

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 920/2015

Date of Institution ... 17.08.2015

Date of Decision ... 03.01.2019

Khan Afzal, Crop Reporter, Office of Statistical Officer, Crop Reporting Services,  
Malakand at Dargai. ... (Appellant)

VERSUS

Province of Khyber Pakhtunkhwa through Secretary Agriculture, Live Stock and  
Cooperation Department, Civil Secretariat, Peshawar and four others.  
... (Respondents)

-----  
MR. SHAHZADA IRFAN ZIA,  
Advocate

--- For appellant.

MR. ZIA ULLAH,  
Deputy District Attorney

--- For official respondents.

MR. AHMAD HASSAN,

--- MEMBER(Executive)

MR. HAMID FAROOQ DURRANI

--- CHAIRMAN

MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Judicial)

MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER(Judicial)

MR. HUSSAIN SHAH

--- MEMBER(Executive)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the  
parties heard and record perused.

FACTS

2. The grievances agitated by the appellant through the appeal in hand pertain to  
regularization of service, grant of benefits attached with the post of Crop Reporter  
(BPS-6) and release of withheld salary w.e.f 01.10.2014. After exhausting  
departmental remedies, present service appeal was filed on 17.08.2015.

### ARGUMENTS

3. Learned counsel for the appellant argued that he was appointed as Chowkidar (BPS-1) on fixed pay vide order dated 27.01.2006. That he was appointed as Chowkidar on regular basis w.e.f 01.07.2008 in pursuance of the Finance Department letter dated 29.01.2008. While in service, he was assigned the duty of Crop Reporter in own pay and scale through order dated 22.09.2008. Subsequently, through another order dated 21.01.2015, he was adjusted against the post of Crop Reporter (BPS-5) in the office of Statistical Officer Crop Reporting Services, Malakand w.e.f. 01.07.2006. Through the same order the post held by him was also upgraded to (BPS-6). Astonishingly, salary of the appellant was stopped w.e.f 01.10.2014 without assigning any reason but he continued to perform duty regularly. From time to time he also approached the respondents for release of salary but to no avail. Learned counsel for the appellant also relied on a judgment of this Tribunal dated 10.08.2012 rendered in service appeal no. 899/2010, where petitioners belonging to the same category were granted relief. It is a settled principle of law that if the Court/Tribunal decides a point of law relating to the terms and conditions of service of a civil servant who litigated and those who did not but in such cases the dictates of justice demanded that benefits of said judgment should also be extended to the civil servants who were not part of the litigation. Though the appellant served on the basis of Crop Reporter for more than seven years but he was paid salary of Chowkidar. He was entitled for the salary of Crop Reporter as per provision of F.R 17 and Article-11 of the Constitution of Islamic Republic of Pakistan 1973.

4. On the other hand learned Deputy District Attorney argued that there were two sanctioned posts of Chowkidar in the office of Statistical Officer Crop Reporting Services, Malakand. However, during restructuring of the department one

post of Chowkidar was abolished w.e.f 01.07.2014. Therefore, the appellant being junior was adjusted against the post of Crop Reporter for drawl of pay. It did not confer any right to the appellant to claim salary of the higher post. As he stopped attending the office so his salary was stopped w.e.f 01.10.2014. Moreover, posting/adjustment was against the post of Crop Reporter was cancelled through order dated 23.03.2015. The appellant never rendered services as Crop Reporter nor could produce any proof to substantiate his claim. The judgment referred to by the learned counsel for the appellant was not applicable in the case of the appellant. Through the said judgment relief was granted to the Field Workers who had been declared redundant/surplus in Agriculture Extension Department and were adjusted as Crop Reporter in the Crop Reporting Wing of the Agriculture Department against the permanent posts. As the appellant was Chowkidar in Crop Reporting Services Wing, Malakand, so he did not fall in the category of similarly placed persons.

### CONCLUSION

5. Having minutely scanned the available record, it transpired that the appellant was appointed as Chowkidar on fixed pay vide order dated 27.01.2006 followed by regular appointment in (BPS-01) w.e.f 01.07.2008, as per Finance Department letter dated 29.01.2008. As regards order dated 22.09.2008, whereby he was directed to perform the duty of Crop Reporter in own pay and scale was concerned, it did not accrue any right of permanent appointment against the said post. Similarly perusal of order dated 21.01.2015 revealed that nothing was mentioned in the said order how he was adjusted against the post of Crop Reporter? On the face of it the said order lacked legal backing. We presume that the post of Crop Reporter was required to be filled through initial recruitment. Perhaps, later on the respondents realizing their mistake withdrew the said order on 20.03.2015.

6. We are afraid that judgment of this Tribunal dated 10.08.2012 rendered in service appeal no. 899/2010 cannot be attracted in the case of the appellant. As rightly pointed out by the learned Deputy District Attorney relief was granted to the Field Workers having been declared surplus/redundant in Agriculture Extension Department and were adjusted as Crop Reporter in the Crop Reporting Wing of the Agriculture Department on permanent basis. The appellant was basically a Chowkidar and could not be placed in the row of similarly placed persons.

7. The issue of prime importance going in favour of the appellant in the instant appeal was illegal stoppage of his salary w.e.f. 01.10.2014. Learned DDA when confronted on the point, informed that as he was not attending office, so as a last resort the respondents stopped his salary. When he was again asked why the department failed to initiate disciplinary action against the appellant on account of willful absence from duty but he was clueless? His attention was further drawn to the parawise comments of the respondents, where they took the plea that after abolition of one post of Chowkidar due to restructuring of the department the appellant was adjusted against the post of Crop Reporter for the purpose of drawl of salary. It is a well established procedure/practice that whenever as a result of restructuring a civil servant is declared surplus, he is either sent to the surplus pool or adjusted in any some other office as the case may be. Our contention is further substantiated by the treatment meted out to the Field Workers as a result of judgment of this Tribunal referred to above. In the absence of any punitive action against the appellant he has a very strong case for adjustment against the post of Chowkidar. Being a low paid employee, he became a victim of highhandedness and arbitrary treatment at the hands of the respondents.

8. As a sequel to above, the appeal is accepted and the respondents are directed to adjust the appellant against the post of Chowkidar preferably in his home district or any other appropriate arrangement. He is also entitled for all back benefits w.e.f 01.10.2014. Parties are left to bear their own costs. File be consigned to the record room.



(HAMID FAROOQ DURRANI)  
CHAIRMAN



(AHMAD HASSAN)  
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



(MUHAMMAD HAMID MUGHAL)  
MEMBER



(HUSSAIN SHAH)  
MEMBER

ANNOUNCED  
03.01.2019

Order

03.01.2019 Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted and the respondents are directed to adjust the appellant against the post of Chowkidar preferably in his home district or any other appropriate arrangement. He is also entitled for all back benefits w.e.f 01.10.2014. Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
03.01.2019



(HAMID FAROOQ DURRANI)  
CHAIRMAN



(AHMAD HASSAN)  
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



(MUHAMMAD HAMID MUGHAL)  
MEMBER



(HUSSAIN SHAH)  
MEMBER

19.11.2018

Appellant present in person. Mr. Ziaullah, DDA for the respondents present. Appellant requests for adjournment due to non-availability of the learned counsel. Adjourned to 11.12.2018 for arguments before the Larger Bench.



(M. Hamid Mughal)  
Member



Chairman



(M. Amin Khan Kundi)  
Member



(Ahmad Hassan)  
Member



(Hussain Shah)  
Member

11.12.2018

Bench incomplete. Adjourn. To come up on 03.01.2019 before larger bench.



Member

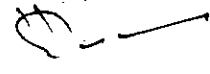


Member

15.08.2018

Larger Bench is incomplete yet. Therefore the case is adjourned.  
To come up on 11.10.2018 before larger/full bench.

  
(Muhammad Amin Kundi)  
Member


  
(Muhammad Hamid Mughal)  
Member

11.10.2018

Counsel for the appellant Mr. Noor Muhammad Khattak, present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Due to over burden of DB cases, arguments could not be heard by the larger bench. To come up for arguments before the larger bench on 19.11.2018.

  
(M. Hamid Mughal)  
Member

  
Chairman

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

  
(Hussain Shah)  
Member



09.04.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Due to incomplete bench, arguments could not be heard. To come up for arguments before the larger bench on 20.6.2018.


  
(M. Hamid Mughal)  
Member

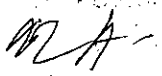
  
(M. Amin Khan Kundi)  
Member

  
(Ahmad Hassan)  
Member

21.06.2018


Counsel for the appellant and Addl: AG for respondents present. Adjourned. To come up for arguments before larger bench on 09.07.2018 before EB.

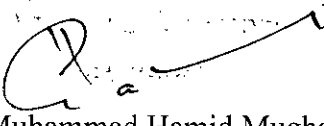
  
(Ahmad Hassan)  
Member

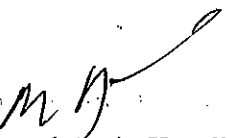
  
(M. Amin Khan Kundi)  
Member

09.07.2018

Learned counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 15.08.2018 before larger bench.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

  
(Muhammad Amin Kundi)  
Member

06.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Asadud Din Asif Jah, Asstt. for the respondents present. Arguments could not be heard due to shortage of time. To come up for arguments on 01.03.2018 before the Larger Bench.



(M. Hamid Mughal)  
Member



Chairman



(M. Amin Khan Kundi)  
Member

26.02.2018

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Kamranullah, S.O for the respondents present. The learned DDA seeks adjournment as the case was prepared by the District Attorney who is not present. To come up for arguments before the larger bench on 29.03.2018.



(M. Hamid Mughal)  
Member



Chairman



(M. Amin Khan Kundi)  
Member




(Ahmad Hassan)  
Member




(Gul Zeb Khan)  
Member


10.01.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney Asadud Din Asif Jah, Assistant for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 11.01.2018 before the full bench.

  
(M. Hamid Mughal)  
Member

  
Chairman


  
(M. Amin Khan Kundi)  
Member

  
(Ahmad Hassan)  
Member


(Gul Zeb Khan)  
Member


11.01.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Asadud Din Asif Jah Assistant for the respondents present. Learned DDA submitted before the court that the case was prepared by Mr. Usman Ghani, District Attorney who is not available today due to meeting of Law Officers Association. Adjourned. To come up for arguments before the larger bench on 06.02.2018.

  
(M. Hamid Mughal)  
Member

  
Chairman

  
(M. Amin Khan Kundi)  
Member

  
(Ahmad Hassan)  
Member

  
(Gul Zeb Khan)  
Member

920/15

03.11.2017

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Muhammad Kaleem, Statistical Officer for the respondents present. Arguments heard.

This is an appeal filed by the appellant for his regularization and pay of higher post. The appellant has mainly based his claim on a judgment dated 10.08.2012 of this Tribunal bearing appeal No. 899/2010 whereby similarly placed employees were regularized and were given the relief of pay. When this Tribunal put the query to the learned counsel for the appellant that on the basis of which law, rules or notification, the present appellant seeks regularization, he referred to the above mentioned judgment. When going through the said judgment this Tribunal reaches the conclusion that no law, rules or executive notification was issued for the regularization of similarly <sup>placed</sup> civil servants in the above mentioned case. The then learned Members of this Tribunal relied upon a judgment reported in 1986-SCMR-1206. When this Tribunal consulted the said reported judgment there is no mention of regularization of a civil servant who is posted to work against a higher post. This judgment only lays down that such person if qualified for regular promotion and is performing function against higher post, is entitled to draw pay and periodical increments of higher post.


It appears that the learned Members of this Tribunal in the above mentioned case had not properly appreciated this judgment. But since this Tribunal is also consisting of two Members today, the opinion cannot be expressed against this very judgment in this appeal unless a Full Bench decided the issue. Therefore, a Full Bench consisting of three Members is constituted to hear this appeal. To come up for arguments on 10.01.2018 before the Full Bench.


  
Member

  
Chairman

07.03.2017

Counsel for the appellant and Mr. Muhammad Jan, GP alongwith Mr. Muhammad Kaleem, Statistical Officer for respondents present. Record not produced. Representative of the respondents is strictly directed to produce relevant on the next date. To come up for such record and arguments on 07.07.2017 before D.B.

  
(ASHFAQUE TAJ)  
MEMBER

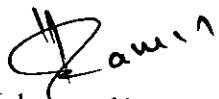
  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

21.11.2017

9. 07.07.2017

Appellant with counsel present. Mr. Zia Ullah, Deputy District Attorney for the respondent present. Appellant stated that he has not received monthly salary since 01.10.2014. Learned counsel for the appellant contended that the appellant was regular employ of the respondent department. In this view of the matter, in order to ascertain the current status of the appellant concerned DDO/Statistical Officer, Crop Reporting Services, Malakand at Dargai to be noticed. To come up for arguments on 03.11.2017 before D.B.


  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member

920/15

12.04.2016

Counsel for the appellant and Mr. Asadud Din Asif Jah Assistant alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 03.8.2016.

  
Chairman

03.08.2016

Counsel for the appellant and Addl. AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 25.11.16.

  
Member

  
Member

25.11.2016

Appellant with counsel and Mr. Zia-ul-Islam, Statistical Officer alongwith Mr. Muhammad Jan, GP for the respondents present. At the very outset of the appeal learned counsel for the appellant relied on judgment of this Tribunal in appeal No. 899/2010 decided on 10.08.2012 wherein similar placed persons were granted Crop Reporter BPS-5 post, however, learned GP stated that they were actually Field Workers while the appellant is Chowkidar. Since the record of those persons mentioned in the judgment referred above is not before the Tribunal, therefore, the representative of the respondent-department is directed to produce the record of the persons mentioned in the judgment and also submit rules/method of recruitment/promotion to the post of Crop Reporter (BPS-5). To come up for record and arguments on 7.3.2017 before D.B.



  
(ABDUL LATIF)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 920/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17.08.2015	<p>The appeal of Mr. Khan Afzal presented today by Mr. Shahzada Irfan Zia Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24-8-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>26-8-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>

26.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Crop Reporter since 7.7.2008. That similarly placed employees were regularized vide judgment of this Tribunal dated 10.8.2012 passed in service appeal No. 899/2010. That the appellant is a similarly placed employee and as such entitled to the same relief regarding which he preferred departmental appeal on 11.3.2015 which was not responded and hence the instant service appeal on 17.8.2015.

Appellant Deposited  
Security & Process Fee




Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.11.2015 before S.B. Notice of application be also issued for the date fixed.

  
Chairman

25.11.2015

Appellant with counsel, M/S Asad-ud-Din, Assistant, Irshad Muhammad, SO and respondent No. 4 in person alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 21.3.2016 before S.B.

  
Chairman

21.03.2016

Appellant with counsel and Mr. Hajji Muhammad, SO alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 12.4.2016 before S.B.

  
Chairman



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:

Service Appeal No. 920 / of 2015

Khan Afzal, Crop Reporter ... Appellant

VERSUS

Province of Khyber Pakhtunkhwa  
through Secretary Agriculture, Live Stock  
and Cooperation Department and others... Respondents

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Through:

خان افضل  
Appellant

(Shahzada Irfan Zia)  
Advocate

13-C, Haroon Mansion  
Khyber Bazar, Peshawar  
Cell # 0300-9345297

Dated: 13 .08.2015

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 920 / of 2015

A.W.F Province  
Service Tribunal  
Diary No. 963  
Dated 17-8-2015

Khan Afzal, Crop Reporter,  
Office of Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai...

... Appellant

VERSUS

1. Province of Khyber Pakhtunkhwa  
through Secretary Agriculture, Live Stock  
and Cooperation Department,  
Civil Secretariat, Peshawar.
2. Secretary to Government of  
Khyber Pakhtunkhwa, Finance Department,  
Civil Secretariat, Peshawar.
3. Director, Crop Reporting Services  
Khyber Pakhtunkhwa, Peshawar.
4. Statistical Officer, Crop Reporting Services,  
Malakand at Dargai.
5. Statistician, Crop Reporting Services,  
Khyber Pakhtunkhwa, Peshawar... Respondents

APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
FOR REGULARIZATION OF SERVICE AND PAY  
BENEFITS OF CROP REPORTER POST BPS-6 FROM  
THE DATE THE APPELLANT IS PERFORMING THE  
DUTIES AGAINST THE SAID POST, AND RELEASE  
OF SALARY WITH EFFECT FROM 01.10.2014,  
ILLEGALLY WITHHELD WITHOUT ANY REASON.  
THE DEPARTMENTAL APPEAL OF THE  
APPELLANT ELICITED NO RESPONSE WITHIN  
STATUTORY PERIOD.

~~Filed in...~~  
*[Signature]*  
17/8/15.

▲ Respectfully Sheweth:-

FACTS OF THE CASE.

1. That the appellant was initially appointed as Chowkidar in BPS-1 on Fixed Pay, vide order dated 27.01.2006, and subsequently on upgradation of the post from BPS-1 to BPS-2, he was allowed regular scale in BPS-1. (Annex: A&B).
2. That subsequently the appellant had been assigned with the duty as Crop Reporter BPS-5 and adjusted against Up-graded post of Crop Reporter BPS-5 in the Office of respondent No.4 with effect from 07.07.2008 and till date performing his duties as Crop Reporter. (Annex: C&D). The post of Crop Reporter was further Upgraded to BPS-6, with effect from 24.01.2014, vide Notification of Agriculture Department dated 24.01.2014.
3. That the appellant is still performing the duties of Crop Reporter BPS-6, but he has not been granted BPS-6, nor he has been paid the salary of the said post. It is irony of the fate that respondents had stopped/withheld the salary of the appellant with effect from 01.10.2014 and till date he is working against the post of Crop Reporter BPS-6 but without salary. Thus with effect from 01.10.2014 neither he has been paid the salary of Chowkidar nor the salary of Crop Reporter and he is working without monthly salary, which is tantamount to forced labour.
4. That previously a number of appeals were filed by the Crop Reporters before this Honourable Tribunal, for regularization of their services against the post of Crop Reporter, which were accepted by the Learned Tribunal vide judgment dated 10.8.2012. The case of the appellant is similar to the case already decided by the Honourable Service Tribunal, therefore, the appellant is also entitled for the same benefit which had been extended to the appellants in the judgment referred above. (Annex: E).

5. That feeling aggrieved the appellant filed his Departmental Appeal but to his utter dismay that his appeal elicited no response, therefore, he left with no alternate except to approach this Honourable Tribunal for rescue (Annex: F), hence the present appeal is being filed inter alia on the following grounds:-

GROUNDS:

- a. That the appellant was initially appointed as Chowkidar but in 2008 he was adjusted against the post of Crop Reporter BPS-5, which was further up-graded to BPS-6, and till date he is working against the post of Crop Reporter, but without the pay of the post, therefore, as per law he is entitled for regularization against the post of Crop Reporter in BPS-6, with pay benefits of the said post.
- b. That it is settled principle of law that if Service Tribunal or Supreme Court decides a point of law relating to terms and conditions of a Civil Servant who litigated, and there were other Civil Servants, who may not have taken any legal proceedings, in such a case the dictates of justice and rule of good governance demand that benefit of the said judgment should be extended to other Civil Servants also, who may not be parties to that litigation, instead of compelling them to approach the Tribunal or any other legal Forum. Persons similarly placed would have equal rights and denial of equal rights to such civil servants would be sheer discrimination and contravention of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.

- c. That the appellant served against the post of Crop Reporter for more than Seven years without any complaint, to the entire satisfaction of his superiors. In case his services were not satisfied, he must be reverted to his lower post, but no such action was taken by the department which is a sufficient proof to the fact that his services against the post of Crop Reporter are satisfactory, therefore, he is entitled for regularization against the said post.
- d. That the appellant is performing the duties of Crop Reporter since 2008, therefore, under F.R-17, he is entitled for the pay of the post, against which he is serving since long, but it is astonishing that he has been paid the salary of Chowkidar till 01.10.2014, despite of the fact that he was performing the duties of Crop Reporter, which is against the norms of justice. The lamentable situation is that with effect from 01.10.2014 till date, he has not been paid the monthly salary, neither of Chowkidar nor of Crop Reporter, which is against Article 11 of the Constitution of Islamic Republic of Pakistan, 1973.
- e. That the appellant is serving against the higher post, therefore, he is entitled for the salary of the higher post alongwith annual increments and other emoluments of the post from the date when he had been adjusted against the said post.

In view of the aforesaid facts and circumstances of the case it is humbly prayed that on acceptance of this appeal the respondents may graciously be directed to regularize the services of the appellant against the post of Crop Reporter BPS-6, from the date h-e is performing the duties against the said post with all back benefits. The respondents may further be directed to immediately release the monthly salary of the appellant and to pay all outstanding salary of the appellant forthwith.

Any other relief though not specifically asked for to which the appellant is found entitled in the circumstances of the case may also be granted to the appellant.

Dated: 13.08.2015

Through:

شہزادہ عرفان  
Appellant

(Shahzada Irfan Zia)  
Advocate, Peshawar.

CERTIFICATE:

Certified that as per instructions of my client no such Service Appeal on behalf of the appellant has earlier been filed in this Honourable Service Tribunal on the subject matter.

Advocate.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

C.M. No. \_\_\_\_\_ / of 2015

IN RE:

Service Appeal No. \_\_\_\_\_ / of 2015

Khan Afzal, Crop Reporter ... Applicant

VERSUS

Province of Khyber Pakhtunkhwa  
through Secretary Agriculture, Live Stock  
and Cooperation Department and others... Respondents

APPLICATION FOR INTERIM RELIEF.

Respectfully Sheweth:-

1. That the instant appeal is being filed before this Honourable Tribunal in which no date of hearing has yet been fixed.
2. That the applicant has good prima facie case and he is sanguine about the success of his case.
3. That the balance of convenience is in favour of the applicant and due to stoppage of salary, he is suffering irreparable loss.
4. That the facts and grounds of this appeal may kindly be considered as integral part and parcel of this application.

It is, therefore, humbly prayed that the respondents may graciously be directed to immediately release the monthly salary of the applicant against the post to which he is performing his duties.

Any other relief though not specifically asked for to which the applicant is found entitled in the circumstances of the case may also be granted to the applicant.

Through:

شاهزادہ عرفان  
Applicant

(Shahzada Irfan Zia)  
Advocate, Peshawar.

Dated: 13.08.2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

C.M. No. \_\_\_\_\_ / of 2015

IN RE:  
Service Appeal No. \_\_\_\_\_ / of 2015

Khan Afzal, Crop Reporter ... Applicant

VERSUS

Province of Khyber Pakhtunkhwa  
through Secretary Agriculture, Live Stock  
and Cooperation Department and others... Respondents

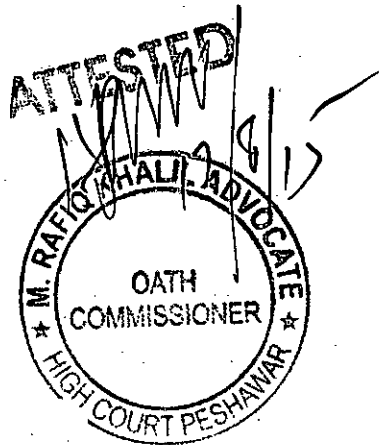
AFFIDAVIT

I, Khan Afzal, Crop Reporter, Office of the Statistical Officer Corp Reporting Services Malakand at Dargai, do hereby solemnly affirm and declare that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

خان افضل  
Deponent

IDENTIFIED BY:

(Shahzada Irfan Zia)  
Advocate, Peshawar.





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

C.M. No. \_\_\_\_\_ / of 2015

IN RE:  
Service Appeal No. \_\_\_\_\_ / of 2015

Khan Afzal, Crop Reporter ... Applicant

VERSUS


Province of Khyber Pakhtunkhwa  
through Secretary Agriculture, Live Stock  
and Cooperation Department and others... Respondents

APPLICATION FOR CONDONATION OF  
DELAY, IF ANY.

Respectfully Sheweth:-

1. That the instant appeal has been filed before this Honourable Tribunal in which no date of hearing has yet been fixed.
2. That the subject matter in the appeal relates to pay, which is a recurring continuous cause, and no limitation runs in such matters as per judgments of the Courts.
3. That the Honourable Tribunal already condoned the limitation in the judgment dated 10.8.2012, Annex: F, therefore, the applicant is also entitled for the same benefit, extended to other Civil Servants, under Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.
4. That the grounds of appeal may kindly be considered as integral part and parcel of this application.

It is, therefore, humbly prayed that on acceptance of this application the delay if any, in filing the instant appeal may kindly be condoned.

Through:   
 Applicant  
 (Shahzada Irfan Zia)  
 Advocate, Peshawar.

Dated: 13.08.2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

C.M. No. \_\_\_\_\_ / of 2015

IN RE:  
Service Appeal No. \_\_\_\_\_ / of 2015

Khan Afzal, Crop Reporter ... Applicant

VERSUS

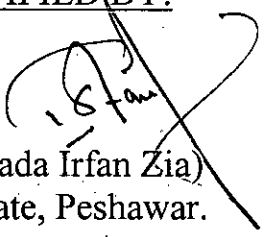
Province of Khyber Pakhtunkhwa  
through Secretary Agriculture, Live Stock  
and Cooperation Department and others... Respondents


AFFIDAVIT

I, Khan Afzal, Crop Reporter, Office of the Statistical Officer Corp Reporting Services Malakand at Dargai, do hereby solemnly affirm and declare that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

خان افضل  
Deponent

IDENTIFIED BY:

  
(Shahzada Irfan Zia)  
Advocate, Peshawar.

ATTESTED  
  
18/15  


STATISTICIAN,  
CROP REPORTING SERVICES NWFP,  
AGRICULTURE DEPARTMENT,  
A.T.I. CAMPUS JAMRUD ROAD PESHAWAR,  
Ph. #091-9216376 & Fax # 091-9218599

**OFFICE ORDER**

Mr. Khan Afzal Son of Mr. Ghulam Rahman, Village Dobandi P.O. Ghawar Kalay Tehsil Dargai District Malakand is hereby appointed as Chowkidar on Fix Pay Rs.3500/- against the vacant vacancy in the office of Statistical Officer, Crop Reporting Services, Malakand at Dargai with immediate effect in the interest of public services.

His appointment will be subject to the following conditions: -

1. His service is purely temporary / fixed pay basis and are liable to termination at any time without any reason.
2. His appointment will be subject to the medical fitness.
3. His appointment will be governed by such rules and order relating to contract / fixed policy of N.W.F.P. Government.

If he accepts the offer on the above mentioned terms and condition, he should report for duty to Statistical Officer, Crop Reporting Services, Malakand at Dargai within ten days from the date of issue of this order, failing which the order will be considered as cancelled.

Sd/-XXX  
(MUHAMMAD YOUNAS KHAN)  
STATISTICIAN  
CROP REPORTING SERVICES  
N.W.F.P., PESHAWAR.

No. 654-58 S(CRS)  
Dated Peshawar, the 27/11 2006.

Copy forwarded to:-

1. The PS to Honourable Minister for Agriculture, Livestock and Cooperation Department N.W.F.P. Peshawar with reference to his recommendation dated 17.12.2005.
  2. The Section Officer (Estt.), Government of N.W.F.P., Agriculture, Livestock and Cooperation Department, Peshawar.
  3. The Agency / District Accounts Officer, Malakand.
  4. The Statistical Officer, Crop Reporting Services, Malakand at Dargai.
  5. Mr. Khan Afzal Son of Mr. Ghulam Rahman, Village Dobandi P.O. Ghawar Kalay Tehsil Dargai District Malakand.
- For information and necessary action.

Statistical Officer  
Crop Reporting Services  
Malakand at Dargai

attested  
[Signature]

STATISTICIAN  
CROP REPORTING SERVICES  
N.W.F. PROVINCE, PESHAWAR.

Note:— The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: Mr. Khan Afzal

2. Race: Islam (Afghan)

3. Residence: Vill: Dobandi and post office Ghawar Kalay  
Teh: Dargai Distt: Malakand.

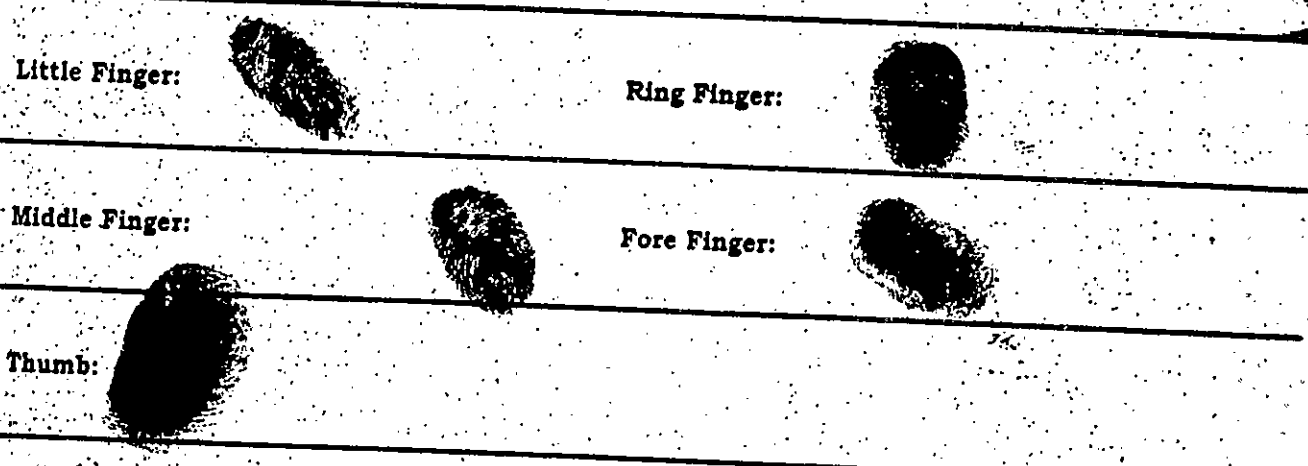
4. Father's name and residence: Mr. Ghulam Rehman  
Vill: Dobandi and post office Ghawar Kalay

5. Date of birth by Christian era as nearly as can be ascertained: 29.2.1980

6. Exact height by measurement: 5-6

7. Personal marks for identification: (Scar on left forearm)

8. Left hand thumb and Finger impression of (Non-Gazetted) officer:



Signature of Government Servant: *Khan Afzal*

Signature and designation of the Head of the Office, or other Attesting Officer: *[Signature]*  
**Crop Reporting Services  
Malakand at Dargai**

*Attested*  
*[Signature]*

**Statistical Officer  
Crop Reporting Services  
Malakand at Dargai**

Date



8 Signature of Government Servant	9 Signature and Designation of the head of the office or other attesting officer in attestation of (Columns 1 to 8)	10 Date of termination or appointment	11 Reason of termination (such as Promotion, transfer, dismissal, etc)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to recorded punishment, censure, or reprimand or praise of Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period Government to which debitable			
	H. W. Orl Statistical Officer Crop Reporting Service Malakand at Dargai		Appointed as fixed chartered B: 3500/- P.M. Niad Statistician Crop Reporting Service NWFP, Peshawar order no. 654-58/SCC of 27.1.2006. Reported on 31.1.2006					
	H. W. Orl Statistical Officer Crop Reporting Service Malakand at Dargai 30/11/07		Post up Graded from BPS-1 to BPS-2 vide notification No. FD/5.0 (CR) 7-2/2007 dated: 28.7.2007				H. W. Orl Statistical Officer Crop Reporting Service Malakand at Dargai	
				H. W. Orl Statistical Officer Crop Reporting Service Malakand at Dargai			Service verified with 31.1.2007 to 30.11.2007 H. W. Orl	
							Statistical Officer Crop Reporting Service Malakand at Dargai	
	H. W. Orl Statistical Officer Crop Reporting Service Malakand at Dargai		Allowed Regular scale BPS. No. 1. Ch. 2475-75-4725 on (Contract Basis) w.e. from 17.2.08 vide Lett. of NWFP Finance Dept. Peshawar of no. 501/1-22/207-8/FD dt. 29/1/2008				H. W. Orl Statistical Officer Crop Reporting Service Malakand at Dargai	
	H. W. Orl Statistical Officer Crop Reporting Service Malakand at Dargai		Pay Scale revised with effect from 1.7.08, vide Govt. of NWFP Finance Dept. No. FD (CR) 1-1/2008 dt. 10.7.08.				H. W. Orl Statistical Officer Crop Reporting Service Malakand at Dargai	

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
Chowkidar	BPS-100-6035 2970-90-5670				3240/-	12/08 F.N.	[Signature]
Chowkidar	BPS-100-6035 2970-90-5670	officiating			3330/-	12/2009 F.N.	[Signature]
Chowkidar	2970-90-5670	officiating			3420/-	12/2010 F.N.	[Signature]
Chowkidar	4850-150-9200 (BPS-1)	officiating			5550/-	7/2011 F.N.	[Signature]

Signature and Name of the head of the office or other attesting authority in attestation columns 1 to 8

Statistical Officer  
Crop Reporting Service  
Malakand

H. [Signature]  
Statistical Officer  
Crop Reporting Service  
Malakand

H. [Signature]  
Statistical Officer  
Crop Reporting Service  
Malakand

H. [Signature]  
Statistical Officer  
Crop Reporting Service  
Malakand

9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer. In attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference records, punishment, censure, or praise Government Serv.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
<p>Statistical Officer Crop Reporting Services Malakand at Dargai</p>	<p>30/11/08</p>	<p>Annual Increment</p>				<p>Service verified w.e. from 1-7-2008 to 30-11-2008. The pay bill record of this office</p>	
<p>H.O.C. Statistical Officer Crop Reporting Services Malakand at Dargai</p>	<p>30/11/09</p>	<p>Increment</p>				<p>Service verified w.e. from 1-12-2009 to 30-11-2009. The pay bill record of this office</p>	
<p>H.O.C. Statistical Officer Crop Reporting Services Malakand at Dargai</p>	<p>30/11/2010</p>	<p>Increment</p>				<p>Service verified w.e. from 1-12-2010 to 30-11-2010. The pay bill record of this office</p>	
<p>H.O.C. Statistical Officer Crop Reporting Services Malakand at Dargai</p>	<p>30/11/2011</p>	<p>Increment</p>	<p>Pay revised via Govt. of Punjab Pukhtoon Khawa Finance Deptt. No. FD(PRC) Notification No. 14-7-11</p>			<p>Service verified w.e. from 1-12-2011 to 30-11-2011. The pay bill record of this office</p>	
<p>H.O.C. Statistical Officer Crop Reporting Services Malakand at Dargai</p>	<p>30/11/2011</p>	<p>Revision</p>	<p>Statistical Officer Crop Reporting Services Malakand at Dargai</p>			<p>Service verified w.e. from 1-12-2011 to 30-11-2011. The pay bill record of this office</p>	







(Annexure: C)  
17  
STATISTICAL OFFICER,  
CROP REPORTING SERVICES, NWFP,  
MALAKAND AT DARGAI, 0932-331192

OFFICE ORDER

Mr. Khan Afzal chowkidar office of the undersigned is here by  
Directed /ordered to perform the duty of crop Reporter (own Pay Scale)  
With immediate effect.

*11*  
Sd/ Statistical Officer  
Crop Reporting Services  
Malakand at Dargai

No *389-92* /SO CRS Dated Malakand the *22/9/2008*.

Copy forwarded to:-

1. The Statistician Crop Reporting Services N.W.F.P Peshawar with reference to his Letter No.5356 Dated 4/9/2008 for information and further necessary action.
2. The Budget Officer VII to Government of NWFP Finance department for information.
3. The district Account Officer Malakand for information.
- ✓ 4. Mr. Khan Afzal Crop Reporter of this Office. for information and necessary action.

*H. M. S.*  
STATISTICAL OFFICER  
CROP REPORTING SERVICES  
MALAKAND AT DARGAI.

*attested*  
*RF*

(Annexure E)

19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 899/2010

Date of Institution. ... 04.5.2010  
Date of Decision ... 10.8.2012



Gul Riaz Crop Reporter, Statistician Crop Reporting Services  
Department, Mardan.

(Appellant)

VERSUS

1. Secretary Agriculture, Civil Secretariat, Peshawar.
2. Secretary Finance, Civil Secretariat, Peshawar.
3. Statistician Crop Reporting Services Department, Khyber Pakhtunkhwa.
4. Statistical Officer Crop Reporting Services, Mardan. (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR REGULARIZATION OF SERVICE AND PAY BENEFITS OF CROP REPORTER POST BPS-5.

MR. RIZWANULLAH KHAN, &  
MR. MEHBOOB ALI KHAN KHALIL,  
Advocates.

For appellant.

MR. ARSHAD ALAM,  
Addl. Government Pleader

For respondents.

SYED MANZOOR ALI SHAH,  
MR. FAREEDULLAH KHAN,

MEMBER  
MEMBER

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER.- This appeal has been filed by Mr. Gul Riaz, appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974. It has been prayed that on acceptance of the appeal, the respondents may be directed to regularize the services of the appellant as Crop Reporter from the date of adjustment with all pay and scale benefits.

2. Brief facts of the case are that the appellant was appointed in BPS-1 vide order dated 15.12.1992 and was adjusted as Crop Reporter vide order dated 8.4.2006 and still performing his duties as Crop Reporter. The post of Crop Reporter is in BPS-5 but the appellant has not been granted Basic Pay Scale 5 and salary of the post. Feeling aggrieved the appellant filed departmental appeal which elicited no response within the statutory period of ninety days, hence the present appeal.

Attested  
15/8

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

ATTESTED

3. The appeal was admitted to regular hearing on 6.8.2010 and notices were issued to the respondents. The respondents have filed their joint written reply and contested the appeal.

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant was initially appointed as Naib Qasid in BPS-1 on 15.2.1992 and then upgraded to BPS-2. He was adjusted as Crop Reporter vide order dated 8.4.2006. The post of Crop Reporter is in BPS-5 and the appellant has been performing his duties in the same capacity since his adjustment, which has been performing by other Crop Reporters in BPS-5 in the same department. Persons similarly placed would have equal rights. When certain rights were declared to be available to one or more of such persons, then all such persons similarly placed with them would stand declared entitled to such rights. Denial of equal rights to such persons would be sheer discrimination and contravention of Article 25 of the Constitution of Islamic Republic of Pakistan. The learned counsel for the appellant in support of his arguments relied on 2007-SCMR-410, and 2006-SCMR-1555 2003-PLC (C.S) 796. He further argued that the appellant is performing the same duties as by other Crop Reporters, but in a lower status, which is against the principles of equality and norms of justice. He relied on PLD 1983 Supreme Court 126. The learned counsel for the appellant stated that the appellant was adjusted as Crop Reporter on 8.4.2006. In case his services were not satisfied, he must be reverted to his lower post within the period of probation or to extend period of probation further but in the instant case the appellant served for more than six years as Crop Reporter without any complaint against him and to the entire satisfaction of his superiors. He is entitled for confirmation against the said post. He relied on 2003-PLC(CS)796. He further stated that the appellant is serving against the higher post is entitled to receive salary and other emoluments attached to the post alongwith annual increments and regularization as per judgment of august Supreme Court of Pakistan as reported in 1992-SCMR-1869 and 1986-SCMR-1206. On the point of limitation, he argued that the appellant had a continuing cause of action as he had been deprived of extension of pay and every month the appellant was getting lesser pay, a fresh cause of action was accruing in his favour every month. He relied on 2009 PLC (C.S) 178. Counsel for the appellant also relied on 2004 PLC (C.S) 1014, and stated that decision of the cases on merits always to be encouraged instead of non-suiting the litigants for technical reasons including on limitation. He requested that the appeal may be accepted as prayed for.

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal


attested  
BT

6. The learned AAG argued that the appeal is time barred. The appellant while serving as Field Worker (BPS-1) in Agriculture Department, his services were transferred and adjusted as Crop Reporter on 8.4.2006, but receiving salary in lower scale since his adjustment. He filed departmental appeal after considerable long time, which is undated and then filed the instant appeal on 4.5.2010. This Tribunal has no jurisdiction to condone the delay for considerable long time. He further argued that a case for restructuring of Crop Reporting Services is under process in the department and will be finalized through Establishment Department in due course of time. He requested that the appeal may be dismissed.

7. Perusal of record would reveal that the appellant being matriculate was initially appointed as Naib Qasid (BPS-1) in the respondent department on 15.12.1992 and then upgraded to BPS-2. While serving in BPS-2, his services were transferred to Crop Reporting Services on 8.4.2006. Vide order dated 13.7.2006, he was adjusted as Crop Reporter under the Statistical Officer (CRS) Mardan in his own pay and scale and since then performing the same duties as has been performing by other Crop Reporters in BPS-5. The appellant was also entitled to the same treatment as has been meted out with his other colleagues as per judgments of the august Supreme Court of Pakistan as reported in 2007-SCMR-410, and 2006-SCMR-1555 2003-PLC (C.S) 796. The appellant was fully qualified to hold the post of Crop Reporter and performing his duties which are being performing by other Crop Reporters who getting the benefits of BPS-5. In view of the judgments of the august Supreme Court of Pakistan as reported in 1986-SCMR-1206, he is entitled to regularization of his service and receiving of salary and other emoluments attached to the post from the date of adjustment. So far as the point of limitation is concerned, the appellant was getting lesser pay every month and a fresh cause of action was accruing in his favour every month. The Tribunal agrees with the arguments advanced by the learned counsel for the appellant.

8. In view of the above, the appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record.

9. This judgment will also dispose of other connected appeals No. 900/2010 Noor-ul-Hadi, No. 901/2010 Jamsheed Khan, No. 902/2010 Walidad, No. 903/2010 Hukam Khan, No. 904/2010 Arbab Khan, No. 905/2010 Siddiquillah, No. 906/2010 Fazli Qadar, No. 907/2010 Rehmat Ullah, No. 908/2010 Zaidullah, No. 909/2010 Kamal Khan, 910/2010 Luqman Shah, No. 1011/2010 Niaz Ali, No. 1012/2010 Younas Khan, No. 1038/2010 Sarbiland Khan, No. 1279/2010 Shahid Ali Khan, No. 1280/2010 Falak Niaz, No. 1281/2010 Irshad Mehmood, No. 1282/2010 Zardad, No.

attested  


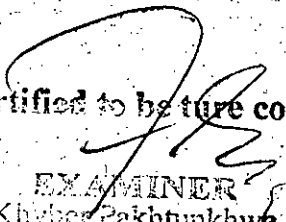
1283/2010 Asad Munir, No. 1284/2010 Raja Ejaz, No. 1285/2010 Shaukat, No. 1286/2010 Mushtaq-ur-Rahman, No. 1287/2010 Nazir Ahmad, No. 1288/2010 Muhammad Arshad Khan, No. 1289/2010 Shakeel Ahmad, No. 1290/2010 Jamil, No. 1350/2010 Muhammad Azam, No. 1351/2010 Manzoor Hussain, No. 1352/2010 Hameedur Rahman, No. 1353/2010 Muhammad Aslam, No. 1354/2010 Muhammad Dildar, No. 1355/2010 Muhammad Riaz, No. 1356/2010 Syed Ishrat Hussain Shah, No. 1376/2010 M. Sadaqat, No. 1377/2010 Saeed Ahmad, and No. 1383/2010 Syed Ayaz Ali in the same manner.

**ANNOUNCED**  
10.8.2012.

  
(FAREEDULLAH KHAN)  
MEMBER

  
(SYED MANZOOR ALI SHAH)  
MEMBER

Certified to be true copy

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Submission of Application 10-8-12  
 Fee 600  
 Copying Fee 10-00  
 Urgent 10-00  
 Total 10-00  
 Name of Candidate \_\_\_\_\_  
 Date of Delivery of Copy 20-9-12  
20-9-12

attested  


محکمات مناب معتمد الرضیہ صحت ڈائریکٹر کراچ ریورٹنگ سرورس سیریکل فون خواہ پشاور

(Annex: F)

23

بوساقت آفیسر شماریات منلج ملاکنڈ دکنی  
عنوان درخواست برائے ادائیگی تنخواہ (پیشگی السلاع)  
ریورٹنگ کراچ ریورٹنگ سرورس

جناب عالی

مردبانہ گزارش ہے کہ ذریعہ کی تفریق بحیثیت ریورٹنگ کراچ ریورٹنگ سرورس

ملاکنڈ میں 27 ستمبر 2006 کو الہ ریورٹنگ منلج 58-654 کو سونپی گئی  
ذریعہ میں ریورٹنگ دکنی ایسے نئے عارضی طور پر کراچ ریورٹنگ کی ڈپوٹی دکنی گئی  
جس کی عمر 5356 (07-07-2008) کی وساطت سے فیڈل ڈپوٹی دکنی گئی۔ کاپیاں منڈی میں

ذریعہ کا تنخواہ اگست 2014 سے بند ہے جو ذریعہ کا واحد ذریعہ معاش ہے اور ذریعہ  
گھوٹا بھی واحد سربراہ ہے ذریعہ کا اس کے علاوہ اور کوئی چارہ نہیں ذریعہ کو  
تنخواہ کے بغیر سخت مشکلات کا سامنا ہے۔

حکمہ جذا میں کوئٹہ ڈپوٹی منلج و کراچ ریورٹنگ کی مراعات دے دی گئی ہیں

ایسے اگر آپ صاحبان کیلئے ذریعہ یا ذاتی لحاظ سے کوئی مشکلات نہ ہوں تو برائے  
میراثی منلج کا تنخواہ جاری کرنے معنون عطا فرمائیں تاکہ ذریعہ دلجوئی کے ساتھ  
اپنی ڈپوٹی باری دکنی سبکیں اور مزید مشکلات سے بچ جائیں۔

عین گزارش ہوگی

(پیشگی السلاع)

الموردہ 11-3-2015

العارض  
خان افضل ریورٹنگ سرورس منلج ملاکنڈ  
P.T.O

اللہ



خدمت صائب ڈائری کٹر صاحب کراپ ڈیپارٹمنٹ سر ڈسٹرکٹ ڈائری

صائب عالی ا

لوا استفا ایس او صائب ڈائری ملائکہ ایکنی

دفعہ نمبر: ایٹھ جیسٹ یا آپ گریڈیشن

گزارش نمبر ۲۷۱۱ - کہ منہ ہجولہ جینی 58-654

تاریخ 27/1/2014 کو ڈائری کٹر CRS پیدار کا قلم پر درج دفتر میں  
بجور چوکیدار بونی ہوا تھا۔ CRS درج دفتر میں پہلے سے ایندور  
چوکیدار کی پوسٹ تھی۔ صبحی دم سے جمعے عارضی طور پر کراپ ڈیپارٹمنٹ  
کی بونی ہجولہ کی 15-2014 چوکیدار کی بیکر سامی جمع کر دی گئی جو  
دوسری ستمبر 2014 سے منہ ہے۔

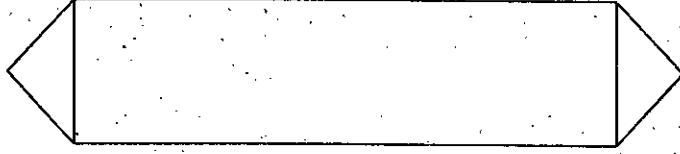
نیز آپ صلبان کی خدمت میں التماس ہے کہ ازراہ کرم منہ ہ کو کسی خالی  
پوسٹ پر ایٹھ جیسٹ یا کراپ ڈیپارٹمنٹ پر آپ گریڈ کیا جائے  
تو میں نوازش میں ہوں۔

D. No - 92  
1/12/2014

ایکٹا نونان خان ایجنٹ چوکیدار دفتر ایس او صائب ڈائری  
Director in Dairy Department Government of Punjab

Statutory  
Org. Reg. No.  
12  
Malakand

attested  
[Signature]



Khan Afzal

2 مخائب

13. 8. 2015

موزہ

Province of KPK  
بنام  
etc

Khan Afzal

مقدمہ

دعویٰ

Service Appeal

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام Peshawar کیلئے  
Shahzada Tafan Zia Advocate

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

ذرائع 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 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا جد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

2015

Aug

ماہ

13th

المرقوم

العہد گاہ العہد  
مقام Peshawar کے لئے منظور ہے

خان افضل

Accepted



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1714 ST


Dated 6 / 11 / 2015

To

The Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai.

Subject: - Order

I am directed to forward herewith a certified copy of order dated 26.8.2015 passed by this Tribunal on the above subject for strict compliance.

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.

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

Service Appeal No.920/ 2015

Khan Afzal Crop Reporter,  
Office of Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai

**APPELLANT**

**Versus**

- 1- Province of Khyber Pakhtunkhwa  
Through Secretary, Agriculture, Livestock  
& Cooperation Department,  
Civil Secretariat, Peshawar.
- 2- Secretary to Government of  
Khyber Pakhtunkhwa, Finance Department  
Civil Secretariat, Peshawar.
- 3- Director, Crop Reporting Services,  
Khyber Pakhtunkhwa, Peshawar.
- 4- Statistical Officer Crop Reporting Services,  
Malakand at Dargai
- 5- Statistician, Crop Reporting Services,  
Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTIONS**

1. That the Appellant has got no cause of action or locus-standi to file the instant Appeal.

2. That this Appeal is not maintainable in its present form and liable to be dismissed.
3. That the Appellant has deliberately twisted the facts.
4. That the Appellant has not come to the Tribunal with clean hands.

**ON FACTS PARAWISE COMMENTS / REPLY OF RESPONDENTS NO.1,2,3,4 &5.**

**Facts**

1. Incorrect. The Appellant was appointed as Chowkidar on Fixed Pay. His services were regularized from 1<sup>st</sup> July, 2008.
2. In-correct. According to the approved structure of Crop Reporting Services, every district has only one sanctioned post of Chowkidar. Contrary to this, the office of Statistical Officer Crop Reporting services, district Malakand at Dargai had two sanctioned post of Chowkidar at its strength. Therefore, during re-structuring of the Department, the 2<sup>nd</sup> post of Chowkidar was abolished w.e.f 01.7.2014. In view of the situation, the Appellant being the junior in the two Chowkidars at strength of the local office was adjusted as Crop Reporter BS-5 for the purpose of drawl of pay only. However his pay was stopped w.e.f 01.10.2014 when he stopped attending the office. Furthermore, the posting/ adjustment order of the Appellant against the post of Crop Reporter (OPS) was later on cancelled vide Director CRS Office Order No: 1343-45 dated 20.3.2015 (Annex: A).
3. In-correct. The Appellant has never rendered services as Crop Reporter at any quarter. He cannot produce any evidence of the duty he performed as Crop Reporter (Survey forms, duty list etc.)

claimed. He is one of the junior Chowkidar in the cadre and the Service Rules of the Department do not allow him any promotion to the post of Crop Reporter (BS-6). He was to be adjusted against any vacant post of Chowkidar or any other vacant Class-IV post in the Department. However he remained absent from duty w.e.f 01.10.2014 till date without any approval/ notice.

4. Correct to the extent that the Judgment referred by the appellant was accorded in favor of the Field Workers who were declared redundant in Agriculture Extension Department and were inducted as Crop Reporters in the Crop Reporting wing of Agriculture Department on permanent arrangement. However the Appellant being a bonafide employee of Crop Reporting Services (appointed as Chowkidar in CRS) does not fall in the category of the redundant Field Workers. Therefore, the said Judgment cannot be applied on a junior Chowkidar in Crop Reporting Services. The judgment, thus, has no nexus with his appeal.
5. Incorrect, the Appellant was adjusted against a higher post in his interest for drawl of pay at his home station only. It does not confer any right of up-gradation to the Appellant against the higher post. Therefore the Appellant have no cause of action to seek relief from this Honorable Court under Act-199 of the Constitution of Islamic Republic of Pakistan, 1973.

### Grounds

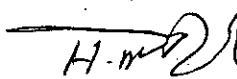
- a) Correct to the extent that the appellant was appointed as Chowkidar in Crop Reporting Services, However, he was assigned with the duty as Crop Reporter BS-5 for only drawl of pay. He never performed duty as Crop Reporter and as such cannot produce any reports that are collected by a regular Crop Reporter in the course of his duties on seasonal and monthly basis in the Department. Furthermore, the Department on confirmation by the Statistical Officer, CRS Dargai vide letter No: 84 dated 09.3.2015(Annex: A) that the Appellant has not been a part of the Redundant Field Workers, accordingly cancelled his posting as Crop Reporter vide Director CRS Office Order No: 1343-45 dated 20.3.2015 (Annex: B)
- b) In-correct. The Judgment handed down in favor of the redundant Field Workers who were inducted as Crop Reporter on permanent basis does not

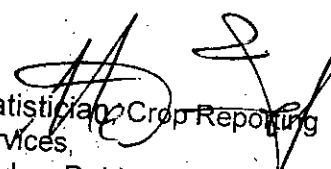
apply on a Chowkidar appointed in the CRS. These are two different cadre posts. Therefore, no rights of the appellant have been infringed in whatsoever manner.

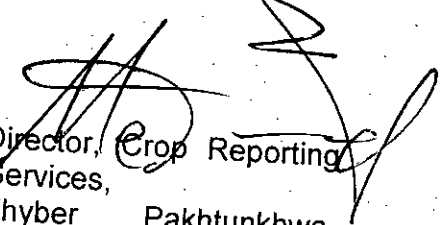
- c) In-correct. The appellant was posted as Crop Reporter just for drawl of pay. A Crop Reporter is supposed to collect data from the field through surveys round the year. However, the appellant cannot produce any report that he has ever collected as Crop Reporter.
- d) In-correct. The official has remained willfully absent from duty w.e.f 01.10.2014. Therefore, his pay as Chowkidar was stopped.
- e) In-correct as stated under Para-c above. Furthermore, the appellant being a junior Chowkidar in the cadre, worked as Fixed Pay employee till 2008 is not entitled for up-gradation from 2006.

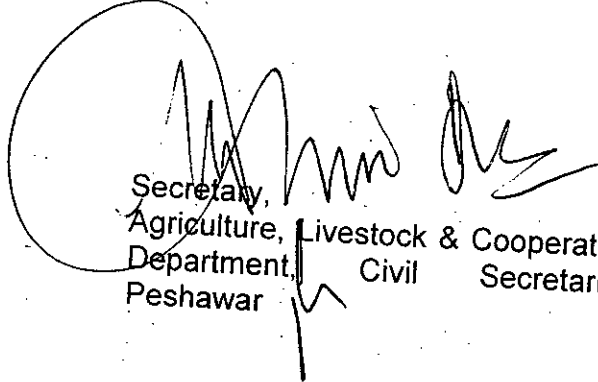
In view of all the above narrated facts and grounds, it is humbly prayed that the instant petition may graciously be dismissed with cost.


Through

  
Statistical Officer  
Crop Reporting  
Service, Malakand  
at Dargai

  
Statistician, Crop Reporting  
Services,  
Khyber Pakhtunkhwa,  
Peshawar

  
Director, Crop Reporting  
Services,  
Khyber Pakhtunkhwa,  
Peshawar.

  
Secretary,  
Agriculture, Livestock & Cooperation  
Department, Civil Secretariat,  
Peshawar

  
Secretary  
Finance Department  
Government of  
Khyber Pakhtunkhwa,  
Peshawar.

*Solici*



84 / 4 / 4 / SO CRS Dated Dargai the 9 / 03 / 2015

"M" A

To  
The Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai.

The Director,  
Crop Reporting Services,  
K,P,K Peshawar.

Subject:-  
Memo:-

OFFICE ORDER

Kindly refer to your office order No. 372-74 Dated ; -21.1.2015  
Through which Mr.Khan Afzal Chowkidar (BPS-2) has been up -grated  
To BPS-6 from Re- trospective effect.

In this connection it is submitted that Mr. khan Afzal Chiowkidar  
BPS-2 was not a part of Redundant Field worker according to the Finance  
Department letter No.BO IIV /FD /1-2 BE/2004-5 Dated 22.07.2006 or  
the redundant field Worker to BPS-6 .  
Therefore this office may kindly be offered advice that whether all Class IV employee  
The BPS—1 Or BPS -2 have been Up -Grated or otherwise.

The Detail of the Post Mr Khan Afzal Chowkidar are as under.

- 1.Appointment Order:- 31.01.2006 on Fix Pay from 1.6.2006 to 30.6.2008.
2. Regular from ..... 01. 07.2008 .
3. Post of Chowkidar Abolished 01. 07. 2014.

(Enclosed) (3)

oa  
Statistical Officer,  
Crop reporting Services,  
Malakand at Dargai.

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

**OFFICE ORDER**


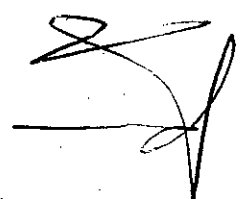
The posting / adjustment order issued vide this office order No.372-74/SCRS dated 21.01.2015 is hereby cancelled / withdrawn in the interest of public service.

Sd/-XXX  
DIRECTOR  
CROP REPORTING SERVICES  
KHYBER PAKHTUNKHWA  
PESHAWAR

Endst No. 1343-45 /SCRS  
Dated Peshawar, the 20/3 /2015.

Copy forwarded to for information and necessary action.

1. The District Accounts Officer, Malakand.
2. The Statistical Officer, CRS, Malakand with reference to his office letter No.84/SO dated 09.03.2015.
3. The official concerned.

  
DIRECTOR 

0

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:  
Service Appeal No. 920 / of 2015

Khan Afzal ... .. Appellant

VERSUS

Province of Khyber Pakhtunkhwa and others... .. Respondents

REJOINDER OF THE APPELLANT (KHAN AFZAL).

Respectfully Sheweth:

REPLY OF OBJECTIONS:

1. That the appellant has got legal cause of action and valid locus-standi to file the instant appeal.
- 2-3. That the appellant appeared before the Court with a bonafide claim, therefore, his appeal is maintainable in the present form.
4. That the appellant appeared before the Court with clean hands.

ON FACTS:

Para-1. Incorrect. The averment of appeal is correct, while the reply is confusing. The appellant was regularized subsequently against the post of Chowkidar.

Para-2. Pertains to record. \the appellant was adjusted against up-graded post of Crop-Reporter BPS-5 vide order dated

01.07.2006. The post was further up-graded to BPS-6 w.e.f 24.01.2014, Copy attached as (R-1). The appellant was up-graded against the post of Crop-Reporter BPS-6 with retrospective effect. The respondent No.4 admitted in his letter dated 09.03.2015 that the appellant was not part of redundant Field Worker, thus he was original employee of the department. The post of Chowkidar was abolished on 01.07.2014. The appellant was adjusted against the post of Crop-Reporter prior to abolishment of the post of Chowkidar, therefore, he is entitled for regularization against the post of Crop-Reporter BPS-6. (Copy attached as R-2&3). It is merit to mention that salary of the appellant was stopped w.e.f 01.10.2014 and respondent No.4 directed the appellant to pursue his case personally with higher ups for adjustment against any vacant post. (Copy attached as R-4).

Para-3. Incorrect and false statement. The record is suffice to prove that the appellant performed the duties of Crop-Reporter BPS-6 w.e.f 22.09.2008 to 2014. The respondents appeared before the Court with unclean hands and they concealed the material facts from the Court. The appellant even performed double duty as Crop-Reporter both at Peshawar and Model Farm Service Center at Batkhela. (Copy attached as R-5).

Para-4. Incorrect and misleading. The appellant is entitled for the same relief as granted by Service Tribunal in Appeal No. 899/2010 dated 10.08.2012.

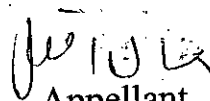
Para-5. Incorrect. As explained in reply of Para-2 above.

ON GROUNDS:

- a. Incorrect, as explained in reply of Para-2 above.
- b. Incorrect. The averment provided in Ground (b) of the appeal is correct while reply of respondents is misleading and false.
- c. Incorrect and misleading, as explained in Para-2 above.
- d. The averment of Ground (d) is correct while reply of respondents is incorrect and misleading, hence untenable.
- e. Incorrect. The respondents are quite alien to relevant law, therefore, reply is incorrect and untenable.

It is, therefore, humbly prayed that the relief may kindly be granted as prayed for in the appeal.

Through:

  
Appellant

(Shahzada Irfan Zia)  
Advocate High Court  
13-C Haroon Mansion,  
Khyber Bazar, Peshawar.  
Cell # 0300-9345297

Dated: 03.08.2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:  
Service Appeal No. 920 / of 2015

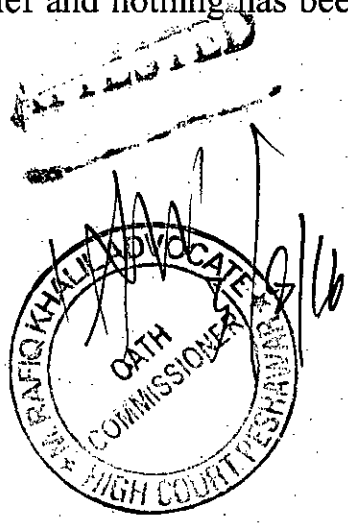
Khan Afzal ... .. Appellant

VERSUS

Province of Khyber Pakhtunkhwa and others... .. Respondents

AFFIDAVIT

I, Khan Afzal, the appellant, do hereby solemnly affirm and declare that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



*[Handwritten Signature]*  
Deponent

IDENTIFIED BY:

*[Handwritten Signature]*  
(Shahzadā Irfan Zia)  
Advocate, Peshawar.

" (R-1) (5)

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK & COOPERATIVE  
DEPARTMENT

Dated Peshawar, the 24/1/2014

**NOTIFICATION**

NO. SOE/AD/7-13/2013

In pursuance of the Government of Khyber Pakhtunkhwa, Finance Department letter No. FD/SO(FR)/7-13/2005 dated 21/1/2014, 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 95 posts of Crop Reporters BS-2 to BS-5 w.e.f 01-05-2006 in light of the court judgment on Crop Reporting Services in the following manner:-

S.No.	Number of posts to be upgraded to BS-6 with the same designation i.e. Crop Reporter/Statistical Computer	Number of posts to be upgraded to BS-11 as Re-designated Statistical Assistant	Number of posts to be upgraded to BS-16 & Re-designated as Statistical Investigator	Total
	54		25	250

SD/  
SECRETARY AGRICULTURE

NO. SOE/AD/7-13/2005

Dated Peshawar, 24/1/2014

Copy forwarded for information and necessary action to:-  
The Accountant General, Khyber Pakhtunkhwa Peshawar.  
The District Accounts Officers, concerned.

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

NO. SOE/AD/7-13/2013/SCRS

Dated Peshawar, 24/1/2014

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 21.1.2014.
6. Officials Concerned.
7. PS to Secretary Agriculture.
8. Master file.

(Dr. Mir Ahmad Khan)  
SECTION OFFICER-ESTT

DIRECTORATE OF CROP REPORTING SERVICES, KHYBER PAKHTUNKHWA

Encl. No. 275/544/SCRS  
Date: 27/1/2014

Copy forwarded for information:-

- 1-25. All Statistical Officers, Crop Reporting Services in Khyber Pakhtunkhwa.
- 26-50. All District Accounts Officers in Khyber Pakhtunkhwa.
51. The Director General, Agriculture Extension, Khyber Pakhtunkhwa, Peshawar.
52. The Director, Agriculture FAFA, Peshawar.
- 53-77. All District Directors, Agriculture Extension, in Khyber Pakhtunkhwa.

File  
with enclosed with  
C/O of the official  
the 27/02

2  
27/2

DIRECTOR  
CROP REPORTING SERVICES  
KHYBER PAKHTUNKHWA  
PESHAWAR

No: 84 / 4 / 4 / SO CRS Dated Dargai the 9 / 03 / 2015

The Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai.

The Director,  
Crop Reporting Services,  
K.P.K.P. Jhawal.

Subject:-  
Memo:-

OFFICE ORDER

Kindly refer to your office order No. 372-74 Dated ; -21.1.2015 through which Mr.Khan Afzal Chowkidar (BPS-2) has been up -grated To BPS-6 from Re- trospective effect.

In this connection it is submitted that Mr. Khan Afzal Chowkidar BPS-2 was not a part of Redundant Field worker, according to the Finance Department letter No.BO IIV /FD /1-2 BE/2004-5 Dated 22.07.2006 the redundant field Worker to BPS-6 . Therefore this office may kindly be offered advice that whether all Class IV employee The BPS-1 Or BPS -2 have been Up -Grated or otherwise.

The Detail of the Post Mr Khan Afzal Chowkidar are as under.

- 1.Appointment Order:- 31.01.2006 on Fix Pay from 1.6.2006 to 30.6.2008.
- 2. Regular from ..... 01. 07.2008 .
- 3. Post of Chowkidar Abolished 01. 07. 2014.

(Enclosed) (3)

Statistical Officer,  
Crop reporting Services,  
Malakand at Dargai.



(R-3)

7

No. 15250 CRS Dated Dargai the 7/11/2014

From: The Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai.

To: The Director,  
Crop Reporting Services,  
K.P.K, Peshawar,

Subject: ADJUSTMENT THE POST OF CHOWKIDAR  
Memo:-

Reference this office Memo: No 337 Dated 15.9.2014.  
With Reference to the above it is stated for your kind information  
Here are two (2) sanction post of chowkidars on the strength of this office  
in the budget estimate for the year 2014. As one post of  
chowkidar of regular post. Now one of them who Junior will be automatically  
His pay will be stopped father more w,e, from 1.10.2014, his pay provisionally passed up to  
30.9.2014.

It is therefore requested that Junior chowkidar Mr, Khan Afzal may kindly  
be adjusted against any vacant post or otherwise this office may advise in this regard.

Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai

No. 343 /4/15 SO, CRS Dated Dargai the

25/9/2014

Copy forwarded to the:-  
The chowkidar of this office for information.  
To peruse the case personally for adjustment with higher ups.

Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai

(R-4) (8)

No 385 /4/15 SO, CRS Dated Dargai the

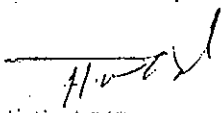
5.10.2014

To Mr, Khan Afzal  
Chowkhar,

Subject : ADJUSTMENT

Memo:-

Reference this office Memo No. 343 Dated 25.9.2014.  
and you are directed to pursue the case personally with higher-ups  
for adjustment of any vacant post.

  
Statistical Officer,  
Crop Reporting Services  
Malakand t Dargai

No /4/15 SO CRS Dated Dargai the

/10/2014

Copy to the Director, Crop Reporting Services Khyber pakhtun khwa Province  
for information and with reference this office memo: No. 342 Dated 25.9.2014.

//  
Statistical Officer,  
Crop Reporting Services  
Malakand at Dargai.

9

No. 447-48 /2/25/SO, CRS

Dated Dargai the 14 /10/2009

The Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai

To

- 1. The Gul Rehman  
Crop Reporter.
- 2. Khan Afzal  
Crop Reporter.

Subject: NOMINATION OF STAFF FOR MODEL FARM SERVICES CENTRE (MFSC) MALAKAND AT BATHHELA.

Memo:

Reference Statistician Office Letter No-4600-23 Dated Peshawar the 10.10.2009  
 And Telephonic decision with H/Q on 13/10/2009.  
 You are both directed to attend Model FARM Services Center Malakand at Bathkela  
 on regular basis and mark attendance in Register with the incharge of MFSC Bathkela  
 You are further directed to performed the yield estimation survey of Kharif &  
 Rabi Crop during the season.

*[Signature]*  
 Statistical Officer  
 Crop Reporting Services  
 Malakand at Dargai

No /2/25 /SO, CRS Dated Dargai the /10/2009

Copy forwarded to the Incharge of MFSC Malakand at Bathkela for information  
Please.

//  
 Statistical Officer  
 Crop Reporting Services  
 Malakand at Dargai

*[Handwritten signature]*

No 395-96/4/23

Dated Dargai the 9 /10/2014

From:

The Statistical Officer,  
Crop reporting Services,  
Malakand at Dargai

To

The Khan Afzal (Chowkidar)  
Of this Office.

Subject:-

EXPLANATION

Memorandum.

You are absent from duty from 1-10-2014 up to now (9-10-2014) without any information and prior permission from duty. Explain the reason for attending the duty for long time without any permission.  
Your reply should reach to this office within three days without fail.

*Hm*  
Statistical Officer,

*o/c*  
Crop reporting Services,  
Malakand at Dargai

No

/4/23/

Dated Dargai the /10/2014

Copy forwarded to the Director crop reporting Services K P K Peshawar for information and necessary action Please.

*Hm*  
Statistical Officer,

*o/c*  
Crop Reporting Services,  
Malakand at Dargai

No 407 /4/23 Dated Dargai the 5 /11/2014

From:

The Statistical Officer,  
Crop reporting Services,  
Malakand at Dargai

To

The Khan Afzal  
(Chowkidar) SO, office  
Malakand at Dargai

Subject:- EXPLANATION  
Memorandum,

Reference this office Memo; No.3945-96 Dated :9.10.2014

You are remain absent from duty from (1-10-2014 to 5-11-2014)  
with out any application and intimation from duty Explain the  
reason for not attending the duty for long time without any permission.  
Your reply should reach to this office with in a week with out failed.

*o/c* Statistical Officer,  
Crop reporting Services,  
Malakand at Dargai

No 408 /4/23/ Dated Dargai the /11/2014

Copy forwarded to the Director crop reporting Services K P K Peshawar  
for information and necessary action Please,

*o/c* Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai

No 452-53 /4/23

Dated Dargai the 10 /12/2014

From:

The Statistical Officer,  
Crop reporting Services,  
Malakand at Dargai

To

The Khan Afzal  
(Chowkidar) SO, office  
Malakand at Dargai

Subject:-  
Memorandum.

EXPLANATION

Reference this office Memo; No.3945-96 Dated :9.10.2014  
and 407-8 Dated 5.11.2014

You are still remaining absent from duty from (1-10-2014 to 10-12-2014)  
with out any application and intimation from duty. Explain the  
reason for not attending the duty for long time without any permission.  
Your reply should reach to this office with in 4 days with out failed.

o/c

Statistical Officer,  
Crop reporting Services,  
Malakand at Dargai

No 452-53 /4/23/

Dated Dargai the 10 /12/2014

Copy forwarded to the Director crop reporting Services K P K Peshawa  
for information and necessary action Please,

o/c

Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai

No 23-24 /4/23

Dated Dargai the 19 /01/2015

From:

The Statistical Officer,  
Crop reporting Services,  
Malakand at Dargai

To

The Khan Afzal  
(Chowkidar) SO, office  
Malakand at Dargai

Subject:-  
Memorandum.

EXPLANATION

Reference this office Memo; No.3945-96 Dated ;9.10.2014,  
No 407-08 Dated 5.11.2014 and No.452-53 Dated 10.12.2014.  
You are absent for a long time from duty (1-10-2014 to 19.01.2015).  
with out any application and intimation from duty .Explain the  
reason for not attending the duty for long time without any permission.  
Your reply should reach to this office with in 4 days with out failed .

o/c  
Statistical Officer,  
Crop reporting Services,  
Malakand at Dargai

No 23-24 /4/23/

Dated Dargai the 19 /01/2015

Copy forwarded to the Director crop reporting Services K P K Peshawar  
for information and direction in the above noted mater.

o/c  
Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai

No 80-81 /4/23

Dated Dargai the 05 /03/2015

From:

The Statistical Officer,  
Crop reporting Services,  
Malakand at Dargai

To

The Khan Afzal  
(Chowkidar) SO, office  
Malakand at Dargai

Subject:-

EXPLANATION

Memorandum.

Reference this office Memo; No.3945-96 Dated ;9.10.2014,  
No 407-08 Dated 5.11.2014 , No.452-53 Dated 10.12.2014.  
and No.23-24 Dated 19.01.2015

You are absent for a long time from duty (1-10-2014 to 05.03.2015).  
with out any application and intimation from duty .Explain the  
reason for not attending the duty for long time without any permission.  
Your reply should reach to this office with in 5 days with out failed .

*oll*  
Statistical Officer,  
Crop reporting Services,  
Malakand at Dargai

No 80-81 /4/23/

Dated Dargai the 05 /03/2015

Copy forwarded to the Director crop reporting Services K P K Peshawar  
for information that the Record of above noted Chowkidar sent to the  
H/ Quarter for Legal action Please.

*oll*  
Statistical Officer,  
Crop Reporting Services,  
Malakand at Dargai



5

**DISTRICT WISE DETAIL OF TRANSFERRED POSTS OF FIELD WORKERS FROM AGRICULTURE (EXTENSION) TO CROP REPORTING SERVICES NWFP.**

S.No	District.	Strength of Field Workers with Agriculture Extension					Posts transferred to Statistical Officers Crop Reporting Services NWFP.		Remarks.
		Total	In Position.	Matriculate.	Under Metric	Driving License.	Matriculate	Under Metric	
1.	Harripur.	24	24	3	21	-	3	2	1. Under metric field worker will be transferred from Agriculture (Extension) and adjusted in the same districts at the offices of Statistical Officers Crop Reporting Services NWFP as Naib Qasid and Chowkidar, where the posts do not exists.  2. Mr. Attaullah Field worker presently working at the office of Principal ATI, Peshawar has also been incorporated in the list of matriculate field workers in response of his application / request to the Statistician.
2.	Mansheru.	43	43	8	34	1	8	-	
3.	Abbottabad.	52	50	10	37	3	10	-	
4.	Kohistan.	4	4	-	4	-	-	1	
5.	Battagram.	20	15	1	13	1	1	2	
6.	Peshawar.	72	72	8	64	-	8	6	
7.	Charsadda.	67	67	4	59	4	4	2	
8.	Nowshera.	33	33	4	29	-	4	2	
9.	Mardan.	60	58	10	43	5	10	1	
10.	Swabi.	47	44	6	34	4	6	2	
11.	Dir (Lower)	9	9	-	8	1	-	-	
12.	Dir (Upper)	4	4	2	2	-	2	2	
13.	Buner.	51	51	3	48	-	3	2	
14.	Chitral.	4	4	-	4	-	-	-	
15.	Shangla.	8	8	-	8	-	-	2	
16.	Swat.	20	20	1	19	-	1	-	
17.	Malakand.	10	10	-	9	1	-	1	
18.	Kohat.	28	28	5	22	1	5	-	
19.	Karak.	26	26	7	18	1	7	-	
20.	Hangu.	12	12	1	11	-	1	2	
21.	DIKhan.	67	65	5	60	-	5	-	
22.	Tank.	5	5	-	5	-	-	-	
23.	L/Marwat.	20	20	3	16	1	3	2	
24.	Bannu.	23	23	3	20	-	3	-	
	Total.	711	695	84	588	23	84	31	

**STATISTICIAN,  
CROP REPORTING SERVICES NWFP,  
AGRICULTURE DEPARTMENT,  
A.T.I. CAMPUS JAMRUD ROAD PESHAWAR  
Ph. #091-9216376 & Fax # 091-9216272**

**OFFICE ORDER.**

In pursuance of Administrative Department Endorsement No: SOG (AD) 12-22/2005-06 dated 8/4/2006, the following redundant Field Workers (BPS-1) handed over by the Agriculture Extension Department N.W.F.P. are further posted along with post and budget at the station as noted against each. They will perform duties as mentioned under column: 3 in their own pay and scale.

S.No.	Name of Official	Designation	Place of Posting.
1	2	3	4
1.	Mr. Attaullah Khan	Crop Reporter	Working as Computer Operator in the office of Statistician, CRS, N.W.F.P and will allow Conveyance & 45% HRA.
2.	Muhammad Ramzan	-do-	Statistical Officer, (CRS), Charsadda.
3.	Mr.Mian Dad	-do-	-do-
4.	Mr.Humeem ul Hassan	-do-	-do-
5.	Mr.Mohsin Ali	-do-	-do-
6.	Mr.Fayaz Gul.	Naib Qasid	-do-
7.	Mr.Zaki-ul-din.	Chowkidar -	-do-
8.	Mr.Ihsanullah	Crop Reporter	Statistical Officer, (CRS), Peshawar.
9.	Mr.Sajed Iqbal	-do-	-do-
10.	Mr.Falak Niaz	-do-	-do-
11.	Mr.Hawaladar Khan	-do-	-do-
12.	Mr. Iftikhar Ahmad	-do-	-do-
13.	Mr.Mahboob Shah	-do-	-do-
14.	Mr.Naseer Ahmad	-do-	-do-
15.	Mr.Jamshed	Naib Qasid	-do-
16.	Mr.Abdur Rasheed	-do-	Statistician, (CRS), NWFP, Peshawar.
17.	Mr.Zahoor Ahmad	-do-	-do-
18.	Samin Khan	-do-	-do-
19.	Mr.Zardad	-do-	-do-
20.	Hamayun Khan	-do-	-do-
21.	Nawab Khan	Crop Reporter	Statistical Officer, (CRS), Kohat.
22.	Lala Gul	-do-	-do-
23.	Mr.Ajmal Shah	-do-	-do-
24.	Mr.Naqeeb Khan	-do-	-do-
25.	Mr.Nasir Khan	-do-	-do-
26.	Syed Ayaz Ali Shah	-do-	Statistical Officer, (CRS), Mardan.
27.	Mr.Younas Khan	-do-	-do-
28.	Mr.Wali Dad	-do-	-do-
29.	Mr.Gul Raiz	-do-	-do-
30.	Mr.Jamshed Khan	-do-	-do-
31.	Mr. Hukam Khan	-do-	-do-
32.	Mr.Niaz Ali	-do-	-do-
33.	Mr.Said Nawab	-do-	-do-
34.	Shamoor	-do-	-do-
35.	Mr.Noor Ul Hadi	-do-	-do-
36.	Mr.Alamgir	Naib Qasid	-do-
37.	Mr.Nafeesud-din	Crop Reporter	Statistical Officer, (CRS), Hangu.
38.	Mr.Mahmood Ali	Naib Qasid	-do-
39.	Mr. Asmat Ali	Chowkidar.	-do-
40.	Mr. Abdur Rahman	Crop Reporter	Statistical Officer, (CRS), Buner
41.	Mr.Said Habib	-do-	-do-
42.	Ajmir Khan	-do-	-do-
43.	Said Ghafoor Shah	Naib Qasid	-do-
44.	Mr.Hayat Khan	Chowkidar.	-do-
45.	Mr. Qamar Zaman	Crop Reporter	Statistical Officer, (CRS), DIKhan.
46.	Mr. Rais Ahmad	-do-	-do-
47.	Mr.Umar Hayat	-do-	-do-

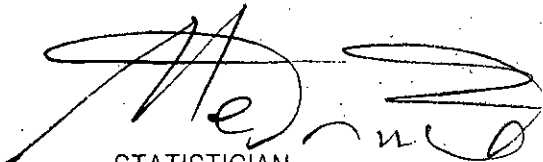
49.	Mr. Abdul Lataf	-do-	-do-
50.	Muhammad Nazir	-do-	Statistical Officer, (CRS), Abbottabad
51.	Irshad Mehmood	-do-	-do-
52.	Mr. Zardad	-do-	-do-
53.	Mr. Asad Munir	-do-	-do-
54.	Mr. Arshid Khan	-do-	-do-
55.	Mushtaq Ur Rahman	-do-	-do-
56.	Mr. Shakeel Ahmad	-do-	-do-
57.	Mr. Shaukat	-do-	-do-
58.	Mr. Raja Ejaz	-do-	-do-
59.	Mr. Sahid Ali Khan	-do-	-do-
60.	Muhammad Hafeez	Chowkidar	-do-
61.	Mohammad Riaz	Crop Reporter	Statistical Officer, (CRS), Haripur
62.	Muhammad Sadaqat	-do-	-do-
63.	Saeed Ahmad	-do-	-do-
64.	Mir Afzal	Naib Qasid	-do-
65.	Ali Bahadar	Chowkidar	-do-

SDI-(MAQSOOD-UR-RAHMAN)  
STATISTICIAN  
CROP REPORTING SERVICES  
NWFP, PESHAWAR.

Endst: No. 3/205-A/ 3652-3766 /SCRS dated Peshawar, the 13/07/ 2006.

Copy forwarded to:-

1. The Section Officer (Admn :) Government of NWFP, Agriculture, and Livestock & Coop: Department Peshawar with reference to his Endst: No. referred above.
2. The Director General Agriculture (Extension) NWFP, Peshawar with the request to direct the Executive District Officers / District Officers Agriculture concerned to handover the remaining redundant Field Worker as per list attached to the Statistical Officers concerned immediately.
3. The Accountant General, N.W.F.P., Peshawar.
- 4-21. The Executive District Officer /District Officer Agriculture concerned for information.
- 22-29. The District Accounts Officer, Charsadda, Kohat, Mardan, Hangu, Buner, DIKhan, Abbottabad & Haripur for information.
- 30-38. The Statistical Officer's, Crop Reporting Services, Peshawar, Charsadda, Kohat, Mardan, Hangu, Buner, D. I. Khan, Abbottabad & Haripur.
- 39-50. The District Officer's, Agriculture Mansehra, Kohistan, Battagram, Nowshera, Swabi, Dir Upper, Shangla, Swat, Malakand, Karak, Lakki Marwat & Bannu for information and to handover the services of Field Workers as per list attached to Statistical Officers concerned at an early date to avoid Financial complications.
- 51-115. The officials concerned.

  
STATISTICIAN  
CROP REPORTING SERVICES  
NWFP, PESHAWAR.

BEFORE THE NWFP, SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 903 of 2010.



Hukam Khan Crop Reporter, Statistician Crop Reporting Services  
Department NWFP, District Mardan. .... Appellant

VERSUS

- 1) Secretary Agriculture, Civil Secretariat Peshawar.
- 2) Secretary Finance, Civil Secretariat Peshawar.
- 3) Statistician Crop Reporting Services Department NWFP,
- 4) Statistical Officer Crop Reporting Services Mardan.  
..... Respondents.

APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL  
ACT 1974 FOR REGULARIZATION OF SERVICE  
AND PAY BENEFITS OF CROP REPORTER POST  
BPS - 5.

Prayer

That on acceptance of this appeal the respondents may be directed to regularized the service of appellant as Crop Reporter from the date of adjustment with all pay and scale benefits or any other remedy which this august tribunal deemed proper may also be awarded to the appellant.

Respectfully Sheweth:

- 1) That the appellant is basically employee in BPS - 1 order dated 02/08/1988 and was inducted as Crop Reporter vide order dated 08/04/2006, 13/07/2006 which a BPS - 5 Post. (Copy of orders are attached as Annexure "A,B&C").
- 2) That the appellant has been performing his duty as a Crop Reporter since 13/07/2006 but getting pay of BPS - 2 which great injustice with the appellant.

EXAMINER  
K. A. M. KHAN  
Secretary, Peshawar  
Service Tribunal  
Peshawar

Filed to day  
4/10/10



10.8.2012

Counsel for the appellant and Mr. Arshad Alam, AGP with Maqsoodur Rahman, Statistician and Muhammad Aqeel, Assistant for the respondents present. Arguments heard. Record perused. Vide our detailed judgment of to-day in connected appeal No. 899/2010, titled "Gul Riaz Versus Secretary Agriculture, Civil Secretariat, Peshawar etc."; this appeal is also accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record.

**ANNOUNCED**  
10.8.2012.

MEMBER

MEMBER

Certified to be true copy  
CLERK  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Appeal	10-8-12
Number of Waivers	800
Copying Fee	6-00
Urgent	1-00
Total	6-00
Name of Copyist	20-9-12
Date of Completion	20-9-12
Date of Delivery of Copies	20-9-12

**2013 S C M R 911**

**[Supreme Court of Pakistan]**

**Present: Anwar Zaheer Jamali and Muhammad Ather Saeed, JJ**

**ABDUL SATTAR---Petitioner**

**Versus**

**FEDERATION OF PAKISTAN and others---Respondents**

C.P.L.A. No.957-K of 2011, decided on 6th June, 2012.

(On appeal from order of Federal Service Tribunal, Islamabad (Karachi Bench) dated 27-12-2008 passed in Appeal No.27(K)CS/2008.)

**(a) Service Tribunals Act (LXX of 1973)---**

---S. 4---Filing of appeal before Service Tribunal---Limitation---Successive departmental appeals cannot extend period of limitation (for filing appeal).

1998 SCMR 882; 1999 PLC (C.S.) 510 and 1999 PLC (C.S.) 862 ref.

**(b) Service Tribunals Act (LXX of 1973)---**

---S. 4---Filing of appeal before Service Tribunal---Limitation---Significance---Question of limitation should be considered seriously in service matters.

2010 SCMR 1982 rel.

**(c) Service Tribunals Act (LXX of 1973)---**

---S. 4---Filing of appeal before Service Tribunal---Limitation---Significance--- Question of limitation cannot be considered a technicality simpliciter as it had its own significance and would have substantial bearing on the merits of the case.

2011 SCMR 8 rel.

Ghulam Rasool Mangi, Advocate Supreme Court and Ghulam Qadir Jatoi, Advocate-on-Record for Petitioner.

Sanaullah Noor Ghori, Advocate Supreme Court and A.S.K. Ghori, Advocate-on-Record for Respondent No.1.

Ashiq Raza, D.A.-G. for Respondent; Nos.2 and 3.

Date of hearing: 6th June, 2012.

ORDER

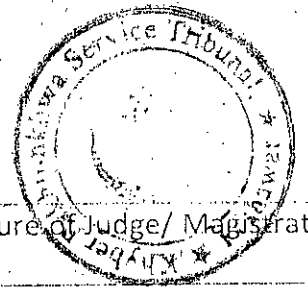
**ANWAR ZAHEER JAMALI, J.**---This petition for leave to appeal assails the order of 27-10-2011, in Appeal No.27(K)CS/2008, passed by Federal Service Tribunal, Islamabad, Karachi Bench, whereby the said appeal before the Tribunal was dismissed on the ground that it was barred by time. Relevant discussion contained in the impugned order reads as follows:--

"6. We have considered the above arguments and carefully perused the record. Apparent appeal is time barred, as the appellant has approached this Tribunal on 22-3-2008 against the order dated 15-6-2007 after filing a departmental appeal on 15-7-2007, which remained un-responded to. Application for condonation of delay has also been filed along with the appeal wherein no reasonable ground has been taken except that the appellant has been continuously approaching the respondent for promotion in the cadre of Commercial Inspector BS-16 as per merit, but the same remained un-responded to. Last application submitted on 20-11-2007, has not been responded to. It may be mentioned here that successive departmental appeal cannot extend period of limitation. We rely on 1998 SCMR 882, 1999 PLC (C.S.) 510 and 1999 PLC (C.S.) 862. Besides, it has been held in 2010 SCMR 1982 that, "Civil servant remained in deep slumber for more than 20 years and it was too late in the day to question the legality of additional note. No plausible justification could be furnished by civil servant for the delay except that question of limitation was nothing more but a technicality which was an incorrect approach. Question of limitation could not be taken lightly, as in service matters such question should be considered seriously." In 2011 SCMR 8, it was also held that, "Question of limitation cannot be considered as a mere "technicality" simpliciter as it has got its own significance and would have substantial bearing on the outcome of case."

2. Learned Advocate Supreme Court for the petitioner has not disputed that in fact the appeal preferred by the petitioner before the Tribunal was barred by time. This being the position, we find no valid reason for interference in the impugned order. Besides, no question of law of public importance is involved in this petition. Dismissed. Leave refused.

MWA/A-3/SC

Petition dismissed.



O.P.S

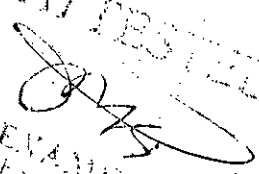
S. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
	13.04.2016	<p><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</u></p> <p>Service Appeal No: 311/2015</p> <p>Engineer Atiq-ur-Rehman-vs-Secretary to Government of Khyber Pakhtunkhwa, Communication &amp; Works Department, Khyber Pakhtunkhwa, Peshawar and one other.</p> <p><u>JUDGMENT</u></p> <p><u>ABDUL LATIF, MEMBER:</u> - Appellant with counsel (Mr. Mian Muhibullah Kakakhel, Advocate) and Mr. Muhammad Jan, Government Pleader for respondents present.</p> <p>2. Engineer Atiq-ur-Rehman, has filed the instant service appeal under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 06.04.2015, where departmental appeal of the appellant against the order dated 17.02.2015 to respondent No. 1, whereby the appellant was relieved to his original cadre i.e Sub-Engineer, was dismissed. The appellant prayed in the instant appeal that on acceptance of the present appeal, the impugned orders dated 17.02.2015 and appellate order dated 06.04.2015 may be set-aside being illegal without jurisdiction and without lawful authority, besides being malafide, arbitrary and for ulterior motives. The appellant may be declared entitled to BPS-16 when he completed 10 years service and passed Grade-B Departmental Promotional Examination. The seniority of the appellant may be directed to</p>

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



be counted from 23.11.2007 and it may also be declared that the appellant is entitled to BPS-17 from 23.11.2007 when he was actually posted against the same grade.

3. Facts giving rise to the instant appeal are that the appellant was initially appointed as Sub-Engineer in BPS-11 on 19.03.1988. That diploma holders with 10 years' service and after passing Grade-B Departmental Examination are eligible to be promoted. That the appellant is officiating in BPS-17 since 23.11.2007 being qualified to be appointed against the same on the basis of seniority and degree in Engineering. That subsequently appellant has been holding the post of SDO (BPS-17) on all his transfer/posting. That if a civil servant, who is working on officiating/acting charge basis against a post, if qualified to hold the same will be entitled to be promoted/appointed against the same should a vacancy arise. That appellant applied for long leave i.e 1460 days for obtaining higher education which was sanctioned by office order dated 24.02.1997 and 28.04.1999. That the appellant completed his degree in the year 2001 and was adjusted as Sub-Engineer vide order dated 09.05.2001 in C & W Division, Swabi. That the appellant continued his work as SDO (OPS) on different stations since December, 2007 to 02.04.2011. That respondents issued Notification dated 14.10.2014 in which it was added that "Seniority shall be determined from the date of initial

ATTESTED  
  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

appointment". Previously the rule for seniority was to be determined from the date of acquiring degree in engineering. That the appellant was working on the post of SDO when respondents issued an office order dated 17.02.2015 vide which respondent No. 1 reverted the appellant from SDO (OPS) BPS-17 to Sub-Engineer (BPS-11). That reversion is a punishment and cannot be awarded without following the prescribed procedure. That the appellant filed appeal before the competent authority on 18.02.2015 against order dated 17.02.2015. That impugned orders dated 17.02.2015 and 20.4.2015 are illegal, without jurisdiction and without lawful authority besides being for ulterior motives. That the impugned orders have been passed for political considerations. That the appellant has been condemned unheard and has not been treated in accordance with law and discriminated. That the appellant filed representation against the impugned order before the competent authority on 18.02.2015 which was regretted.

4. The learned counsel for the appellant argued that the appellant was working on the post of SDO when respondents vide order dated 17.02.2015 reverted him from the said post i.e. SDO (OPS) BPS-17 to Sub-Engineer BPS-11 where-against he filed representation before the relevant authority which was regretted. He further argued that the appellant was entitled to Senior Scale Sub-Engineer (BPS-16) on account of fulfilling requirement of 10 years service and passing of Grade-B

ROYAL  
SARVODAYA  
SOCIETY  
KOLKATA

AT  
TENDANCE

AT  
TENDANCE

examination and had become eligible for promotion to the post of SDO (BPS-17) and added that his reversion from SDO (OPS) was a sort of punishment and could not be awarded without following the prescribed procedure and added that the appellant was condemned unheard by said reversion to the post of Sub-Engineer BPS-11. He further argued that impugned order dated 17.02.2015 was illegal, without jurisdiction, without lawful authority and had been passed on political considerations hence the same was not maintainable under the law. He further contended that there were still a large number of Sub-Engineer who were working as SDO (OPS) B-17 and appellant had thus been treated against the law and discriminated against and prayed that on acceptance of this service appeal impugned order dated 17.02.2015 and 06.04.2015 set-aside and the appellant may be declared entitled to BPS-17 from the said date when he was actually posted against the higher post of SDO (OPS) BPS-17. He relied on judgment of Supreme Court of Pakistan in case No. C.As No. 860 to 861 of 2010 titled Government of NWFP through Secretary Establishment and other-vs-Muhammad Iqbal Khattak and Ahmed Khan.

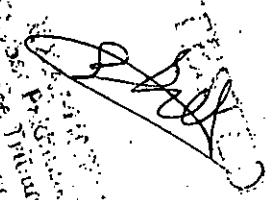
5. The learned Government Pleader resisted the appeal and argued that the scheme of Selection Grade/Senior Scale Sub-Engineer BPS-16 @ 25% of the total posts of diploma holders Sub-Engineer BPS-11 was allowed by the government in C & W Department with certain conditions and the said facility

ATTESTED  
 KAMINER  
 Cyber Pakhankhwa  
 Service Tribunal,  
 Peshawar





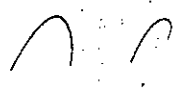
appellant was at liberty to approach the department for relief if any in light of the said judgment. It is also ironical to note that the said judgment of the larger Bench also dealt the issue regarding own pay scale appointment against higher post not only in the C & W Department but also across the entire Provincial Government Departments and gave its findings on the legal status of the practice of OPS appointments since in vogue in the government departments. The question of title to OPS has thus been decided in elaborate term in the cited judgment. As for the prayer of the appellant declaring him entitled to promotion against the post of SDO (BPS-17), it may be clarified that specific rules have been framed under the Civil Servants Act 1973 read with the (Appointment, Promotion and Transfer) Rules, 1989 which govern appointment against higher post and promotion cannot be claimed as of right against a particular post. The Tribunal does not see any genuine ground at the moment where it can interfere or direct the department for consideration of his case for promotion to the higher post as mere holding of the said post in own pay scale does not constitute eligibility of the appellant to the higher post of SDO (BPS-17). The prayer of the appellant to this effect thus devoid of any merits cannot be acceded to under the law. The appeal is dismissed accordingly. Parties are left to bear their own costs. File be consigned to the record room.

  
 Secy. to Govt. of Punjab  
 Peshawar

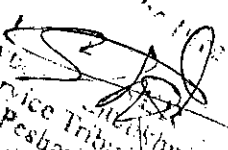
64


8. Our this judgment will also dispose of identical Service Appeal No. 315/2015 titled Engineer Muhammad Shafiq-vs-Secretary to Govt. of KPK Communication & Works Department, KPK, Peshawar where common question of law and facts are involved.

ANNOUNCED  
13.04.2016.

  
sd/-  
(ABDUL LATIF)  
MEMBER

sd/-  
(PIR BAKHSH SHAH)  
MEMBER

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar





(Annexure D)


18

**DIRECTORATE OF CROP REPORTING SERVICES**  
AGRICULTURE DEPARTMENT, KHYBER PAKHTUNKHWA  
ATI, Campus Jamrud Road, Peshawar, Email: crskpk@gmail.com  
Phone Number 091-9216376 & Fax Number 091-9216339

**OFFICE ORDER**

Mr. Khan Afzal Chowkider (BS:1), who had been assigned with the duty as Crop Reporter (BS:5) along with other Redundant Field Worker (BS:1) that were transferred vide Finance Department letter No.BO-VII/FD/1-2/BE/2004-05-D, dated 22.07.2006, is hereby adjusted against his own Up-graded post of Crop Reporter (BS:5) in office of Statistical Officer Crop Reporting Services, Malakand W.e.f 01.07.2006.

He is also entitle for further Up-gradation to Crop Reporter (BS:6) w.e.f 24.01.2014 as notified, vide Agriculture Department Notification No.SOE(AD)23-13/2013 dated 24.01.2014, in compliance to the Court Judgement.

  
DIRECTOR,  
CROP REPORTING SERVICES,  
KHYBER PAKHTUNKHWA,  
PESHAWAR

Order No. 372-74 /SCRS  
Dated Peshawar, the 21/11 /2015.

Copy forwarded to: -

1. The District Accounts Officer, Malakand.
2. The Statistical Officer, Crop Reporting Service, Malakand with reference to his office letter No: 337 dated 15.9.2014 for information and necessary action.
3. The official concerned.

  
DIRECTOR

*attested*  
*15/11*



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 142 /ST

Dated 22 / 01 / 2019

To


The Statistical Officer, Crop Reporting Services,  
Government of Khyber Pakhtunkhwa,  
Malakand at Dargai.

Subject: -

JUDGMENT IN APPEAL NO. 920 /2015, MR. KHAN AFZAL

I am directed to forward herewith a certified copy of Judgement dated  
03.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR,  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.