

03.04.2017

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



Chairman

10. 30.06.2017

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

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


Member

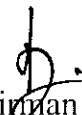

Chairman

ANNOUNCED

30.06.2017


26.7.2016

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


Chairman

24.11.2016

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


(ABDUL LATIF)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

25.4.2016

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


Chairman

24.05.2016

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


Chairman

03.03.2016

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

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.4.2016 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

25.4.2016

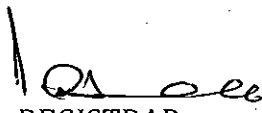

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Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 166/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.02.2016	<p>The appeal of Mr. Muhammad Alam presented today by Mr. Nasir Mahmood Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR -</p>
2	<u>29-2-2016</u>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>03-03-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO. 166/2016

Muhammad Alam.....Appellant

Versus

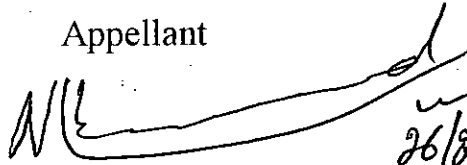
1. Secretary to Govt. of KPK Agriculture Livestock & Cooperative Dept.
KPK Peshawar and others..... Respondents

INDEX

S.No	Description of Documents	Annexure	Pages
1.	Grounds of Appeal with affidavit		1-5
2.	Copy of Educational Testimonials'	A	6
2.	Seniority List	B	7-9
3.	Copy of the Minutes of the Meeting	C	10-14
4.	Copy of the letter dt.12.08.2014	D	15-16
5.	Copy of the Up-Gradation notification dt.21.08.2015	E	17-20
6.	Copy of departmental appeal dated 31.08.2015	F	21
7.	Copy of the forwarding letter 29.10.2015	G	22
8.	Wakalat Nama		

Appellant

Through


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

26/2/16

1

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.....166.....\2016

M.W.F. Province
Service Tribunal

Diary No. 149

Dated 26-2-2016

Muhammad Alam, Statistical Assistant (BPS-11) Office of Crop Reporting Services District Swat.....Appellant

Versus

1. Secretary to Govt. of KPK Agriculture Livestock & Cooperative Dept. KPK Peshawar.
2. Director Crop Reporting Services, Agriculture Dept. KPK, ATI, Campus Jamrud Road, Peshawar.
3. Ghulam Mustafa, Statistical Investigator, Office of the Statistical Officer, DIKhan.
4. M. Raziq Shah, Statistical Investigator, Office of the Statistical Officer, Swat.
5. Mehtaj Ali, Statistical Investigator, Office of the Statistical Officer, (CRS), Kohat.
6. Bahrullah, Statistical Investigator, Office of the Statistical Officer, (CRS), Charsadda.
7. Umar Daraz, Statistical Investigator, Office of the Director, (CRS), HQ.
8. Hazrat Ali, Statistical Investigator, Office of the Statistical Officer, (CRS), Mardan.
9. Hidayatullah, Statistical Investigator, Office of the Statistical Officer, (CRS), Abbottabad.
10. Sultan Yousaf, Statistical Investigator, Office of the Statistical Officer, (CRS), Dir Upper.
11. Said Wahid, Statistical Investigator, Office of the Statistical Officer, (CRS), Swabi.

~~File to be~~
1/1/16
26/5/16

9

12. Khalid Khan, Statistical Investigator, Office of the Statistical Officer, (CRS), Malakand.
13. Mir Alam, Statistical Investigator, Office of the Statistical Officer, (CRS), Chitral.
14. Gul Rahman, Statistical Investigator, Office of the Statistical Officer, (CRS), Lakki Marwat.
15. Rawaiz Khan, Statistical Investigator, Office of the Statistical Officer, (CRS), Haripur.
16. Wazir Gul, Statistical Investigator, Office of the Statistical Officer, (CRS), Batagram.
17. Gul Zaman, Statistical Investigator, Office of the Statistical Officer, (CRS), Dir Lower.
18. Barkatullah, Statistical Investigator, Office of the Statistical Officer, (CRS), Nowshera.
19. Asad Sohail, Statistical Investigator, Office of the Statistical Officer, (CRS), Hangu.
20. Atta Hussain Shah, Statistical Investigator, Office of the Statistical Officer, (CRS), Tank.
21. Rahman Akber, Statistical Investigator, Office of the Statistical Officer, (CRS), Kohistan.
22. Muhammad Ayub, Statistical Investigator, Office of the Statistical Officer, (CRS), Karak.
23. Sabaz Ali, Statistical Investigator, Office of the Statistical Officer, (CRS), Bannu.
24. Abdur Rashid, Statistical Investigator, Office of the Statistical Officer, (CRS), Shangla..... Respondents

Service Appeal U\Section 4 of the KPK Service Tribunal Act, 1974 against the order dated 21-08-2015 passed by respondent no.1 whereby respondent no.3 to 24 along with others were upgraded from the post of Crop Reporter (BPS-5) to the post of Statistical Investigator (BPS-16) against the rules and policy and the appeal dated 29.10.2015 filed by the appellant was unresponded thus the instant appeal.

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

Respectfully Sheweth;

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

50% by promotion on the basis of seniority cum fitness from amongst the Statistical Assistant and holding BA \ BSc degree with statistics, Mathematics or Economics as a subject.
Copy of the Minutes of the Meeting is attached as annexure-C.
3. That respondent no.2 through letter dated 12.08.2014 has also recommended for filling up of the post of Statistical Investigator BPS-16 in the light of above mentioned criteria from amongst the senior-most Crop Reporter in their respective district. Copy of the letter is attached as annexure-D.
4. That respondent no.1 has in utter disregard of the rules amended by Up-Gradation Committee and also in violation of the letter of the respondent no.2 Up-Graded respondent no.3 to 24 through notification dated 21.08.2015. Copy of the notification is attached as annexure-E.
5. That the appellant preferred departmental appeal dated ~~21.10~~ 21.10.2015 (Copy attached as annexure-F) which was forwarded on the same

day to respondent No. 2 (Copy attached as annexure-G) but was unresponded hence the present appeal inter alia on the following grounds;

Grounds

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

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

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

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

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

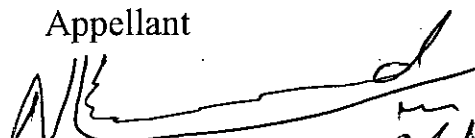
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For the aforesaid reasons, it is therefore, respectfully prayed that on acceptance of this appeal order 21-08-2015 passed by respondent no.1 to the extent of respondent no.3 to 24 whereby they were upgraded illegally may be set-aside consequently appellants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

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

Through

Appellant




Nasir Mahmood Advocate, 26/2/16
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar.

Affidavit

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


Deponent

Attested
★ FIDA MOHAMMAD BANGASH ★
Advocate
Notary Public
Date: 26/2/16
Distt Court Peshawar ★


Serlal No. 11221

6

UNIVERSITY OF PESHAWAR (PAKISTAN)

Annexure
"A"



Provisional Certificate

This is to certify that

Mr./Miss... Mohammad Alam

Son/Daughter of... Bakht Jamal

and a candidate/student of the... Jehanzeb College Swat

Passed in the... Second... Division, the Degree Examination

of the Bachelor of... Arts... of the

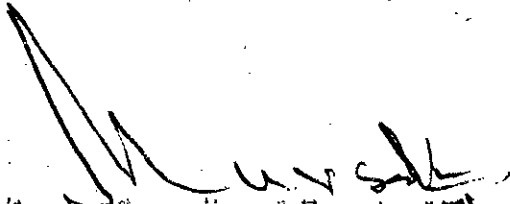
University of Peshawar held in... April 1985

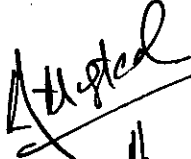
THE EXAMINATION WAS TAKEN ~~AS A WHOLE~~ / IN PARTS

Registered No. 82-J-3818

Roll No... 3758

Dated. 1.7.1985


Deputy Controller of Examinations,
University of Peshawar


Statistical Officer
Crop Reporting Services
Swat at Amankot.

University Press
Job-5520-10,000-9-1983



DIRECTORATE OF CROP REPORTING SERVICES
AGRICULTURE DEPARTMENT, KHYBER PAKHTUNKHWA
 AYO, Charsadda Jinnah Road, Peshawar. (Mail) aye@pks.gov.pk
 10000 Charsadda 011-022-0221 to 022-0222

Annex-B

(7)

OFFICE ORDER

In pursuance of Section-8 (1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of MWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Final Seniority List of Crop Reporters (ES-6) of Crop Reporting Services, Agriculture Department as its stood on 31st December, 2014 is notified / circulated as under:

S.No	Name of Official	Qualification	Date of Birth	Domicile	Date of 1st Appointment	Date of Promotion	Place of Posting
1	2	3	4	5	6	7	8
1	Ghulam Mustafa	SSC					
2	M. Raziq Shah	SSC	6/4/1957	D.I.Khan	26-10-1978		
3	Mahmud Ali	SSC	2/1/1957	Bunir	18-03-1972	26/10/1978	D.I.Khan
4	Bakhtulain	SSC	25-03-1957	Peshawar	24-04-1974 as FAW	13/03/1979	Bunir
5	Umair Daraz	SSC	28-03-1957	Charsadda	27-04-1980	24/04/1980	Peshawar
6	Mushafiq Hussain	B.A	20-10-1959	Howshera	30-04-1980 as FAW	27/04/1980	Charsadda
7	Tajmool Shah	SSC	12/2/1958	Mansohra	5/8/1979 as FIA	24/03/1980	Peshawar
8	Hazrat Ali	SSC	25/1955	Mardan	8/11/1980	15/03/1980	Mansohra
9	Hidayat Ullah	SSC	14/1/1962	Mardan	10/11/1980	8/11/1980	Mardan
10	Sultan Yousof	SSC	14/1/1959	Charsadda	12/11/1980	10/11/1980	Mardan
11	Said Wahid	SSC	12/8/1961	Mardan	12/11/1980	12/11/1980	Charsadda
12	Behrooz Khan	SSC	3/3/1962	Swabi	12/11/1980	12/11/1980	Mardan
13	Khalid Khan	MA	5/12/1960	Bunir	12/11/1980	12/11/1980	Swabi
14	Mir Alam	SSC	28-04-1962	Mardan	2/12/1980	2/12/1980	Bunir
15	Akram Khan	SSC	3/10/1960	Charsadda	30-12-1980	30/12/1980	Malakand
16	Gul Rehman	B.A	17-05-1956	Peshawar	22-02-1981	22/02/1981	Charsadda
17	Ravaliq Khan	SSC	24-4-1958	Mardan	3/2/1981	3/2/1981	Peshawar
18	Wahid Gul	SSC	1/4/1962	Swabi	25-7-1981	25-7-1981	Malakand
19	Gul Zaman	SSC	15/1/1959	Charsadda	25-7-1981	25-7-1981	Swabi
20	Bakht Ali	FA	15-05-1957	Mardan	25-07-1981	25-07-1981	Charsadda
21	Asad Shahid	SSC	15/1/1962	Howshera	3-11-1978 as FAW	4/2/1981	Tinawari
22	Ara Hussain Shah	SSC	14-06-1964	Kohat	16-01-1982	16-01-1982	Howshera
23	Rahim Akber	FA	12/4/1954	D.I.Khan	1/2/1982	1/2/1982	Kenat
24	Muhammad Ayub	FA	8/2/1964	Charsadda	31-10-1978 as FAW	28-04/1982	D.I.Khan
25	Sabaz Ali	SSC	5/3/1959	Karak	28-08-1982	28-08/1982	Charsadda
26	Abdul Rashid	SSC	11/12/1964	Peshawar	09-05-1979 as FAW	7/10/1982	Karak
27	Ghaffoor Rehman	SSC	1/1/1962	Mardan	11/10/1982	11/10/1982	Peshawar
28	M. Zahid Shah	SSC	13-12-1960	Mardan	1-2-1982	1-2-1982	Mardan
29	Abdul Malik Khan	SSC	18/5/1961	Howshera	17-05-1983	17-05-1983	Mardan
30	Abdul Atiq	SSC	10/6/1964	L.Mardan	25-08-1983	25-08-1983	Howshera
31	M. Yousaf No.1	FA	22-12-1961	Uppal	15/11/1983	15/11/1983	Mardan
32	Ahmad Ullah	SSC	18-03-1964	Malakand	11/2/1984	11/2/1984	Bannu
33	M. Yousaf No.2	SSC	21/1/1963	Rafiqpur	1/4/1984	1/4/1984	Malakand
34	Nisar Ahmed	SSC	13-05-1960	Ahmadabad	27-07-1984	27-07-1984	Malakand
35	Javed Khan	FA	20-06-1960	Mardan	1/2/1984	1/2/1984	Malakand
36	Ahmad Amin	SSC	26-04-1964	Mansohra	19/1/84	19/1/84	Malakand
37	Muhammad Hanif	SSC	2/1/1963	L.Mardan	2/9/1984	2/9/1984	Mansohra
38	Rab Nawaz	SSC	22/1/1964	D.I.Khan	12/9/1984	12/9/1984	L.Mardan
39	Mani Us So	SSC	22-09-1961	D.I.Khan	16-09-1984	16/09/1984	L.Mardan
40	Ghulam Hassan	SSC	12/1/1964	D.I.Khan	17-05-1984	17/05/1984	D.I.Khan
41	Sad ul Rahman	SSC	25-12-1963	D.I.Khan	17-05-1984	17/05/1984	D.I.Khan
42	Muhammad Akbar	B.A	30-01-1962	D.I.Khan	18-02-1984	18/02/1984	D.I.Khan
43	Pir Adam	SSC	16-02-1964	D.I.Khan	18-09-1984	18/09/1984	D.I.Khan
44	Amin Khan	SSC	15-12-1961	L.Mardan	18-05-1984	18/05/1984	D.I.Khan
45	Fazli Akbar	SSC	10/5/1962	L.Mardan	27-06-1984	27/06/1984	Bunir
46		SSC	10/7/1964	D.I.Khan	27-09-1984	27/09/1984	L.Mardan

Noted to be a True Copy of the Original

[Signature]

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46	Muhammad Qadir	B.A	10-01-1964	L. Marwat	01-10-1984	17/10/1984	Mardan
47	Muzah Khan	SSC	10-02-1964	L. Marwat	01-10-1984	17/10/1984	Swabi
48	Muhammad Riaz	SSC	17-11-1957	Swabi	21-01-1980 (10/10/1984)	17/10/1984	Karak
49	Qasim Farooq	SSC	17-11-1957	Karak	17/10/1984	17/10/1984	Karak
50	Qasim Khan	M.A	10/11/1964	Mardan	13-10-1984	17/10/1984	Mardan
51	Hussain Khan	SSC	10-12-1963	Mardan	13-10-1984	17/10/1984	Mardan
52	Faizullah	B.A	10-01-1965	Mardan	13-10-1984	17/10/1984	Abbottabad
53	Muhammad Riaz	SSC	13-5-1960	Abbottabad	14-10-1984	17/10/1984	Abbottabad
54	Nisar Khan	SSC	31-05-1961	Abbottabad	14-10-1984	17/10/1984	Abbottabad
55	Inayat Ullah No. 1	SSC	17/11/1965	D.I. Khan	16-10-1984	16/10/1984	D.I. Khan
56	Akmal Yousaf	SSC	14-09-1967	Kohistan	16-10-1984	16/10/1984	Kohistan
57	M. Iqbal No. 1	SSC	13-04-1963	Manshera	17-10-1984	17/10/1984	Manshera
58	M. Shoukat	B.A	12/2/1962	Abbottabad	18-10-1984	17/10/1984	Abbottabad
59	M. Iqbal No. 2	SSC	3/4/1964	Karak	21-10-1984	21/10/1984	Karak
60	Gul Bahadar	F.A	15-05-1965	Swabi	25-10-1984	25/10/1984	Swabi
61	Muhammad Ahmed	SSC	10/6/1957	Manshera	1/11/1984	1/11/1984	Manshera
62	Sardar Ahmed	F.A	4/4/1963	Swabi	4/11/1984	4/11/1984	Swabi
63	Alam Saeed	SSC	20-03-1964	Karak	6/11/1984	6/11/1984	Karak
64	Qasim Khan	SSC	18-01-1960	Malakand	14-11-1984	14/11/1984	Malakand
65	Basher Ahmed	SSC	13-04-1962	Chitral	15-11-1984	15/11/1984	Chitral
66	Ahmad Hussain	SSC	15-03-1962	Chitral	17-11-1984	17/11/1984	Chitral
67	Muhammad Alam	B.A	1/5/1964	Swat	18-11-1984	18/11/1984	Swat
68	Maz Ullah	SSC	20-01-1961	Malakand	19-11-1984	19/11/1984	Malakand
69	Surat Ur Rehman	SSC	1/5/1965	Karak	22-11-1984	22/11/1984	Karak
70	Karamat Ullah	B.A	20-01-1959	L. Marwat	10/12/1984	10/12/1984	L. Marwat
71	S. Farid Hussain Shah	B.A	2/2/1966	Kohistan	11/12/1984	11/12/1984	Kohistan
72	Inayat Ullah No. 2	SSC	22-05-1961	D.I. Khan	10/1/1985	10/1/1985	D.I. Khan
73	Mohd. Yousaf	SSC	6/1/1967	L. Marwat	10/1/1985	10/1/1985	L. Marwat
74	M. Yousaf No. 2	F.A	10/3/1965	Malakand	20-01-1985	20/01/1985	Malakand
75	Sohail Ahmed	F.A	1/5/1966	Manshera	26-01-1985	26/01/1985	Manshera
76	Bakshish	SSC	1/5/1966	Peshawar	28-01-1985	28/1/1985	Peshawar
77	Imtiaz Ahmed	F.A	15-09-1958	Mardan	28-01-1985	28/01/1985	Mardan
78	Aman Din	SSC	4/2/1961	D.I. Khan	2/3/1985	2/3/1985	D.I. Khan
79	Misal Khan	F.A	3/3/1960	D.I. Khan	21-03-1985	21/03/1985	Tank
80	Abdullah Khan	SSC	3/5/1963	D.I. Khan	3/4/1985	3/4/1985	L. Marwat
81	Taseen Khan	SSC	2/7/1964	D.I. Khan	1/4/1985	1/4/1985	Tank
82	Rameem Ullah	SSC	7/2/1967	Manshera	15-04-1985	15-04-1985	Manshera
83	Muhammad Jamil	SSC	0/4/1965	Mardan	13-05-1985	13-05-1985	Mardan
84	Abdul Rauf	SSC	5/2/1965	L. Marwat	23-06-1985	23/06/1985	L. Marwat
85	Islam Shah	SSC	8/8/1965	Mardan	10/7/1985	10/7/1985	Mardan
86	Zafar Ullah	SSC	1/8/1962	Nowshera	24/10/1984 as JIC	21/08/1985	Nowshera
87	Iqbal Zahir	B.A	10/6/1963	Upper Dir	31/8/1985	31/08/1985	Upper Dir
88	Ali Gohar	SSC	12/9/1961	Nowshera	5/10/1985	5/10/1985	Peshawar
89	Aahar Zaman	SSC	30-05-1958	Bannu	5/10/1985	5/10/1985	Bannu
90	Jan Mohammad	SSC	10/11/1963	Charsadda	6/11/1985	6/11/1985	Charsadda
91	Ishad Ur Rehman	SSC	20-06-1962	Nowshera	6/11/1985	6/11/1985	Nowshera
92	Hazrat Yousaf	SSC	1/1/1963	Dr. Lower	18-02-1986	18/02/1986	Dr. Lower
93	Masood Anwar	SSC	8/6/1963	Abbottabad	25-2-1986	25/02/1986	Abbottabad
94	Qasim Khan	SSC	6/1/1963	D.I. Khan	1/3/1986	1/3/1986	D.I. Khan
95	Syed Farooq Shah	B.A	8/4/1967	Manshera	21-04-1986	21/04/1986	Manshera
96	Fareed Ullah Shah	SSC	15-01-1967	Karak	15-06-1986	15/06/1986	Karak
97	Inayat Ullah No. 3	SSC	18-11-1961	Charsadda	1/10/1985	1/10/1985	Charsadda
98	Zulfqar Ali	SSC	22-05-1965	Manshera	1/10/1986	1/10/1986	Manshera
99	Khursid	SSC	9/2/1962	Mardan	1/1/1987	1/1/1987	Mardan
100	Wasim Pervez	B.A Eco.	1/4/1964	Abbottabad	24-01-1967	24/01/1967	Abbottabad
101	Muhammad Aali	D. Com	6/6/1968	Nowshera	1/4/1987	1/4/1987	Nowshera
102	Mir Hussain Shah	B.A	10/3/1967	Chitral	7/1/1987	7/1/1987	Chitral
103	Jan Bahadur	SSC	10/4/1967	Bunir	16-06-1987	16/06/1987	Bunir
104	Rahman Gul	B.A	12/2/1969	Karak	4/11/1987	4/11/1987	Karak
105	Saeed Khan	B.A Eco.	11/10/1966	Lower Dir	22-11-1988	22/11/1988	Lower Dir
106	Yousaf Ah Shah	SSC	15-02-1962	Nowshera	22-09-1987	22-09-1987	Nowshera
107	Fakhan Azam	B.A	8/6/1968	Kohistan	21-12-1988	21/12/1988	Kohistan
108	Farnul Abass	B.A	27-02-1963	D.I. Khan	11/2/1989	11/2/1989	D.I. Khan
109	Muhammad Yousaf	F.A	1/4/1964	Peshawar	1/5/1990	1/5/1990	Peshawar

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S.#	Name of Official	Qualification	Date of Birth	Domicile	Date of 1st Appointment	Date of Promotion	Place of Posting
235	Kashif Hassan	B.A	30.4.1988	Swat	19-01-2013	19/01/2013	Swat
236	Rizwan Ur Rehman	B.A	30-04-1988	Mansehra	18-01-2013	19/01/2013	Mansehra
237	Ibrahim	S.A	10/3/1982	Swabi	25-05-2013	25/05/2013	Swabi
238	Irfan Aziz	B.A.	26.09.1983	Kohat	09.05.2013	9/5/2013	Kohat
239	M. Imran Shah	M.A.	16.03.1985	D.I.Khan	09.05.2013	9/5/2013	Hangu
240	Ziaullah	SSC	04.03.1989	Nowshera	09.05.2013	9/5/2013	Peshawar
241	Rais Akbar Khan	F.A.	05.11.1992	D.I.Khan	09.05.2013	9/5/2013	D.I.Khan
242	Amjad Ali	M.A	7/2/1979	Khyber Agency	1/8/2013	1/8/2013	Charsadda
243	Kafilullah	SSC	12/4/1995	Peshawar	10/4/2014	10/4/2014	Swat
244	Israrullah Khan	SSC		D.I.Khan	21/05/2014	21/05/2014	D.I.Khan

Note: -

- a) FW=Field Worker, F/A= Field Assistant, N/Q=Naib Qasid, R=Reinstated, J/C=Junior Clerk, S/K=Store-Keeper.
- b) S.No.144 to 215 were initially appointed as Field Workers in Agriculture Extension Department. They were transferred and adjusted as Crop Reporter in CRS vide Agriculture Department Notification No. SOG (AD) 2-22/2005-06 dated 08.04.2006. Their inter-se-seniority has been determined on basis of their 1st Appointment as Field Worker.

Sd/-XXX
DIRECTOR
CROP REPORTING SERVICES
KHYBER PAKHTUNKHWA
PESHAWAR

Encst: No.5141-74/SCRS
Dated Peshawar, the 31st December, 2014.

Copy forwarded to: -

- 1. The Section Officer (Estt.), Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Department, Peshawar for information with reference to his office letter No. SOE (AD) 3 (3) 7/2012/SCRS dated 11.12.2014.
- 2-26. All Statistical Officers, CRS, Khyber Pakhtunkhwa for information with the direction to note the circular by all Crop Reporters / Statistical Computers in their respective districts and furnish a certificate to this effect to the H.Q. for record.
- 27-33. The officials at S.No.3, 15, 218, 226, 228 & 232 in the above Seniority List for information.


DIRECTOR

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110	Amir Zia	SSC	11/1/1969	Peshawar	1/4/1990	10/1/1991	D.I. Khan
111	Gafoor Khan	SSC	10/1/1968	D.I. Khan	2/2/1991	20/1/1991	D.I. Khan
112	Muhammad Dawud	SSC	6/0/1963	Attock/Lahore	1/2/1991	1/2/1991	Attock/Lahore
113	Muhammad Israr	SSC	15-03-1969	Mansehra	1/2/1991	1/2/1991	Mansehra
114	Muhammad Nasir	F.A	2/1/1972	Kohat	24.6.1992	14/1/1991	Kohat
115	M. Ramzan	SSC	1/1/1966	F Tank	12/1/1993	12/1/1993	F Tank
116	Muhsin Ahmed	SSC	15-01-1974	F Tank	12/1/1993	12/1/1993	F Tank
117	Iqbal Khan	F.A	1/1/1972	F Tank	14.01.1993	14/01/1993	F Tank
118	Shahid Nazir Ahmed	B.A	16-01-1972	Kohat	19-01-1993	19/01/1993	Kohat
119	Azam Khan	SSC	15-01-1979	Peshawar	20-01-1993	20-01/1993	Peshawar
120	Alla-ur-Rahman	F.A	2-8-1971	F Tank	1/2/1993	1/2/1993	F Tank
121	Ajmal Zain	F.A	22-10-1971	Peshawar	1/2/1993	1/2/1993	Peshawar
122	Sada Khan	SSC	20-08-1973	L Marwat	3/2/1993	3/2/1993	Buneri
123	Tahseen Ullah	SSC	1/10/1974	D.I. Khan	13-9/1993	13/9/1993	D.I. Khan
124	Fazal Ahmed	SSC	18-10-1973	Tank	29/9/1993	29/9/1993	Tank
125	Liaqat Ali	SSC	12/0/1958	Swabi	10.10.1991 as SJK	10/10/1991	Mardan
126	Muhammad Arif	SSC	7/4/1958	Mardan	1.2.1981 as SJK	10/10/1991	Mardan
127	Fazal Amin	SSC	1/1/1962	Swabi	1.2.1981 as SJK	10/10/1991	Swabi
128	Abdul Hakim	B.A	1/4/1963	Swabi	4.2.1982 as SJK	10/10/1991	Swabi
129	Muhammad Asif	SSC	15-03-1977	D.I. Khan	1/10/1995	1/10/1995	Hangu
130	Anam Ullah	B.A	7/9/1971	Timergara	12/10/1995	12/10/1995	Timergara
131	Syed Muzamil Shah	B.A	10/4/1975	Timergara	26-10-1995	29/10/1995	Timergara
132	Abdul Mobin	F.A	20-08-1977	D.I. Khan	10/1/1996	10/1/1996	Tank
133	Shahid Iqbal	B.A	23-07-1966	D.I. Khan	1/1/1998	1/6/1998	D.I. Khan
134	Shah Saif	SSC	02/1/1968	Mardan	10.01.1984	1/7/2001	Du Lower
135	Muhammad Naveem	B.A	22/1/1969	Haripur	20-06-1995	1/2/2002	Haripur
136	Abdul Basir	B.A	1/7/1967	Mansehra	7/2/1985	2/13/2002	Mansehra
137	Muhammad Ijaz	B.A	20-06-1962	Haripur	12/7/1997	4/9/2002	Haripur
138	Nisar Khan	SSC	20-06-1973	Haripur	16-01-1994	3/1/2003	Haripur
139	Muhammad Sufian	SSC	10.10.1963	Swabi	12.12.1989 as SJK	2/2/2004	Swabi
140	Nalees-ud-Din	SSC	11/12/1975	Hangu	3/4/2004	3/4/2004	Hangu
141	Muhammad Ilyas	F.Sc	24-02-1970	Peshawar	17/08/2004	17/08/2004	Mansehra
142	Muhammad Ayaz	SSC	14-03-1968	Nowshera	1/2/1987	1/2/2004	Nowshera
143	Muhammad Riaz	SSC	12/3/1962	Haripur	1/7/2006	1/7/2006	Haripur
144	Muhammad Dadar	SSC	12/8/1959	Mansehra	18/02/1978	1/7/2006	Mansehra
145	Said Habib	SSC	23-01-1959	Buner	26/05/1975	1/7/2006	Buner
146	Abdur Rehman	SSC	14-09-1955	Buner	2/12/1980	1/7/2006	Buner
147	Nazir Ahmed	SSC	10/3/1961	Abbottabad	16/7/1980	1/7/2006	Abbottabad
148	Ajmal Khan	SSC	9/2/1963	Buner	1/12/1981	1/7/2006	Buner
149	Muhammad Ramzan	SSC	1/4/1961	Charsadda	1/9/1982	1/7/2006	Charsadda
150	Abdul Latif	SSC	1/4/1960	D.I. Khan	1/8/1984	1/7/2006	D.I. Khan
151	Noor Ali Shah	SSC	1/7/1961	Du Upper	1/7/1985	1/7/2006	Du Upper
152	Ghulam Rasool	SSC	15-03-1967	D.I. Khan	1/10/1987	1/7/2006	D.I. Khan
153	Abdur Rehman	SSC	17-12-1964	Buneri	9/1/1988	1/7/2006	Buneri
154	Gul Hasan	SSC	12/10/1966	L Marwat	1/3/1988	1/7/2006	L Marwat
155	Manzoor Hussain	SSC	3/2/1970	Mansehra	1/3/1988	1/7/2006	Mansehra
156	Said Iqbal	F.A	19-09-1967	Peshawar	15/06/1988	1/7/2006	Peshawar
157	Siraj Wasi	SSC	1/1/1969	Swabi	5/11/1988	1/7/2006	Swabi
158	Miandad	SSC	18-03-1967	Charsadda	14/07/1988	1/7/2006	Charsadda
159	Hukam Khan	SSC	11/5/1970	Mardan	10/8/1988	1/7/2006	Mardan
160	Lugman Shah	F.A	10/1/1971	Karak	13-06-1989	1/7/2006	Karak
161	Riaz Ahmed	SSC	1/4/1961	Nowshera	1/7/1989	1/7/2006	Nowshera
162	Kamal Khan	SSC	5/12/1967	Karak	10-08-1989	1/7/2006	Karak
163	Hameem ul Hussain	SSC	1/1/1970	Charsadda	1/12/1989	1/7/2006	Charsadda
164	Onmar Zaman	SSC	25-03-1960	D.I. Khan	23-01-1990	1/7/2006	D.I. Khan
165	Arab Khan	SSC	8/5/1956	Karak	07-03-1990	1/7/2006	Karak
166	Wali Dad	SSC	10/2/1966	Mardan	30-05-1990	1/7/2006	Mardan
167	Asad Munir	F.A	1/1/1972	Abbottabad	2/7/1990	1/7/2006	Abbottabad
168	Shamsul Hani	SSC	1/7/1950	Nowshera	1/8/1990	1/7/2006	Nowshera
169	Hakim Khan	SSC	1/7/1973	Swabi	18-09-1990	1/7/2006	Swabi
170	Zain Ullah	SSC	26-04-1973	Buneri	28-04-1991	1/7/2006	Buneri
171	Rais Ahmed	SSC	23-05-1972	D.I. Khan	16-12-1991	1/7/2006	D.I. Khan

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

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

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

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

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

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

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

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

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

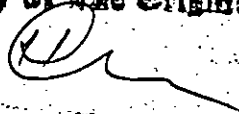
Up-gradation of the 85 posts of Crop Reporter BS: 2 to BS: 5 from 1.7.2006 in light of Court Judgment.	Rs; 0.519 Millions
Annual recurring cost after approved up-gradation of the 250 posts of Crop Reporters (BS; 5)	Rs; 4.368 Millions
Total Financial Implication	Rs; 4.887

Final

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

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

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9. The Committee also recommended amending the Service Rules and Job description as under: -

PROPOSED SERVICE RULES

S.#	Post	Proposed
1.	Crop Reporter (BS-6)	<ul style="list-style-type: none"> > 100% by initial recruitment. Qualification: SSC with two years Field Assistant training course from ATI OR Intermediate with Statistics, Economics, Agriculture or Mathematics. > Age 18-30 years.
2.	Statistical Assistant (BS-11)	<ul style="list-style-type: none"> > 20% by initial recruitment. Qualification: BA/BS (atleast 2nd Division) with Statistics, Mathematics or Economics as a major subject. > 80% by promotion on basis of seniority cum fitness from amongst the Crop Reporters/ Statistical Computers in CRS with atleast 10 years service as such.
3.	Statistical Investigator (BS-16)	<ul style="list-style-type: none"> > 50% by initial recruitment. Qualification: BA/BS (atleast 2nd Division) with Statistics, Mathematics or Economics as a major subject. > 50% by promotion on basis of seniority cum fitness from amongst the Statistical Assistants and <ul style="list-style-type: none"> • Holding BA/BSc degree with Statistics, Mathematics or Economics as a subject. OR • Holding BA/BSc degree with atleast one year Field Assistant training from ATI.
4.	Statistical Officer (BS-17)	<ul style="list-style-type: none"> > 30% by promotion on basis of seniority cum fitness from amongst the Statistical Investigators in CRS. > 70% by initial recruitment. Qualification: MA/MSc Statistics (At least 2nd Division)

PROPOSED CHARTER OF DUTIES

- i. Designation=Crop Reporter (BS-6)
 - a. Growers' Opinion Survey during sowing time to asses "Area" under different crops during Rabi & Kharif season.
 - b. Acreage Survey in 477 sample villages twice during each season.
 - c. Preparation of Jinswar statement; maintenance of crop inspection register for each sample village.
 - d. Educate farmers to adopt high yielding varieties of seed, plant protection measures if necessary and inputs required during the season.
 - e. Preparation of frames for crop under study, selection of sample field, demarcation of plots within the selected field, harvesting / threshing of crop and recording of weight of the produce obtained from the experimental

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- plots. Collection of additional information on use of fertilizers, seed rate, No. of irrigations and No. of sprays etc.
- f. Collection of data on harvest prices by varieties of various crops during each season according to scheduled timings.
- g. Collection of secondary data on Land-Use, Agriculture Machinery, Agriculture Loan, Rain Fall, Forest Area, Jinswar Data and losses from calamities like floods hailstorm etc.
- h. Maintenance of village-wise and field wise statistics for future development of new sample design.
- i. Coordination of the agriculture activities in the village with the functionaries of the sister departments i.e. Revenue, Irrigation, Agriculture Extension and Agriculture Development Bank etc.

ii. Designation= Statistical Assistant (BS-11)

- a. Helping the Statistical Investigator in the training of Crop Reporters in Statistical surveys such as:
 - * Area estimation survey on major crops during Kharif and Rabi season.
 - * Yield estimation survey on major crops.
 - * Growers' Opinion Survey on major crops.
 - * Survey on Agricultural Machinery.
 - * Harvest prices.
- b. Independent monitoring of field operation and solving of difficulties in the field.
- c. Collection of data on crop acreage, canal water supply, rainfall, fertilizer sale, land use and area irrigated by different sources etc. from local sources.
- d. Checking of Page totals of crop inspection registers and ensuring their proper maintenance.
- e. Checking of data transferred from register to Jinswar and form No. 1, 2 etc.
- f. Conduct of special surveys and research studies such as:
 - * Harvesting, threshing & winnowing of experimental plot.
 - * Plant, grain ratio for maize and grain straw ratio for wheat (variety-wise).
 - * Maize area under grain and fodder crops.
 - * Survey to assess the use Agricultural commodities.
 - * Prices paid and received by the farmers.
 - * Collection of information for cost of production studies.
- g. Special calamity report as and when needed.
- h. Crop situation Reports.

iii. Designation= Statistical Investigator (BS-16)

- a. Assisting the Statistical Officer, in training / guidance of the Crop Reporters in Statistical surveys such as:
 - * Area estimation survey for major crops during each season.
 - * Yield estimation survey for major crops during each season.

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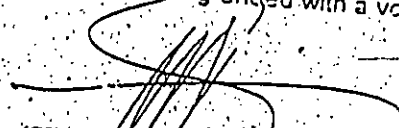
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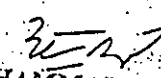
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- ❖ Growers' opinion survey on major crops.
- ❖ Survey on Agricultural Machinery.
- ❖ Harvest prices.
- b. Preparation of Survey Forms for the Field Staff.
- c. Preparation of 1st, 2nd and final estimates of Crops on the basis of data supplied by the Crop Reporters/ Statistical Computers / Statistical Assistants.
- d. Analysis of data and preparation of technical reports.
- e. Collection, compilation of miscellaneous Statistics like, Land-use, Agriculture Machinery, Agriculture Loan, rain fall, Forest Area, Jinswar data, losses from calamities like floods hailstorm etc.
- f. Independent checking and supervision of field operations and solving local technical field difficulties on the spot.
- g. Checking of Page totals of crop inspection registers and ensuring their proper maintenance.
- h. Checking of transferring of data from register girdawari to jinswar and forms No. 1, 2, etc.
- i. Conducting special survey on Cost of production survey.
- j. Crops-situation Reports.
- 10. The Administrative Department will properly notify the job description for each category of post as proposed by Administrative Department.
- 11. The meeting ended with a vote of thanks from and to the chair.


 (SHAFIQL AHMED)
 Section Officer (R-II)
 Establishment Department


 (MUHAMMAD IMTIAZ AYUB)
 Additional Finance Secretary (Reg)
 Finance Department


 (SYED HIDAYAT JAN)
 Special Secretary
 Agriculture Department


 (MASOOD AHMED)
 Special Secretary Finance
 Finance Department

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ANNEX-D (15)

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

No: _____ 3136-A _____ /SCRS
Dated Peshawar, the 012.8 /2014

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

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

Memo:

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

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

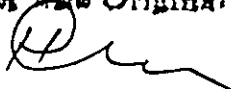
- i. According to the recommendation of the Up-gradation Committee, the post of
Statistical Investigator (BS: 16) may be filled in through the following manner.

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

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

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


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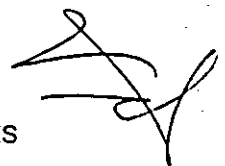


against the higher post will have no bearing on actual promotion which will take place in due course of time.

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


DIRECTOR
CROP REPORTING SERVICES
KHYBER PAKHTUNKHWA
PESHAWAR



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TO BE SUBSTITUTED WITH THIS DEPARTMENT NOTIFICATION OF EVEN NUMBER DATED 21.01.2014



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT

Dated Peshawar, the August, 2015

NOTIFICATION.

NO.SOE(AD)23-13/2013.

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

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

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

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

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

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

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

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

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

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

Dated Peshawar, 12/05/2015

Copy forwarded for information and necessary action to:-

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

SECTION OFFICER (FR)

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Approved to be a Vrao

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

Dated Peshawar, 21/08/2015

(20)

Copy forwarded for information and necessary action to:-

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


(DILAWAR KHAN)
SECTION OFFICER-ESTT:

DIRECTORATE OF CROP REPORTING SERVICES, KHYBER PAKHTUNKHWA

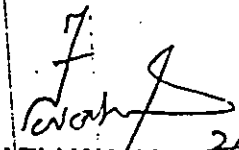
Endst: No. 4200-61 /DCRS
Dated Peshawar, the 26/08 /2015.

Copy forwarded for information and necessary action to -

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

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

NOTICE (1) - The Post Office is not responsible for loss or damage in the case of inland registered mail insured.

To,

The Director,
Crop Reporting Services
Khyber Pakhtunkhwa Peshawar.

21

Annexure "F"

Through;- Statistical Officer (C.R.S) District Swat.


Subject;- **APPEAL AGAINST UP-GRADATION TO BPS-16**

Sir,

With most humble and respectfully it is brought in your kind notice that in draft minutes of the up-gradation committee held on 12.6.2013 it has been decided that up-gradation to the post of Statistical Investigator BPS-16 will be on the basis of seniority com fitness from amongst the Statistical Assistant with having BA/BSc qualification.

However recently 25 Nos Statistical Assistants have been up-graded to the post of Statistical Investigator BPS-16 with out bearing the criteria mentioned in the minutes quoted above. Though most of the Statistical Assistant are senior but they have not acquired the qualification of BA/BSc. Where as I am also holding the post of Statistical Assistant and having qualification of BA and thus qualified for the post of Statistical Investigator BPS-16 according to the prescribed rules & regulation approved by the competent forum.

In view of the fact, It is humbly requested that my application may kindly be honored and I may be up-graded to the post of Statistical Investigator I shall remain very thankful for this act of kindness please.


Mohammad Alam
Statistical Assistant O/O
Statistical Officer (CRS) Swat

29/10/2015

92

OFFICE OF THE STATISTICAL OFFICER (C.R.S) DISTRICT SWAT AT AMANKOT

No. 359 /S.O(CRS)Swat, Dated Amankot the 29/10 /2015.

Annexure
"G"

To,

The Director
Crop Reporting Services
Khyber Pakhtunkhwa Peshawar

Subject;- APPEAL AGAINST UP-GRADATION TO BPS-16

Memo;-

Enclosed please find herewith an appeal in original of Mr. Mohammad Alam Statistical Assistant of this office against up-gradation to BPS-16 for favour of further necessary action please.

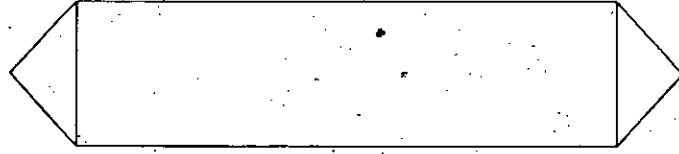
Statistical Officer
Crop Reporting Services (Agri;)
District Swat at Amankot

No. 360 /S.O(CRS)Swat,

Copy to Mr. Mohammad Alam Statistical Assistant for information please.

Statistical Officer
Crop Reporting Services (Agri;)
District Swat at Amankot

بعدالت سرورس ٹریڈینگز حیدرآباد



2 منجانب
محمد عمام بنام گوانٹ

مورخہ
مقدمہ
دعوی
جرم

سرورس ٹریڈینگز

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام پیش اور کیلئے ماسٹر محمد وسید مہدی کی علیٰ اللہ اللہ اللہ اللہ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی 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 التوا کے مقدمہ کے
سبب سے و ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Attested

۶

Accepted

Handwritten signature

2016

ماہ فروری

28

المرقوم

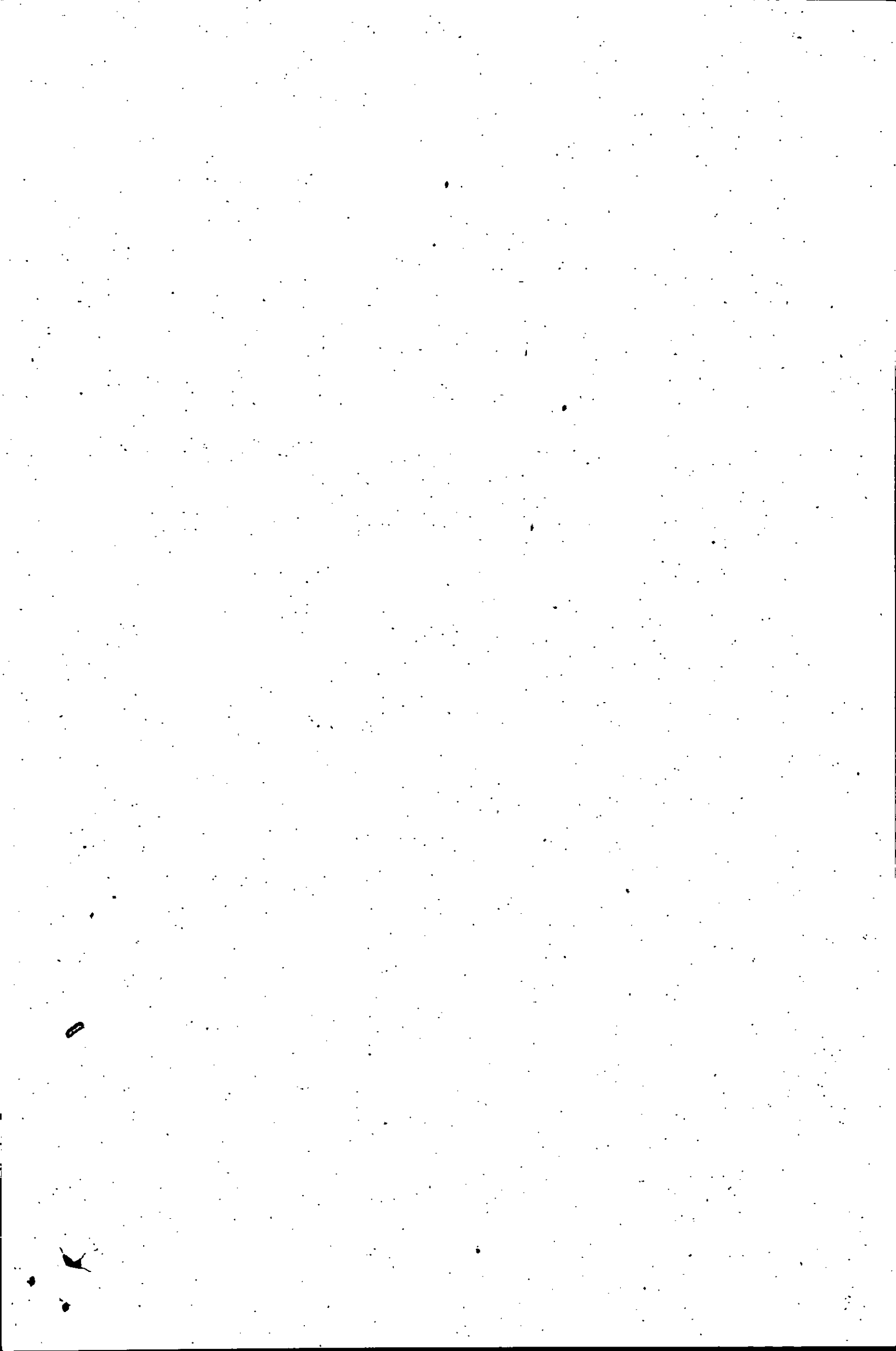
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العبد گواہ العبد

کے لئے منظور ہے۔

Handwritten signature

مقام



گفتاور جہاز چیلر میں مہاجب سرورس ٹرانسپورٹل چیلر ٹوٹو ٹوٹو المشاور

محمد عالم بٹاک سیکرٹری ٹو گورنمنٹ و پٹرہ

سرورس ایپل نمبر 166/2016

درخواست بھرا و اجازت دینے بابت جمع کرنے
سیکیورٹی بوجہ لیٹ پیون

16/05/2016
28.05.16

جناب عالی! مسائل حسب ذیل عرض دے رہا ہوں۔

۱۔ یہ ایپل بعنوان بالائی ایڈیٹریٹل اثر ایپل عد میں مورف $\frac{103}{2016}$ 03

کو برائے جواب منظور ہوئی اور جس میں آئندہ تاریخ پیشی مورف

$\frac{104}{2016}$ صفر ہے۔

۲۔ یہ کہ مسائل ایڈیٹریٹ سے رابطہ نہیں ہو سکا تھا۔ یہیں وجہ سے سیکیورٹی چھوڑنے

میں لیٹ ہو گیا۔

سزا سزا ہے کہ منظور کی درخواست ہذا
مسائل و سیکیورٹی چھوڑنے کے احکامات صادر فرمائیں

16/05/2016

سلطان ایڈیٹریٹ بڈریج داؤد خان ملک

تاریخ و پتہ

②

BEFORE THE HONORABLE SERVICE TRIBUNAL KPK, PESHAWAR

In Re: *Service Appeal no: 166/2016*

Muhammad Alam.....Appellant

Versus

Secretary Agriculture & others..... Respondents

REPLY TO THE APPLICATION OF PRIVATE RESPONDENT

Respectfully Sheweth:
Preliminary Objections:

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

On Facts

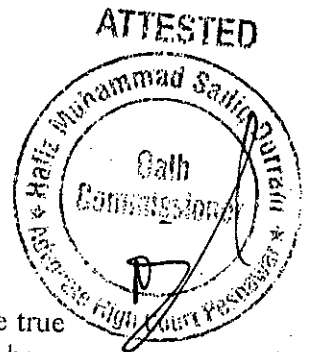
1. Para no.1 needs no reply.
2. In reply to Para-2 it is submitted that the captioned judgment is not related to the present case.
3. In reply to Para-3 it is submitted that the judgment of the august Supreme Court of Pakistan is binding only in those cases which are relevant to the controversy.

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

24 NOV, 2016

Through

M. Alam
Appellant
Nasir Mehmood
Nasir Mehmood Advocate,
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar.



AFFIDAVIT

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

Deponent *M. Alam*

BEFORE THE HONORABLE SERVICE TRIBUNAL KPK, PESHAWAR

In Re: *Service Appeal no: 166/2016*

Muhammad Alam.....Appellant

Versus

Secretary Agriculture & others..... Respondents

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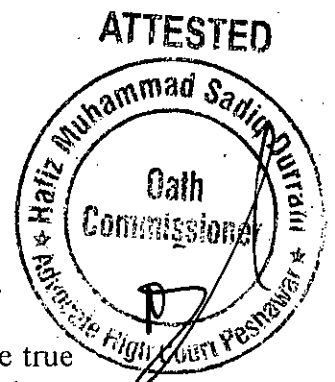
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24 NOV 2016

Through

M. Alam
Appellant
Nasir Mehmood
Nasir Mehmood Advocate,
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar.



AFFIDAVIT

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

Deponent *M. Alam*

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

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

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

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

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

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

...Appellants.

VS

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

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

...Respondents.

For the Appellants:

Mr Shahid Raza, ASC.
(in both Appeals)

For Respondent No.:

Mr Ijaz Anwar, ASC.

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


Date of hearing:

17.02.2016.

JUDGMENT

AMIR HANI MUSLIM, J. - These Appeals, by leave of the Court, are directed against common judgment dated 27.04.2010, passed by the Peshawar High Court, Peshawar, whereby the Writ Petitions filed by the

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

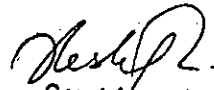
Respondents were disposed of with the direction to the Appellants to act according to law and to do what is required by the law to do within a minimum possible time.

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

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

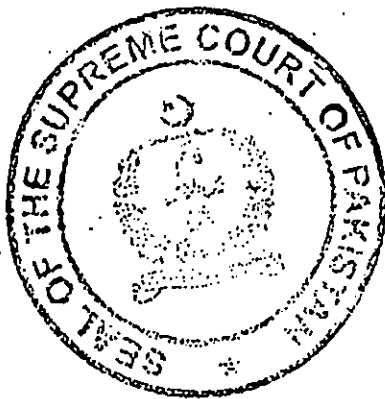
4. The learned Counsel for the Appellants has contended that the jurisdiction of the learned Peshawar High Court was barred under Article 212 (3) of the Constitution, as the issue of upgradation which was the subject matter of the Writ Petitions relates to the terms and conditions of

ATTESTED


Court Associate
Supreme Court of Pakistan

Inland Revenue and another vs. Muhammad Afzal Khan (Civil Appeal No.992 of 2014) has held that the issue relating to upgradation of civil servants can be decided by a High Court in exercise of its constitutional jurisdiction and bar contained under Article 212(3) of the Constitution would not be attracted. The policy of upgradation, notified by the Government, in no way, amends the terms and conditions of service of the civil servant or the Civil Servants Act and or the Rules framed there-under. ~~The Service Tribunals have no jurisdiction to entertain any appeal involving the issue of upgradation, as it does not form part of the terms and conditions of service of the civil servants.~~ The question in hand has already been answered by the aforesaid two judgments of this Court.

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



Sd/- Anwar Zaheer Jamali, HCJ
 Sd/- Mian Saqib Nisar, J
 Sd/- Amir Hani Muslim, J
 Sd/- Ejaz Afzal Khan, J
 Sd/- Mushir Alam, J

Certified to be True Copy

[Signature]
 Court Associate
 Supreme Court of Pakistan
 Islamabad

Islamabad the,
 17th February 2016.
Approved for reporting.
 Sohail**

8
 24.2.16

GR No: 3282/16 Civil/Criminal
 Date of Presentation: 22.2.16
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 No of Folios: 10
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 Court Fee Stamp: 12.00
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 Date of delivery of Copy: 29/2/16
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 Checked by: [Signature]

10

ایڈووکیٹ/دستخط
بارکوس ابار ایسوسی ایشن
رابطہ نمبر:

PESHAWAR BAR ASSOCIATION
PBA

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

53505

BEFORE HON'BLE JUDGE, SERVICE TRIBUNAL, PESHAWAR: بعدالت جناب:

<p>منجانب:</p> <p>Muhammad Alam Secretary to Government of KP Agriculture For Respondents (15 to 24)</p>	<p>دعوی: Service appeal موضوع: 24/5/16 جرم: تھانہ:</p>
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باعتبار آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام پشاور میں حضور انور ایدہ گیت صاحب کو وکیل 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 حالت و فیصلہ برہنہ دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق
زریں مدد منتظر کرنے کا اختیار ہوگا، نیز ضرورت ہر وی بناؤ گری، پیکر ف یا اہل کی برآمدگی اور منسوخ، نیز
دائر کرنے اہل نگرانی و پیروی کرنے کا مختار ہوگا اور ضرورت مقدمہ مذکورہ کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا سامنے ہر ذمہ منظور و قبول ہوگا دوران مقدمہ
میں جو خرچہ ہر جانب اتوائے مقدمہ کے حساب سے ہوگا وہ وکیل موصوف و وکیل کے کارہنہ ہوگا کوئی تاریخ پیشی مقام
دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی یا مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المقوم: 24/5/16

مقام پشاور کے لئے منظور ہے۔

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نوٹ: اس وکالت نامہ کی فیکس کاپی، تاحال قابل روٹی

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

IN RE: Service Appeal No. ____/201

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

APPELLANT

VERSUS

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

RESPONDENTS

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

Respectfully Sheweth,

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

(Copy of judgment is appended
as Annex-A)

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

1996-SCMR-284(c)

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

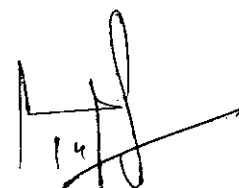
**----Arts. 189 & 190---Decision of
Supreme Court---Binding, effect of---
Extent--Law declared by Supreme Court
would bind all Courts, Tribunals and
bureaucratic set-up in Pakistan.**

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

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

Through

Dated: 26/7/2016



Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar.

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

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

Civil Appeals No.101 & 102-P of 2011.
(On appeal from judgment dated 27.04.2010, of the Peshawar High Court, Peshawar, passed in Writ Petitions No.205 of 2010 and 33 of 2009).

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

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

...Appellants.

VS

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

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

...Respondents.

For the Appellants: Mr Shahid Raza, ASC.
(in both Appeals)


For Respondent No.: Mr Ijaz Anwar, ASC.
1-8 in C.A.No.101-P/11
& for Respondents No.1-39
In C.A.No.102-P/11).

Date of hearing: 17.02.2016.

JUDGMENT

AMIR HANI MUSLIM, J. - These Appeals, by leave of the Court, are directed against common judgment dated 27.04.2010, passed by the Peshawar High Court, Peshawar, whereby the Writ Petitions filed by the

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad


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

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

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

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

ATTESTED


Court Associate
Supreme Court of Pakistan

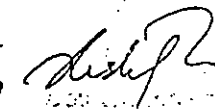
service of the Respondents and could not have been adjudicated upon by the High Court. He next contended that the terms and conditions of service of civil servants fall within the domain of the Service Tribunal, therefore, the impugned judgment was without jurisdiction.

5. As against this, the learned Counsel for the Respondents have contended that the issue of upgradation is not covered by the expression "terms and conditions of service" of a civil servant, therefore, the High Court has the jurisdiction to decide the issue.

6. We have heard the learned Counsel for the parties and have perused the record. The expression "upgradation" is distinct from the expression "Promotion", which is not defined either in the Civil Servants Act or the Rules framed thereunder, and is restricted to the post (office) and not with the person occupying it. The upgradation cannot be made to benefit a particular individual in term of promoting him to a higher post and further providing him with the avenues of lateral appointment or transfer or posting. In order to justify the upgradation, the Government is required to establish that the department needs re-structuring, reform or to meet the exigency of service in the public interest. In the absence of these pre-conditions, upgradation is not permissible.

7. The aforesaid definition of the expression "Upgradation" clearly manifests that it cannot be construed as promotion, but can be granted through a policy. In fact, this Court in the judgment titled as Ali Azhar Khan Baloch vs. Province of Sindh (2015 SCMR 456) and an unreported judgment of this Court passed in the case of Chief Commissioner

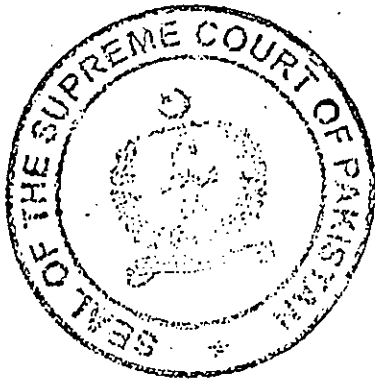
APPROVED



Supreme Court of Pakistan

Inland Revenue and another vs. Muhammad Afzal Khan (Civil Appeal No.992 of 2014) has held that the issue relating to upgradation of civil servants can be decided by a High Court in exercise of its constitutional jurisdiction and bar contained under Article 212(3) of the Constitution would not be attracted. The policy of upgradation, notified by the Government, in no way, amends the terms and conditions of service of the civil servant or the Civil Servants Act and or the Rules framed there-under. The Service Tribunals have no jurisdiction to entertain any appeal involving the issue of upgradation, as it does not form part of the terms and conditions of service of the civil servants. The question in hand has already been answered by the aforesaid two judgments of this Court.

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



Sd/- Anwar Zaheer Jamali, HCJ
Sd/- Mian Saqib Nisar, J
Sd/- Amir Hani Muslim, J
Sd/- Ejaz Afzal Khan, J
Sd/- Mushir Alam, J

Certified to be True Copy

[Signature]
Court Associate
Supreme Court of Pakistan
Islamabad

Islamabad the,
17th February 2016.

Approved for reporting.
Sohail**

3282/16
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