/1/2016

2

Statistical investigator

23. Sabaz Ali, Office of the Statistical Officer, (CRS), Bannu.
24. Abdur Rashid, Office of the Statistical Officer, (CRS),
Shangla..... Respondents

Service Appeal U\Section 4 of the KPK Service Tribunal Act, 1974 against the order dated 21-08-2015 passed by respondent no.1 whereby respondent no.3 to 24 along with others were upgraded from the post of Crop Reporter (BPS-5) to the post of Statistical Investigator (BPS-16) against the rules and policy and the appeal dated 16.09.2015 filed by the appellant was unresponded thus the instant appeal.

Prayer in Appeal; To set-aside order dated 21-08-2015 passed by respondent no.1 to the extent of respondent no.3 to 24 whereby they were upgraded illegally consequently appellant may be upgraded on the said post with all back benefits.

Respectfully Sheweth;

1. That the appellant is serving as Crop Reporter in the respondents department having qualification of B.A. Copy of the educational testimonials and seniority list is attached as annexure-A and B.
2. That Up-Gradation Committee was constituted for the up-gradation of post of Crop Reporter \ Statistical Computers (BPS-5) to Statistical Investigator BPS-16 in Crop Reporting services department which held its meeting on 12.06.2013 and thereby 25 number of posts of Crop Reporter was recommended to be up-graded. It may be noted here that service rules were also amended and the qualification for Statistical Investigator BPS-16 was enhanced which is as under;

50% by promotion on the basis of seniority cum fitness from amongst the Statistical Assistant and holding BA \ BSc degree with statistics, Mathematics or Economics as a subject.
Copy of the Minutes of the Meeting is attached as annexure-C.
3. That respondent no.2 through letter dated 12.08.2014 has also recommended for filling up of the post of Statistical Investigator BPS-16 in the light of above mentioned criteria from amongst the

3

senior-most Crop Reporter in their respective district. Copy of the letter is attached as annexure-D.

4. That respondent no.1 has in utter disregard of the rules amended by Up-Gradation Committee and also in violation of the letter of the respondent no.2 Up-Graded respondent no.3 to 24 through notification dated 21.08.2015. Copy of the notification is attached as annexure-E.
5. That the appellant preferred departmental appeal dated 16.09.2015 (Copy attached as annexure-F) which was forwarded on the same day to respondent No. 2 (Copy attached as annexure-G) but was unresponded hence the present appeal inter alia on the following grounds;

Grounds

A. That the respondents have not treated the Appellant in accordance with law and rules on the subject and acted in violation of article-4 and 25 of the constitution of Islamic republic of Pakistan, 1973 and unlawfully not Up-Graded the appellant which is unjust, unfair hence not sustainable in the eye of law.

B. That when Up-Gradation Committee was constituted for the up-gradation of post of Crop Reporter \ Statistical Computers (BPS-5) to Statistical Investigator BPS-16 in Crop Reporting services department which held its meeting on 12.06.2013 and thereby 25 number of posts of Crop Reporter was recommended to be up-graded and rules were amended there by enhancing the qualification for Statistical Investigator BPS-16 then under no circumstances respondent no.1 could have violated the rules more so when respondent no.2 has also recommended for filling up of the post of Statistical Investigator BPS-16 in the light of above mentioned criteria from amongst the senior-most Crop Reporter in their respective district thus the whole process become illegal and dubious.

(4)

C. That the under the law matriculate can not be appointed \ up-graded \ promoted to BPS-16 but respondent no.1 has flagrantly violated it having least regard for the rule of law thus making the up-gradation to be illegal.

D. That in no other department incumbents were up-graded but in case of appellants departments practice has been adopted which is illegal.

E. That the appellant seeks leave of this honorable tribunal to argue additional grounds at the time of final hearing of this appeal.

For the aforesaid reasons, it is therefore, respectfully prayed that on acceptance of this appeal order 21-08-2015 passed by respondent no.1 to the extent of respondent no.3 to 24 whereby they were upgraded illegally may be set-aside consequently appellant may be upgraded on the said post with all back benefits.

Any other remedy not specifically asked for but appropriate in the circumstances of the case may also be awarded to the appellant.

Qaiser

Appellant

Through

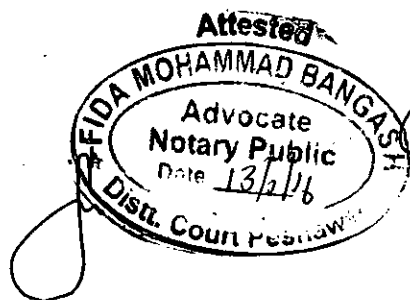
Nasir Mahmood

Nasir Mahmood Advocate,
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar.

Affidavit

I, do hereby declare and affirm on oath that the contents of accompanying writ petition are true and correct to the best my knowledge and belief and nothing has been concealed from this hon'ble court.

Deponent



Qaiser

دانشگاه پشاور

Annex-A

(5)

University of Peshawar (Pakistan)

Session ANNUAL 1986

CAISAR KHAN SON of MOON MOHAMMAD and a student

of HANJAN DISTRICT having passed the prescribed examination
in OCTOBER 1986, is this day admitted by the University of Peshawar
to the Degree of

Bachelor of Arts

in the Second Division

The examination was taken as a whole/in parts.

Serial No: 004784

Registered No. 82-H-6329

Roll No. 7402

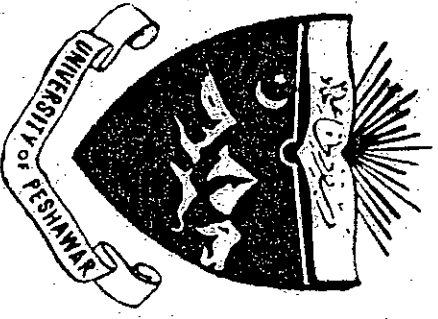
6TH APRIL 1987

[Signature]
Registrar

Countersigned

[Signature]

[Signature]
Vice-Chancellor



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FINAL SENIORITY LIST OF CROP REPORTERS/STATISTICAL COMPUTERS AS STOOD ON 25-11-2014 IN RESPECT OF CROP REPORTING SERVICES, KHYBER PAKHTUNKHWA

Annex B
6

S.#	Name of Official	Qualification	Date of Birth	Domicile	Date of 1st Appointment	Date of Promotion	Place of Posting
1.	2	3	4	5	6	7	8
1	Ghulam Mustafa	SSC	6/4/1957	D.I.Khan	26-10-1978	26/10/1978	D.I.Khan
2	M Raziq Shah	SSC	2/1/1957	Bunir	18-03-1979	18/03/1979	Bunir
3	Mehtaj Ali	SSC	25-03-1957	Peshawar	24-04-1974 as F/W	24/04/1980	Peshawar
4	Bahrullah	SSC	28-03-1957	Charsadda	27-04-1980	27/04/1980	Charsadda
5	Umar Daraz	SSC	28-10-1959	Nowshera	30-04-1980 as F/W	26/05/1980	Peshawar
6	Mushtaq Hussain	B.A	12/2/1958	Mansehra	5/8/1979 as F/A	15/09/1980	Mansehra
7	Tajmul Shah	SSC	5/5/1955	Mardan	8/11/1980	8/11/1980	Mardan
8	Hazrat Ali	SSC	1/4/1962	Mardan	10/11/1980	10/11/1980	Mardan
9	Hidayat Ullah	SSC	1/4/1959	Charsadda	12/11/1980	12/11/1980	Charsadda
10	Sultan Yousaf	SSC	12/6/1961	Mardan	12/11/1980	12/11/1980	Mardan
11	Said Wahid	SSC	3/3/1962	Swabi	12/11/1980	12/11/1980	Swabi
12	Behrooz Khan	M.A	5/12/1960	Bunir	2/12/1980	2/12/1980	Bunir
13	Khalid Khan	SSC	28-04-1962	Mardan	30-12-1980	30/12/1980	Malakand
14	Mir Alam	SSC	3/10/1960	Charsadda	22-02-1981	22/02/1981	Charsadda
15	Akram Khan	B.A	17-05-1956	Peshawar	3/3/1981	3/3/1981	Peshawar
16	Gul Rehman	SSC	14-4-1958	Mardan	25.7.1981	25/07/1981 (Reinstated)	Malakand
17	Ravaiz Khan	SSC	1/4/1962	Swabi	25.7.1981	25/07/1981 (Reinstated)	Swabi
18	Wazir Gul	SSC	1/5/1956	Charsadda	26-07-1981	26/07/1981	Charsadda
19	Gul Zaman	SSC	15-05-1957	Mardan	18-11-1978 as N/O	4/9/1981	Timergera
20	Barkat Ali	F.A	1/5/1962	Nowshera	16-01-1982	16/01/1982	Nowshera
21	Asad Sohail	SSC	14-08-1964	Kohat	1/2/1982	1/2/1982	Kohat
22	Atta Hussain Shah	SSC	12/4/1957	D.I.Khan	31-10-1978 as F/W	28/04/1982	D.I.Khan
23	Raham Akber	F.A	8/2/1964	Charsadda	28-08-1982	28/08/1982	Charsadda
24	Muhammad Ayub	F.A	5/3/1959	Karak	09-05-1979 as F/W	7/10/1982	Karak
25	Muhammad Ali	SSC	11/12/1964	Peshawar	11/10/1982	11/10/1982	Peshawar
26	Abdul Rashid	SSC	8/1/1962	Mardan	1.2.1983	1/2/1983 (Reinstated)	Mardan
27	Ghafoor Rehman	SSC	13-12-1960	Mardan	17-05-1983	17/05/1983	Mardan
28	Muhammad Zahir Shah	SSC	10/5/1961	Nowshera	28-08-1983	28/08/1983	Nowshera
29	Abdul Malik Khan	SSC	10/6/1964	L.Marwat	12/11/1983	12/11/1983	L.Marwat
30	Muhammad Piaz	SSC	17-11-1957	Swabi	21.06.1980 as Helper	11/10/1984	Swabi
31	Abdul Ahad	SSC	22-12-1964	Bannu	11/2/1984	11/2/1984	Bannu
32	Muhammad Yousaf No.1	F.A	28-03-1964	Malakand	1/4/1984	1/4/1984	Malakand
33	Aman Ullah	SSC	2/1/1963	Baltagram	27-07-1984	27/07/1984	Baltagram
34	Muhammad Yousaf No.2	SSC	13-05-1960	Abbottabad	1/9/1984	1/9/1984	Abbottabad
35	Nisar Ahmed	SSC	20-06-1966	Hanipur	1/9/1984	1/9/1984	Hanipur
36	Javed Khan	F.A	28-04-1964	Mansehra	2/9/1984	2/9/1984	Mansehra
37	Akhtar Munir	SSC	3/1/1963	L.Marwat	12/9/1984	12/9/1984	L.Marwat
38	Muhammad F.anif	SSC	5/3/1964	D.I.Khan	16-09-1984	16/09/1984	D.I.Khan
39	Rabnawaz	SSC	22-09-1961	D.I.Khan	17-09-1984	17/09/1984	D.I.Khan
40	Mahi Ud Din	SSC	12/1/1964	D.I.Khan	17-09-1984	17/09/1984	D.I.Khan
41	Ghulam Rabani	SSC	30-12-1956	D.I.Khan	18-09-1984	18/09/1984	D.I.Khan
42	Saif Ur Rehman	B.A ✓	30-01-1964	D.I.Khan	18-09-1984	18/09/1984	D.I.Khan
43	Muhammad Azhar	SSC	16-08-1964	D.I.Khan	18-09-1984	18/09/1984	D.I.Khan
44	Pir Adam	SSC	15-12-1964	L.Marwat	22-09-1984	22/9/1984	Bunnu
45	Amin Khan	SSC	10/5/1965	L.Marwat	22-09-1984	22/09/1984	L.Marwat
46	Faiz Ahmad	SSC	10/2/1966	D.I.Khan	22-09-1984	22/09/1984	D.I.Khan
47	Sultan Ud Din	B.A ✓	25-05-1966	L.Marwat	22/9/1984	22/9/1984	L.Marwat
48	Mirzali Khan	SSC	2/2/1966	L.Marwat	01.10.1984	1/10/1984	L.Marwat
49	Muhammad Farooq	SSC	5/4/1965	Karak	11/10/1984	11/10/1984	Karak
50	Qasir Khan	M.A ✓	10/1/1962	Mardan	13-10-1984	13/10/1984	Mardan
51	Farman Ullah	B.A ✓	18-01-1965	Mardan	13-10-1984	13/10/1984	Mardan
52	Mohammad Fiaz	SSC	13-5-1960	Abbottabad	18-12-1978	14/10/1984	Abbottabad
53	Nisar Khan	SSC	31-05-1964	Abbottabad	14-10-1984	14/10/1984	Abbottabad
54	Inayat Ullah No.1	SSC	1/4/1966	D.I.Khan	16-10-1984	16/10/1984	D.I.Khan
55	Abdul Waqool	SSC	14-05-1967	Kohistan	16-10-1984	16/10/1984	Kohistan
56	Muhammad Iqbal No.1	SSC	13-04-1963	Mansehra	17-10-1984	17/10/1984	Mansehra
57	Niamat Khan	SSC	16-12-1963	Mardan	13-10-1984	13/10/1984	Mardan
58	Muhammad E houkat	B.A ✓	12/2/1962	Abbottabad	18-10-1984	18/10/1984	Abbottabad
59	Muhammad Iqbal No.2	SSC	3/4/1964	Karak	21-10-1984	21/10/1984	Karak
60	Gul Bahadar	F.A	15-05-1965	Swabi	25-10-1984	25/10/1984	Swabi
61	Mushtaq Ahmed	SSC	10/6/1957	Mansehra	1/11/1984	1/11/1984	Mansehra
62	Sardar Ahmed	F.A	4/4/1963	Swabi	4/11/1984	4/11/1984	Swabi

etc
R

He

Sl. No.	Name	Qualification	Date of Birth	Details	Date of Last Appointment	Remarks
1	Mr. A. Khan	B.A.	1945-01-15	Assistant	1970-01-15	Appointed
2	Mr. B. Khan	B.A.	1945-02-20	Assistant	1970-02-20	Appointed
3	Mr. C. Khan	B.A.	1945-03-25	Assistant	1970-03-25	Appointed
4	Mr. D. Khan	B.A.	1945-04-30	Assistant	1970-04-30	Appointed
5	Mr. E. Khan	B.A.	1945-05-05	Assistant	1970-05-05	Appointed
6	Mr. F. Khan	B.A.	1945-06-10	Assistant	1970-06-10	Appointed
7	Mr. G. Khan	B.A.	1945-07-15	Assistant	1970-07-15	Appointed
8	Mr. H. Khan	B.A.	1945-08-20	Assistant	1970-08-20	Appointed
9	Mr. I. Khan	B.A.	1945-09-25	Assistant	1970-09-25	Appointed
10	Mr. J. Khan	B.A.	1945-10-30	Assistant	1970-10-30	Appointed
11	Mr. K. Khan	B.A.	1945-11-05	Assistant	1970-11-05	Appointed
12	Mr. L. Khan	B.A.	1945-12-10	Assistant	1970-12-10	Appointed
13	Mr. M. Khan	B.A.	1946-01-15	Assistant	1971-01-15	Appointed
14	Mr. N. Khan	B.A.	1946-02-20	Assistant	1971-02-20	Appointed
15	Mr. O. Khan	B.A.	1946-03-25	Assistant	1971-03-25	Appointed
16	Mr. P. Khan	B.A.	1946-04-30	Assistant	1971-04-30	Appointed
17	Mr. Q. Khan	B.A.	1946-05-05	Assistant	1971-05-05	Appointed
18	Mr. R. Khan	B.A.	1946-06-10	Assistant	1971-06-10	Appointed
19	Mr. S. Khan	B.A.	1946-07-15	Assistant	1971-07-15	Appointed
20	Mr. T. Khan	B.A.	1946-08-20	Assistant	1971-08-20	Appointed
21	Mr. U. Khan	B.A.	1946-09-25	Assistant	1971-09-25	Appointed
22	Mr. V. Khan	B.A.	1946-10-30	Assistant	1971-10-30	Appointed
23	Mr. W. Khan	B.A.	1946-11-05	Assistant	1971-11-05	Appointed
24	Mr. X. Khan	B.A.	1946-12-10	Assistant	1971-12-10	Appointed
25	Mr. Y. Khan	B.A.	1947-01-15	Assistant	1972-01-15	Appointed
26	Mr. Z. Khan	B.A.	1947-02-20	Assistant	1972-02-20	Appointed
27	Mr. AA. Khan	B.A.	1947-03-25	Assistant	1972-03-25	Appointed
28	Mr. AB. Khan	B.A.	1947-04-30	Assistant	1972-04-30	Appointed
29	Mr. AC. Khan	B.A.	1947-05-05	Assistant	1972-05-05	Appointed
30	Mr. AD. Khan	B.A.	1947-06-10	Assistant	1972-06-10	Appointed
31	Mr. AE. Khan	B.A.	1947-07-15	Assistant	1972-07-15	Appointed
32	Mr. AF. Khan	B.A.	1947-08-20	Assistant	1972-08-20	Appointed
33	Mr. AG. Khan	B.A.	1947-09-25	Assistant	1972-09-25	Appointed
34	Mr. AH. Khan	B.A.	1947-10-30	Assistant	1972-10-30	Appointed
35	Mr. AI. Khan	B.A.	1947-11-05	Assistant	1972-11-05	Appointed
36	Mr. AJ. Khan	B.A.	1947-12-10	Assistant	1972-12-10	Appointed
37	Mr. AK. Khan	B.A.	1948-01-15	Assistant	1973-01-15	Appointed
38	Mr. AL. Khan	B.A.	1948-02-20	Assistant	1973-02-20	Appointed
39	Mr. AM. Khan	B.A.	1948-03-25	Assistant	1973-03-25	Appointed
40	Mr. AN. Khan	B.A.	1948-04-30	Assistant	1973-04-30	Appointed
41	Mr. AO. Khan	B.A.	1948-05-05	Assistant	1973-05-05	Appointed
42	Mr. AP. Khan	B.A.	1948-06-10	Assistant	1973-06-10	Appointed
43	Mr. AQ. Khan	B.A.	1948-07-15	Assistant	1973-07-15	Appointed
44	Mr. AR. Khan	B.A.	1948-08-20	Assistant	1973-08-20	Appointed
45	Mr. AS. Khan	B.A.	1948-09-25	Assistant	1973-09-25	Appointed
46	Mr. AT. Khan	B.A.	1948-10-30	Assistant	1973-10-30	Appointed
47	Mr. AU. Khan	B.A.	1948-11-05	Assistant	1973-11-05	Appointed
48	Mr. AV. Khan	B.A.	1948-12-10	Assistant	1973-12-10	Appointed
49	Mr. AW. Khan	B.A.	1949-01-15	Assistant	1974-01-15	Appointed
50	Mr. AX. Khan	B.A.	1949-02-20	Assistant	1974-02-20	Appointed
51	Mr. AY. Khan	B.A.	1949-03-25	Assistant	1974-03-25	Appointed
52	Mr. AZ. Khan	B.A.	1949-04-30	Assistant	1974-04-30	Appointed
53	Mr. BA. Khan	B.A.	1949-05-05	Assistant	1974-05-05	Appointed
54	Mr. BB. Khan	B.A.	1949-06-10	Assistant	1974-06-10	Appointed
55	Mr. BC. Khan	B.A.	1949-07-15	Assistant	1974-07-15	Appointed
56	Mr. BD. Khan	B.A.	1949-08-20	Assistant	1974-08-20	Appointed
57	Mr. BE. Khan	B.A.	1949-09-25	Assistant	1974-09-25	Appointed
58	Mr. BF. Khan	B.A.	1949-10-30	Assistant	1974-10-30	Appointed
59	Mr. BG. Khan	B.A.	1949-11-05	Assistant	1974-11-05	Appointed
60	Mr. BH. Khan	B.A.	1949-12-10	Assistant	1974-12-10	Appointed
61	Mr. BI. Khan	B.A.	1950-01-15	Assistant	1975-01-15	Appointed
62	Mr. BJ. Khan	B.A.	1950-02-20	Assistant	1975-02-20	Appointed
63	Mr. BK. Khan	B.A.	1950-03-25	Assistant	1975-03-25	Appointed
64	Mr. BL. Khan	B.A.	1950-04-30	Assistant	1975-04-30	Appointed
65	Mr. BM. Khan	B.A.	1950-05-05	Assistant	1975-05-05	Appointed
66	Mr. BN. Khan	B.A.	1950-06-10	Assistant	1975-06-10	Appointed
67	Mr. BO. Khan	B.A.	1950-07-15	Assistant	1975-07-15	Appointed
68	Mr. BP. Khan	B.A.	1950-08-20	Assistant	1975-08-20	Appointed
69	Mr. BQ. Khan	B.A.	1950-09-25	Assistant	1975-09-25	Appointed
70	Mr. BR. Khan	B.A.	1950-10-30	Assistant	1975-10-30	Appointed
71	Mr. BS. Khan	B.A.	1950-11-05	Assistant	1975-11-05	Appointed
72	Mr. BT. Khan	B.A.	1950-12-10	Assistant	1975-12-10	Appointed
73	Mr. BU. Khan	B.A.	1951-01-15	Assistant	1976-01-15	Appointed
74	Mr. BV. Khan	B.A.	1951-02-20	Assistant	1976-02-20	Appointed
75	Mr. BW. Khan	B.A.	1951-03-25	Assistant	1976-03-25	Appointed
76	Mr. BX. Khan	B.A.	1951-04-30	Assistant	1976-04-30	Appointed
77	Mr. BY. Khan	B.A.	1951-05-05	Assistant	1976-05-05	Appointed
78	Mr. BZ. Khan	B.A.	1951-06-10	Assistant	1976-06-10	Appointed
79	Mr. CA. Khan	B.A.	1951-07-15	Assistant	1976-07-15	Appointed
80	Mr. CB. Khan	B.A.	1951-08-20	Assistant	1976-08-20	Appointed
81	Mr. CC. Khan	B.A.	1951-09-25	Assistant	1976-09-25	Appointed
82	Mr. CD. Khan	B.A.	1951-10-30	Assistant	1976-10-30	Appointed
83	Mr. CE. Khan	B.A.	1951-11-05	Assistant	1976-11-05	Appointed
84	Mr. CF. Khan	B.A.	1951-12-10	Assistant	1976-12-10	Appointed
85	Mr. CG. Khan	B.A.	1952-01-15	Assistant	1977-01-15	Appointed
86	Mr. CH. Khan	B.A.	1952-02-20	Assistant	1977-02-20	Appointed
87	Mr. CI. Khan	B.A.	1952-03-25	Assistant	1977-03-25	Appointed
88	Mr. CJ. Khan	B.A.	1952-04-30	Assistant	1977-04-30	Appointed
89	Mr. CK. Khan	B.A.	1952-05-05	Assistant	1977-05-05	Appointed
90	Mr. CL. Khan	B.A.	1952-06-10	Assistant	1977-06-10	Appointed
91	Mr. CM. Khan	B.A.	1952-07-15	Assistant	1977-07-15	Appointed
92	Mr. CN. Khan	B.A.	1952-08-20	Assistant	1977-08-20	Appointed
93	Mr. CO. Khan	B.A.	1952-09-25	Assistant	1977-09-25	Appointed
94	Mr. CP. Khan	B.A.	1952-10-30	Assistant	1977-10-30	Appointed
95	Mr. CQ. Khan	B.A.	1952-11-05	Assistant	1977-11-05	Appointed
96	Mr. CR. Khan	B.A.	1952-12-10	Assistant	1977-12-10	Appointed
97	Mr. CS. Khan	B.A.	1953-01-15	Assistant	1978-01-15	Appointed
98	Mr. CT. Khan	B.A.	1953-02-20	Assistant	1978-02-20	Appointed
99	Mr. CU. Khan	B.A.	1953-03-25	Assistant	1978-03-25	Appointed
100	Mr. CV. Khan	B.A.	1953-04-30	Assistant	1978-04-30	Appointed

DIRECTOR
 CROP REPORTING SERVICES
 KHAYBER PAKHTUNKHWA
 PESHAWAR

Annex - C
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Annex -
79

DRAFT MINUTES OF THE MEETING OF THE UP-GRADATION COMMITTEE HELD ON 12.06.2013 REGARDING UP-GRADATION OF THE POST OF CROP REPORTERS / STATISTICAL COMPUTERS (BS-5) IN CROP REPORTING SERVICES, AGRICULTURE DEPARTMENT, KHYBER PAKHTUNKHWA.

A meeting of the Up-gradation Committee was held on 12.06.2013 at 10:00 AM, under the Chairmanship of Special Secretary, Finance Department Khyber Pakhtunkhwa to discuss the subject up-gradation. The following attended the meeting.

- | | | |
|----|--|----------|
| 1. | Masood Ahmed
Special Secretary Finance Deptt.
Khyber Pakhtunkhwa. | Chairman |
| 2. | Syed Hidayat Jan
Special Secretary Agriculture Deptt.
Khyber Pakhtunkhwa. | Member |
| 3. | Mr. Muhammad Imtiaz Ayub
Additional Secretary (Reg).
Finance Department. | Member |
| 4. | Mr. Shafi-ul-Ahmad
Section Officer (Regulation-III),
Establishment Department. | Member |

2. The Chairman opened the discussion by welcoming the participants and invited the representative of Agriculture Department to brief the Committee on reasons and justifications for the proposed up-gradation of the post of Crop Reporters / Statistical Computers (BS-5) in Crop Reporting Services (CRS).

3. The Special Secretary Agriculture Department apprised the Committee that CRS was abolished during promulgation of Power Devolution Plan in 2001. However, after restoration of the Department in 2003, the abolished posts were not restored. The responsibilities of the Field Staff (Crop Reporters) have been enhanced due to increase in the sample villages from 433 to 477 in addition to collection of data through Remote Sensing in coordination with SUPARCO. The Economic Coordination Committee (ECC) of the Federal Cabinet had recommended Khyber Pakhtunkhwa to adopt the structure of CRS Punjab. The Province has committed to the same at the level of Chief Secretary. Before Devolution, there was a visible chance for promotion of a Crop Reporter (BS: 5) to the post of Statistical Investigator (BS: 16). However, after abolition of the post of Assistant Statistical Officer (erstwhile Statistical Investigator) in 2001, the chance for promotion of a Crop Reporter to any higher post eliminated altogether in their entire career. The deprivation of Field Staff from any promotion was also observed by the Finance Department, who had advised the Department to take up case for creation of an intermediary tier in the Department.

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To put CRS on the right track, as required by Economic Coordination Committee (ECC) and to ensure collection of timely, authentic and reliable data. Up-gradation of certain posts and re-structuring of the Department has become inevitable as the Department is facing lot of problems to achieve its objectives.

5. The Committee also discussed up-gradation of the post of Crop Reporter (BS-2), who were primarily Field Workers (BS-2) in Agriculture Extension Department and were declared redundant and were transferred to CRS along with posts with effect from 01.07.2006. These Crop Reporters (BS-2) fulfilled the requirements for initial recruitment as Crop Reporter (BS-5). The Service Tribunal Khyber Pakhtunkhwa has already given the verdict to equalize their scale with regular Crop Reporter (BS-5) working in the same Department. The Law Department has considered the case unfit for CPLA in Supreme Court of Pakistan. Thus, the judgment of Service Tribunal has attained finality. The Committee, in principle, approved up-gradation of 85 posts of Crop Reporters from BS-2 to BS-5 with effect from 01.07.2006.

6. The Special Secretary Agriculture Department then presented the proposed structure in comparison to the existing structure of the Department along with proposed amendments in the Service Rules after its up-gradation.

7. The proposed upgradation will have a total financial effect of Rs; 4.887 Million as per following detail.

Up-gradation of the 85 posts of Crop Reporter BS: 2 to BS: 5 from 1.7.2006 in light of Court Judgment.	Rs; 0.519 Millions
Annual recurring cost after approved up-gradation of the 250 posts of Crop Reporters (BS; 5)	Rs; 4.368 Millions
Total Financial Implication	Rs; 4.887

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8. The Committee, after threadbare discussion, recommends up-gradation of the posts of the existing strength of 250 Crop Reporters / Statistical Computers (BS-5) (including 85 posts of Crop Reporter BS-2 to BS-5) in CRS in the following manner.

S. No	Crop Reporter / Statistical Computer (BS-5)	Number of posts to be upgraded to BS-6	Number of posts to be upgraded to BS-11 & Re-designated as Statistical Assistant	Number of posts to be upgraded to BS-16 & Re-designated as Statistical Investigator
1	250	171	54	25

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Annexure "D"

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

No: 3136/A /SCRS
Dated Peshawar, the 07.2.8 /2014

To: The Section Officer (Estt.),
Government of Khyber Pakhtunkhwa,
Agriculture, Livestock & Coop: Deptt:
Peshawar.

Subject: PROPOSAL FOR POSTING OF CROP REPORTERS BS: 6
AGAINST THE VACANT POSTS OF STATISTICAL
INVESTIGATOR BS: 16 (OPS) AS A RESULT OF RE-
STRUCTURING OF THE POST OF CROP REPORTER IN CROP
REPORTING SERVICE.

Memo: Kindly refer to your office letter No: SOE (AD) 3(3)7/2012/SCRS dated
24.7.2014 on the subject noted above.

Point-wise clarification to the observations raised by your good office is
submitted as under.

i. According to the recommendation of the Up-gradation Committee, the post of
Statistical Investigator (BS: 16) may be filled in through the following manner.

- > 50% by initial recruitment.
Qualification: BA/BSc (at least 2nd Division) with Statistics, Mathematics or
Economics as a subject.
- > 50% by promotion on basis of seniority cum fitness from amongst the
Statistical Assistants and
 - Holding BA/BSc degree with Statistics, Mathematics or Economics as a
subject. OR
 - Holding BA/BSc degree with one year Field Assistant training
from ATI.

Based on the above guideline and criteria, the senior-most Crop
Reporters (BS: 6) have been recommended in their respective district who in first
preference fulfilled the Service Rules recommended by the Up-gradation
Committee. However, if none of the Crop Reporter (BS: 6) in a district fulfilled the
requirement as fixed by the Up-gradation Committee then the Senior Most official in
the cadre who hold a BA degree or at least F.A certificate had been recommended. It
is pertinent to add that the proposed arrangement is aimed at for drawl of pay
as they will continue to perform as Crop Reporter till finalization of their
Service Rules that will lead to actual promotion of the senior most officials.
Thus the proposal has no financial effect.

ii. The adjustment of Crop Reporters against the 54 posts of Statistical
Assistants (BS: 11) falls in the competency of the Directorate. Thus, placement of the
staff against these posts will be strictly based on seniority of an official with in a district.
However, it has been kept pending till finalization of placement of staff against the post
of Statistical Investigator (BS: 16). It may be mentioned that placement of an official

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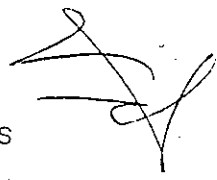
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against the higher post will have no bearing on actual promotion which will take place in due course of time.

In view of above, it is requested to kindly notify the posting of Crop Reporters BS: 6 against the up-graded post of Statistical Investigator (BS: 16) in their own pay scale. It is feared that the controlling Treasury Office will not entertain the pay of these staff until their adjustment. Therefore, an early action in the matter is requested.



DIRECTOR
CROP REPORTING SERVICES
KHYBER PAKHTUNKHWA
PESHAWAR



Attended to by a Vice
Copy of The Original



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Annex-E
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TO BE SUBSTITUTED WITH THIS DEPARTMENT NOTIFICATION OF EVEN NUMBER DATED
24.01.2014



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

Dated Peshawar, the August, 2015

NOTIFICATION.

NO.SOE(AD)23-13/2013. In pursuance of the Government of Khyber Pakhtunkhwa, Finance Department letter No.FD/SO(FR)/7-13/2005 dated 02/07/2015, the Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department is pleased to accord sanction to the up-gradation of 250 posts of Crop Reporters/Statistical Computers of (BS-5) (including 85 posts of Crop Reporters BS-2 to BS-5 w.e.f 01-05-2006 in light of the court judgment) alongwith its incumbents in Crop Reporting Services as per existing final seniority list, in the following manner:-

- i. 25 number of posts of Crop Reporters are hereby upgraded to BS-16 & Re-designated as **Statistical Investigator** alongwith the following incumbents:

Sr.NO.	Names of incumbents	Sr.No.	Name of incumbents
1.	Mr.Ghulam Mustafa	2.	M.Raziq Shah
3.	Mehtaj Ali	4.	Bahrullah
5.	Umar Daraz	6.	Mushtaq Hussain AA
7.	Hazrat Ali	8.	Hidayat Ullah
9.	Sultan Yousaf	10.	Said Wahid
11.	Behrooz Khan B-P	12.	Khalid Khan
13.	Mir Alam	14.	Akram Khan B.P
15.	Gul Rahman	16.	Ravaiz Khan
17.	Wazir Gul	18.	Gul Zaman
19.	Barkat Ali	20.	Asad Sohail
21.	Atta Hussain Shah	22.	Raham Akber
23.	Muhammad Ayub	24.	Sabaz Ali
25.	Abdur Rashid		

- ii. 54 number of posts of Crop Reporters are hereby upgraded to BS-11 & Re-designated as **Statistical Assistant** alongwith the following incumbents:

Sr.NO.	Name of incumbents	Sr.NO.	Name of incumbents
1.	Ghafoor Rahman	2.	Muhammad Zahir Shah
3.	Abdul Malik Khan	4.	Muhammad Riaz
5.	Abdul Ahad	6.	Muhammad Yousaf No.1
7.	Amanullah	8.	Muhammad Yousaf No.2
9.	Nisar Ahmad	10.	Javed Khan
11.	Akhtar Munir	12.	Muhammad Hanif
13.	Rabnawaz	14.	Mahi Ud Din
15.	Ghulam Rabbani	16.	Saif Ur-Rehman B.P
17.	Muhammad Azhar	18.	Pir Adam
19.	Amin Khan	20.	Fazli Ahmad
21.	Burhan Ud Din	22.	Mirza Ali Khan
23.	Umar Farooq	24.	Qasir-Khan
25.	Farman Ullah B.P	26.	Muhammad Riaz
27.	Nisar Khan	28.	Inayat Ullah No.1

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29.	Abdul Wadood	30.	Muhammad Iqbal No.1
31.	Niamat Khan	32.	Muhammad Shoukat
33.	Muhammad Iqbal No.2	34.	Gul Bahadar
35.	Mushtaq Ahmad	36.	Sardar Ahmad
37.	Alam Saeed	38.	Qasim Khan
39.	Basher Ahmad	40.	Aftab Hussain
41.	Muhammad Alam <i>BA</i>	42.	Maz Ullah
43.	Surat Ur Rehman	44.	Kiramat Ullah <i>BA</i>
45.	S.Tufail Hussain Shah <i>BA</i>	46.	Inayat Ullah NO.2
47.	Mehrdullah	48.	Muhammad Yousaf No.2
49.	Sohail Ahmad	50.	Bakhshish
51.	Imtiaz Ahmad	52.	Aman Din
53.	Misal Khan	54.	Abdullah Khan

iii. 171 number of posts are hereby upgraded to BS-6 with the same designation i.e. Crop Reporter/Statistical Computer alongwith the following incumbents:-

Sr.NO.	Name of Incumbents	Sr.NO.	Name of incumbents
1.	Taseen Khan	2.	Raheem Ullah
3.	Muhammad Jamil	4.	Abdul Rauf
5.	Islam Shah	6.	Zafar Ullah
7.	Iqbal Zarin	8.	Ali Gohar
9.	Akhtar Zaman	10.	Jan Muhammad
11.	Irshad ur Rehman	12.	Hazrat Yousaf
13.	Maqsood Anwar	14.	Daud Khan
15.	Syed Farooq Shah	16.	Faridullah Shah
17.	Inayatullah NO.3	18.	Zulfiqar Ali
19.	Khurshid	20.	Wasim Parvez
21.	Muhammad Arif	22.	Mir Hussain Shah
23.	Jan Bahadar	24.	Rehman Gul
25.	Saeed Khan	26.	Yoursaf Ali Shah
27.	Fakhari Azam	28.	Farhat Abbas
29.	Muhammad Wali	30.	Amir Zada
31.	Salim Khan	32.	Muhammad DAud
33.	Muhammad Israr	34.	Muhammad Nasir
35.	Muhammad Ramzan	36.	Mushtaq Ahmad
37.	Izzat Khan	38.	Shahid Nazir Ahmad
39.	Azam Khan	40.	Attaur Rehman
41.	Alam Zeb	42.	Sada Khan
43.	Tehseen Ullah	44.	Farid Ahmad
45.	Liaqat Ali	46.	Muhammad Arif
47.	Fazal Amin	48.	Abdul Hakim
49.	Muhammad Asif	50.	Amanullah
51.	Syed Muzamil Shah	52.	Abdul Mubin
53.	Shahid Iqbal	54.	Shah Said
55.	Muhammad Naeem	56.	Abdul Basir
57.	Muhammad Ijaz	58.	Nisar Khan
59.	Muhammad Safdar	60.	Nafeesud Din
61.	Muhammad Ilyas	62.	Muhammad Ayaz
63.	Muhammad Riaz	64.	Muhammad Dildar
65.	Syed Habib	66.	Abdur Rehman
67.	Nazeer Ahmad	68.	Ajmir Khan
69.	Muhammad Ramzan	70.	Abdul Latif

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71.	Noor Ali Shah	72.	Ghulam Rasool
73.	Abdur Rehman	74.	Gul Hasan
75.	Manzoor Hussain	76.	Sajid Iqbal
77.	Miandad	78.	Siraj Wali
79.	Hukam Khan	80.	Luqman Shah
81.	Riaz Ahmad	82.	Kamal Khan
83.	Hamemul Hussain	84.	Qamar Zaman
85.	Arab Khan	86.	Wali Dad
87.	Asad Munir	88.	Shamsul Hadi
89.	Hakim Khan	90.	Rais Ahmad
91.	Zainullah	92.	Irshad Mahmood
93.	Malang Jan	94.	Muhammad Aslam
95.	Gul Karim	96.	Inamullah
97.	Nasir Khan	98.	Iftikhar Ahmad
99.	Niaz Ali	100.	Gul Riaz
101.	Shahabuddin	102.	Umar Hayat
103.	S. Ajmal	104.	Tarif ud Din
105.	Shakeel Ahmad	106.	Jamshed
107.	FAzal Qadir	108.	Dost Aman
109.	Ishrat Hussain Shah	110.	Muhammad Riaz
111.	Ihsanullah	112.	Sadiqullah Khan
113.	Muhammad Sadaqat	114.	Muhammad Azam
115.	Rehmatullah	116.	Niaz
117.	Saeed Ahmad	118.	Noor ul Hadi
119.	Nisar Khan	120.	Khalid Khan
121.	Muhsin Ali	122.	Muhammad Arshad
123.	Naqib Khan	124.	Shaukat-2
125.	Sarbiland Khan	126.	Muhammad Raja Ijaz
127.	Shahid Ali Khan	128.	YOunas Khan
129.	Syed Azaz Ali	130.	Syed Azim
131.	Niaz Muhammad	132.	Sultan Shah
133.	Zaid Ullah Shah	134.	Abdul Hameed
135.	Ibrar Shah	136.	Ihsanullah
137.	Tanzilur Rahman	138.	Abid Ali
139.	Qasim Shah	140.	Yasir
141.	Syed Israr Shah	142.	Qasim Khan
143.	Asad Khan	144.	Hamid Hussain
145.	Rooh Ullah	146.	Zaheer Ahmad
147.	Yasir	148.	Shamsur Rehman
149.	Fayaz Ali Khan	150.	Muhammad Asim
151.	Ali Gohar	152.	Gul Naz
153.	Isteraj Khan	154.	Waqas Khan
155.	Kashif Hussain	156.	Rizwan-ur-Rahman
157.	Muhammad Imran Shah	158.	Ziaullah
159.	Rais Akbar Khan	160.	Irfan Aziz
161.	Ibrahim	162.	Amjad Ali
163.	Kafullah		

Endst. No.FD/SO(FR)/7-13/2005

Dated Peshawar, 12/08/2015

Copy forwarded for information and necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. The District Accounts Officers, concerned.

SECTION OFFICER (FR)
GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

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Endst. No. SOE(AD)23-13/2013/SCRS

Dated Peshawar, 21/08/2015

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Copy forwarded for information and necessary action to:-

1. Director, Crop Reporting Service, Khyber Pakhtunkhwa, Peshawar, with the request to circulate the same to all concerned.
2. The District Accounts Officers, concerned.
3. The PS to Chief Secretary, Khyber Pakhtunkhwa.
4. The PS to Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
5. The Section Officer (FR), Government of Khyber Pakhtunkhwa Finance Department w/r to her letter No.FD/SO(FR)/7-13/2005 dated 02/07/2015.
6. Officials Concerned.
7. PS to Secretary Agriculture.
8. Master file.

(Signature)
(DILAWAR KHAN)
SECTION OFFICER-ESTT:

DIRECTORATE OF CROP REPORTING SERVICES, KHYBER PAKHTUNKHWA

Endst: No. 4200-61 /DCRS
Dated Peshawar, the 26/08 /2015.

Copy forwarded for information and necessary action to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officers, concerned.
3. All Statistical Officer, Crop Reporting Services in Khyber Pakhtunkhwa for information and to circulate among the official concerned.
4. The Accountant, Directorate of Crop Reporting Services, Khyber Pakhtunkhwa, for information and record.
5. The official concerned at H.Q. office Peshawar.

(Signature)
(FAZLI WAHAB) 26/8/2015
DRAWING & DISBURSING OFFICER
DIRECTORATE OF
CROP REPORTING SERVICES
KHYBER PAKHTUNKHWA
PESHAWAR

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محترم جناب ڈائریکٹر کراچی پورٹنگ سروسز (ایچ بی سی) پشاور

Annex - F

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بوسالٹ ایس او کراچی پورٹنگ سروسز ضلع نوشہرہ

عنوان: حکیمانہ اپیل برائے ریٹریڈیشن

بھیت سٹیٹسٹیکل سائنس / سٹیٹسٹیکل اوسط

جناب عالی

سوربانہ ٹریننگ سے اپ ریٹریڈیشن کمرٹ نے کراچی پورٹنگ (B.P.S.5)

کی پوسٹ کو اپ ریٹریڈیشن کی منظوری دینے وقت B.A. تعلیم کی شرط عائد کی تھی

اس طرح اسٹیبلشمنٹ کی پیارٹنٹ جنرل قانون کے مطابق کوئی

سرکاری ملازم کو (B.P.S.16) میں یا اوپر اپ ریٹریڈیشن نہیں دی جاسکتی

جب تک اس میں تعلیم B.A. نہ ہو۔

لیکن حکمہ نے ان تمام قواعد اور قوانین کو بالاطاق

رکھتے ہوئے (B.P.S.5) کے میٹرک پاس ملازمین کو B.P.S.16 میں

بھول کر ریٹریڈیشن نمبری S.O. R 13/2013-23 (AD) No 5.0/ENDST

بتاریخ 21-8-2015 میں ڈائریکٹ اپ ریٹریڈیشن دی تھی جو صحیح

نہی ہو بلکہ کراچی پورٹنگ کے ساتھ انتظامی نا انصافی ہے۔

اس لیے آپ براہ کرم سے استدعا ہے کہ ہمارے ساتھ انصاف کیا جائے

اور من پسند کراچی پورٹنگ کے جائے اپ ریٹریڈیشن کیلئے

مشاورت بتاریخ 26-6-2013 کے مطابق ہم B.A. پاس کراچی پورٹنگ

حائز حق دلائے جانے کیلئے مہری اپ ریٹریڈیشن (B.P.S.16)

میں کیا جائے۔ جس کے لیے میں انتظامی شکور مہیو تھا،

الصارفہ

قیوم خان کراچی پورٹنگ سروسز کراچی پورٹنگ سروسز نوشہرہ

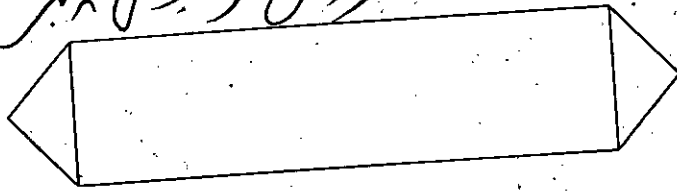
تاریخ 16/9/2015

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No 223 - So C.R.S. Nowshera

18/9/2017

بعدالت سرور میں ٹرانسپورٹ خلیفہ مختار خواجہ شہزاد



مورخہ

مقدمہ

دعویٰ

جرم

2ء منجانب

قصیر خان

بنام سید عبدالغنی ٹرانسپورٹ خلیفہ مختار خواجہ شہزاد

Service Appeal no.

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پلٹنیا اور کیلئے نامہ محمود سید عبدالغنی ایڈووکیٹ صاحبان ٹرانسپورٹ خلیفہ مختار خواجہ شہزاد مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا اور ان مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تارتخ پیشی مقام واسطے پر ہوسکتا ہے باہر ہو تو وکیل صاحب یا پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھنویا کہ سندر ہے

Accepted

11/12/16

2016

ماہ جنوری

12

المرقوم

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العبد گواہ العبد

کے لئے منظور ہے۔

پلٹنیا

مقام

بسم الله الرحمن الرحيم

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
والصلاة والسلام على
سيدنا محمد وآله الطيبين
الطاهرين

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الطاهرين

BEFORE THE HONORABLE SERVICE TRIBUNAL KPK, PESHAWAR

In Re: *Service Appeal no: TB 85/2016*

Qaiser Khan Appellant

Versus

Secretary Agriculture & others..... Respondents

REPLY TO THE APPLICATION OF PRIVATE RESPONDENT

Respectfully Sheweth:
Preliminary Objections:

1. That the applicants have no cause of action and or locus standi to file the instant application.
2. That the application is not maintainable in its present form.
3. That the petitioner has not come to this honorable court with clean hands and has suppressed material facts from this Honorable Court.

On Facts

1. Para no.1 needs no reply.
2. In reply to Para-2 it is submitted that the captioned judgment is not related to the present case.
3. In reply to Para-3 it is submitted that the judgment of the august Supreme Court of Pakistan is binding only in those cases which are relevant to the controversy.

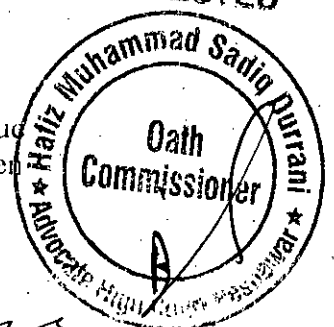
It is, therefore, respectfully prayed that in the light of above the writ petition being not maintainable may pleased be dismissed with cost.

Through

Qaiser Khan
Appellant
Nasir Mahmood
Nasir Mahmood Advocate,
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar.

24 NOV 2016

ATTESTED



AFFIDAVIT

I, do hereby affirm and declare on oath that contents of the reply are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honorable tribunal.

Deponent

Qaiser Khan

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

IN RE: Service Appeal No. ____/201

1. Qasir Khan Crop Reporter (BPS-6) Office of Crop Reporting Services
District Dir Lower at Timergara.

APPELLANT

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa Agriculture, Live Stock
and Cooperative Department Peshawar and others.

RESPONDENTS

**APPLICATION FOR RETURN OF
APPEAL TO THE APPELLANT DUE
TO LACK OF JURISDICTION AS THE
ISSUE OF UPGRADATION IS
INVOLVED THEREIN.**

Respectfully Sheweth,

1. That the appellant has filed the above captioned appeal before this
Hon'ble Tribunal seeking therein upgradation of his post.
2. That the august Supreme Court of Pakistan vide judgment dated
17-2-2016 passed in civil appeals No. 101 & 102-P of 2011 has held
that "the Services Tribunals have no jurisdiction to entertain any
appeal involving the issue of upgradation, as it does not form part
of the terms and conditions of service of the civil servants".

(Copy of judgment is appended
as Annex-A)

3. That the decision of august Supreme Court of Pakistan is binding on each and every organ of the state by virtue of **Article 189 & 190 of the Constitution of Islamic Republic of Pakistan, 1973**. Reliance in this respect can be placed on the judgment of apex court of the country reported in **1996-SCMR-284 (citation-c)**. The relevant citation of the judgment is reproduced herein for facility of reference:-

1996-SCMR-284(c)

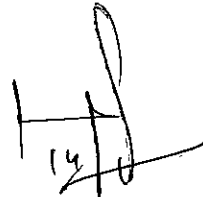
(c) Constitution of Pakistan (1973)---

---Arts. 189 & 190---Decision of Supreme Court---Binding, effect of--- Extent--Law declared by Supreme Court would bind all Courts, Tribunals and bureaucratic set-up in Pakistan.

In view of the above narrated facts , it is, therefore, humbly prayed that the instant appeal may graciously be returned to the appellant for presentation before proper forum.

Respondents
Nos. 3 to 5, 7 to 15,
17 to 20 & 22 to 24

Through



Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar.

Dated: 26/7/2016

Amir - A

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Anwar Zaheer Jamali, CJ
Mr. Justice Mian Saqib Nisar
Mr. Justice Amir Hani Muslim
Mr. Justice Ejaz Afzal Khan
Mr. Justice Mushir Alam

Civil Appeals No.101 & 102-P of 2011.

(On appeal from judgment dated 27.04.2010, of the Peshawar High Court, Peshawar, passed in Writ Petitions No.205 of 2010 and 33 of 2009).

Regional Commissioner Income Tax,
Northern Region, Islamabad.
(in Civil Appeal No.101-P/2011)

Commissioner of Income Tax Company Zone,
Income Tax Officer, Peshawar
(in Civil Appeal No.102-P/2011).

...Appellants.

VS

Syed Munawar Ali and others.
(in Civil Appeal No.101-P/2011)

Kiramatu Ullah Khan and others.
(in Civil Appeal No.102-P/2011).

...Respondents.

For the Appellants:

Mr Shahid Raza, ASC.
(in both Appeals)

For Respondent No.:

Mr Ijaz Anwar, ASC.

1-8 in C.A.No.101-P/11
& for Respondents No.1-39
In C.A.No.102-P/11).

Date of hearing:

17.02.2016.

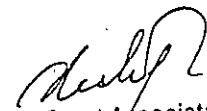
JUDGMENT

AMIR HANI MUSLIM, J. - These Appeals, by leave of the

Court, are directed against common judgment dated 27.04.2010, passed by

the Peshawar High Court, Peshawar, whereby the Writ Petitions filed by the

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad


Respondents were disposed of with the direction to the Appellants to act according to law and to do what is required by the law to do within a minimum possible time.

2. The facts necessary for the adjudication of the present proceedings are that the Respondents and others while working as Superintendents/Supervisors with the Appellants filed an Application before the Chairman, Federal Board of Revenue (Revenue Division) for upgradation of their posts from BS-13 to BS-16, *inter alia*, on the ground that since the post of Superintendent has been upgraded to BS-16 in Federal/Provincial Government, therefore, the post of Superintendent may also be upgraded in the Federal Board of Revenue from BS-13 to BS-16. The said Application remained undecided, and the Respondents filed Writ Petitions before the Peshawar High Court, which were disposed of by a learned Division Bench by the consolidated impugned judgment.

3. The Appellants filed Civil Petitions for leave to Appeal against the judgment of the Peshawar High Court in which leave was granted to consider whether in view of the bar contained under Article 212 (3) of the Constitution, the High Court has the jurisdiction to entertain a Constitution Petition relating to the terms and conditions of service of civil servants. Hence these Appeals.

4. The learned Counsel for the Appellants has contended that the jurisdiction of the learned Peshawar High Court was barred under Article 212 (3) of the Constitution, as the issue of upgradation which was the subject matter of the Writ Petitions relates to the terms and conditions of

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Court Associate
Supreme Court of Pakistan

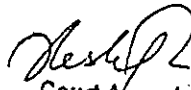
Respondents were disposed of with the direction to the Appellants to act according to law and to do what is required by the law to do within a minimum possible time.

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ATTESTED


Court Associate
Supreme Court of Pakistan

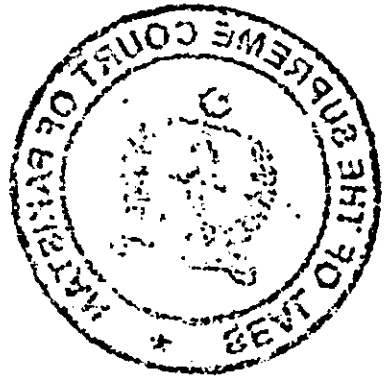
... and another vs. Muhammad Asad Khan (Civil Appeal No. 22 of 2014) has held that the issue relating to upgradation of civil servants can be decided by a High Court in exercise of its constitutional jurisdiction and far contained under Article 212(3) of the Constitution would not be attracted. The policy of upgradation notified by the Government, in no way, amends the terms and conditions of service of the civil servant or the Civil Servants Act and or the Rules framed there-under. The Service Tribunal has no jurisdiction to entertain any appeal involving the issue of upgradation, as it does not form part of the terms and conditions of service of the civil servants. The question in hand has already been answered by the aforesaid two judgments of this Court.

For the aforesaid reasons, we do not find any infirmity in the impugned judgment; consequently, these Appeals are dismissed.

- 24- Arwar Zaher Jamali, HCL
- 24- Miran Sadiq Miral,
- 24- Amir Hani / Hashim,
- 24- Ejaz Afzal Khan,
- 24- Mushir Alam,

Certified to be true Copy

Chief Justice
 Supreme Court of Pakistan
 Islamabad



Ismaeel the
 17 February 2016
 Approved for recording
 Secretary

388/14

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 Date of Presentation: 28-4-16
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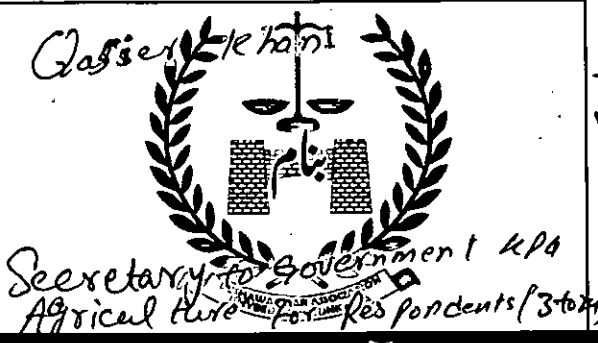
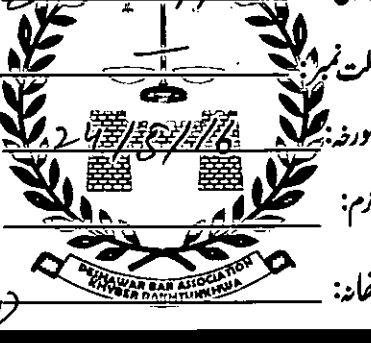
ایڈوکیٹ / دستخط: _____
 بار کونسل ابار ایسوسی ایشن پشاور
 رابطہ نمبر: _____

PESHAWAR BAR ASSOCIATION
 PBA

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

53506

BEFORE HON'BLE KPK, SERVICE TRIBUNAL: بعدالت جناب: پشاور
 PESHAWAR.

منجانب:	دعویٰ: Service appeal
علت نمبر: _____	موردہ: _____
جرم: _____	تھانہ: _____
 <p>Secretary to Government KPK Agricultural University Peshawar</p>	

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام مستشار اعلیٰ پشاور حضور اقدس امیر و وزیر کے کو ذیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز ذیل صاحب کو
 راضی نامہ کرنے و تقریر جہالت و فیصلہ برطنت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زرمیں مدد مستحکم کرنے کا اختیار ہوگا، نیز ضرورت کے مطابق پیروی بناؤ گزری سیکرٹری یا ایمل کی برآمدگی اور منسوخ، نیز
 دائر کرنے ایمل نگرانی و پیروی کرنے کا شمار ہوگا اور ضرورت کے مطابق مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور ذیل کیا اختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا مانتہ مدد داغہ منظور و قبول ہوگا اور ان مقدمہ
 میں جو خرچہ ہر جانہ اتوائے مقدمہ کے حساب سے ہوگا وہ ذیل موصوف و متول کے کار ہونے کا حقدار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو ذیل صاحب پابند نہ ہوں گے کہ کیا پیروی میں مذکورہ کر سکیں، لہذا داکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 2415/16

مقام پشاور کے لئے منظور ہے۔

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R.No. 375 ad