

Iqbal Zamin vs Govt

1378/2015

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.

Both the learned counsel for the parties referred to application filed by private respondents on 24.04.2016 for return of the appeal to the appellant for lack of jurisdiction in view of the recent judgment of the august Supreme Court of Pakistan in case entitled "*Regional Commissioner of Income Tax Company Zone, Income Tax Officer, Peshawar Vs. Syed Munawar Ali and others*" reported as 2016-SCMR-859.

Learned counsel for the appellant has got no objection on acceptance of this application in view of the latest decision as interpreted by the august Supreme Court of Pakistan as referred to above.

In view thereof the present appeal alongwith five other connected appeals No. 1379/2015, 1380/2015, 1381/2015, 85/2016 and 166/2016 are returned for lack of jurisdiction. The appellant may seek his remedy in the proper forum; if so advised, subject to all just exceptions. Parties are left to bear their own costs. File be consigned to the record room.


Member

ANNOUNCED

30.06.2017


Chairman

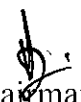
03.04.2017

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

26.7.2016

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


Chairman

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

21.12.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Crop Reporter (BPS-6) and was entitled to promotion as Statistical Investigator (BPS-16) on the basis of seniority-cum-fitness as the appellant was having the required qualification of B.A while respondents No. 1 and 2 promoted private respondents No. 3 to 24 despite the fact that they were not fit having no qualification of B.A vide impugned order dated 21.8.2015 where against appellant preferred departmental appeal on 31.8.2015 which was not responded and hence the instant service appeal on 10.12.2015.

That the appellant is entitled to promotion from BPS-6 to BPS-16 being fit and senior while private respondents No. 3 to 24 were not entitled to promotion lacking the prescribed qualification.

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 25.2.2016 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

25.02.2016

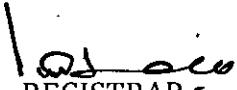

Counsel for the appellant and Addl: A.G for official respondents No. 1 and 2 present. Mr. Rizwanullah, Advocate on behalf of private respondents No. 3 to 24 also present and submitted Wakalat Nama as well as Special Power of attorney on their behalf. Requested for adjournment. To come up for written reply/comments on 25.4.2016 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1378/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10.12.2015	<p>The appeal of Mr. Iqbal Zain presented today by Mr. Nasir Mehmood 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	11-12-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>21-12-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.1378/2015

Iqbal Zarin Crop Reporter (BPS-6) Office of Crop Reporting Services
District Dir Lower at Timergara.....Appellant

Versus

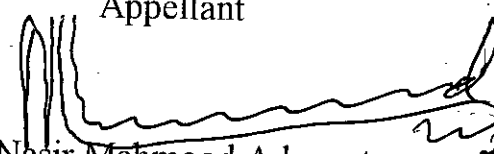
1. Secretary to Govt. of KPK Agriculture Livestock & Cooperative Dept.
KPK Peshawar and others.....Respodents

INDEX

S.No	Description of Documents	Annexure	Pages
1.	Grounds of Appeal with affidavit		1-4
2.	Copy of Educational Testimonials'	A	5
2.	Seniority List	B	6-8
3.	Copy of the Minutes of the Meeting	C	9-13
4.	Copy of the letter dt.12.08.2014	D	14-15
5.	Copy of the Up-Gradation notification dt.21.08.2015	E	16-19
6.	Copy of departmental appeal dated 31.08.2015	F	20
7.	Forwarding letter dt.31.08.2015	G	21
8.	Wakalat Nama		


Appellant

Through


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

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.....1378.....\2015

P.W.P. Province
Service Tribunal
Slary No 1437
dated 10-12-2015

Iqbal Zarin Crop Reporter (BPS-6) Office of Crop Reporting Services
District Dir Lower at Timergara..... 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, Office of the Statistical Officer, DIKhan. *Statistical investigator*
4. M. Raziq Shah, Office of the Statistical Officer, Swat. *st. invs*
5. Mehtaj Ali, Office of the Statistical Officer, (CRS), Kohat. *st. inv*
6. Bahrullah, Office of the Statistical Officer, (CRS), Charsadda. *st. inv*
7. Umar Daraz, Office of the Director, (CRS), HQ. *st. inv*
8. Hazrat Ali, Office of the Statistical Officer, (CRS), Mardan. *st. inv*
9. Hidayatullah, Office of the Statistical Officer, (CRS), Abbottabad. *st. inv*
10. Sultan yousaf, Office of the Statistical Officer, (CRS), Dir Upper. *st. inv*
11. Said Wahid, Office of the Statistical Officer, (CRS), Swabi. *st. inv*
12. Khalid Khan, Office of the Statistical Officer, (CRS), Malakan. *st. inv*
13. Mir Alam, Office of the Statistical Officer, (CRS), Chitral. *st. inv*
14. Gul Rahman, Office of the Statistical Officer, (CRS), Lakki Marwat. *st. inv*
15. Rawaiz Khan, Office of the Statistical Officer, (CRS), Haripur. *st. inv*
16. Wazir Gul, Office of the Statistical Officer, (CRS), Batagram. *st. inv*
17. Gul Zaman, Office of the Statistical Officer, (CRS), Dir Lower. *st. inv*
18. Barkatullah, Office of the Statistical Officer, (CRS), Nowshera. *st. inv*
19. Asad Sohail, Office of the Statistical Officer, (CRS), Hangu. *st. inv*
20. Atta Hussain, Office of the Statistical Officer, (CRS), Tank. *st. inv*
21. Rahman Akber, Office of the Statistical Officer, (CRS), Kohistan. *st. inv*
22. Muhammad Ayub, Office of the Statistical Officer, (CRS), Karak. *st. inv*

10/12/15

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23. Sabaz Ali ^{St. investigator} Office of the Statistical Officer, (CRS), Bannu.
24. Abdur Rashid ^{St. 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 31.08.2015 filed by the appellant was unresponded thus the instant appeal.

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

Respectfully Sheweth;

1. That the appellant is serving as Crop Reporter in the respondents department having qualification of B.A. Copy of the educational testimonials and seniority list is attached as annexure-A and B.
2. That Up-Gradation Committee was constituted for the up-gradation of post of Crop Reporter \ Statistical Computers (BPS-5) to Statistical Investigator BPS-16 in Crop Reporting services department which held its meeting on 12.06.2013 and thereby 25 number of posts of Crop Reporter was recommended to be upgraded. 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 31.08.2015 (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.

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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 appellat departments practice has been adopted which is illegal.

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

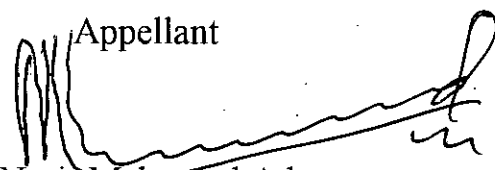
For the aforesaid reasons, it is therefore, respectfully prayed that on acceptance of this appeal order 21-08-2015 passed by respondent no.1 to the extent of respondent no.3 to 24 whereby they were upgraded illegally may be set-aside consequently appellat may be upgraded on the said post with all back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

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



Appellant

Through



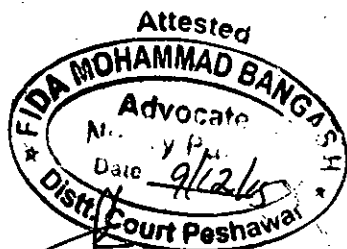
Nasir Mahmood Advocate,
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar.

Affidavit

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



Deponent



S
S
Annexure 'A'

University of Peshawar

(Pakistan)

Session ANNUAL 1996

and a student
SON OF ABDUL KARIM

of DISTRICT DIR having passed the prescribed examination
held in August, 1996, is this day admitted by the University of Peshawar
to the Degree of

Bachelor of Arts

in the SECOND Division.

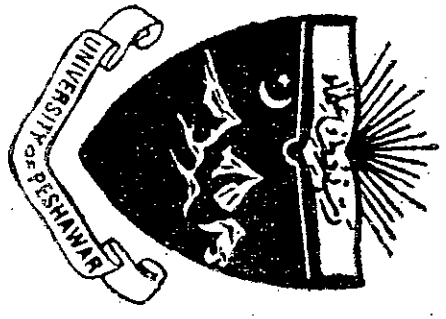
The Examination was taken as a whole / in parts.

Serial No: 030124

Registration No: 90-P/A-44871

Roll No. 89762

Result declared on MARCH 31, 1997



Alleg!

SHAMS-UD-DIN S.P.E.T
O.C.M.H.S Dir
Dir Upper

Fazli Haid
Registrar

Countersigned

M Q Khan
Vice-Chancellor

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Volume 1

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to the Editor

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DIRECTORATE OF CROP REPORTING SERVICES
AGRICULTURE DEPARTMENT, KHYBER PAKHTUNKHWA
ATF, Campus Jamrud Road, Peshawar. (Phone: 091-0241376 & Fax: 091-0241375)

OFFICE ORDER

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

S.#	Name of Official	Qualification	Date of Birth	Domicile	Date of 1st Appointment	Date of Promotion	Place of Posting
1	2	3	4	5	6	7	8
1	Ghulam Mustafa	SSC	6/4/1957	D.I.Khan	26-10-1978	26/10/1978	D.I.Khan
2	M. Raziq Shah	SSC	21/1/1957	Bunir	18-03-1979	18/03/1979	Bunir
3	Melhai Ali	SSC	25-03-1957	Peshawar	24-04-1974 as FAW	24/04/1980	Peshawar
4	Baharullah	SSC	28-03-1957	Charsadda	27-04-1980	27/04/1980	Charsadda
5	Umar Daraz	SSC	28-10-1959	Nowshera	30-04-1980 as FAW	26/05/1980	Peshawar
6	Mushafiq Hussain	B.A.	12/2/1958	Mansehra	5/8/1979 as FIA	15/09/1980	Mansehra
7	Tajmool Shah	SSC	5/5/1955	Mardan	8/11/1980	8/11/1980	Mardan
8	Hazrat Ali	SSC	1/4/1962	Mardan	10/11/1980	10/11/1980	Mardan
9	Hidayat Ullah	SSC	1/4/1959	Charsadda	12/11/1980	12/11/1980	Charsadda
10	Sultan Yousof	SSC	12/6/1961	Mardan	12/11/1980	12/11/1980	Mardan
11	Said Wahid	SSC	3/3/1962	Swabi	12/11/1980	12/11/1980	Swabi
12	Behrooz Khan	M.A.	5/12/1950	Bunir	2/12/1980	2/12/1980	Bunir
13	Khalid Khan	SSC	28-04-1962	Mardan	30-12-1980	30/12/1980	Malakand
14	Mir Alam	SSC	3/10/1960	Charsadda	22-02-1981	22/02/1981	Charsadda
15	Akram Khan	B.A.	17-05-1956	Peshawar	3/3/1981	3/3/1981	Peshawar
16	Gul Rehman	SSC	14-4-1958	Mardan	25.7.1981	25/07/1981	Malakand
17	Ravaliq Khan	SSC	1/4/1962	Swabi	25.7.1981	25/07/1981	Swabi
18	Wazir Gul	SSC	1/5/1959	Charsadda	28-07-1981	28/07/1981	Charsadda
19	Gul Zaman	SSC	15-05-1957	Mardan	18-11-1978 as N/O	4/9/1981	Timergara
20	Barrat Ali	F.A.	1/5/1962	Nowshera	16-01-1982	16/01/1982	Nowshera
21	Asad Sohail	SSC	14-08-1964	Kohat	1/2/1982	1/2/1982	Kohat
22	Atta Hussain Shah	SSC	12/4/1954	D.I.Khan	31-10-1978 as FAW	28/04/1982	D.I.Khan
23	Raham Akbar	F.A.	8/2/1964	Charsadda	28-08-1982	28/08/1982	Charsadda
24	Muhammad Arab	F.A.	5/3/1959	Karak	09-05-1979 as FAW	7/10/1982	Karak
25	Sabaz Ali	SSC	11/12/1964	Peshawar	11/10/1982	11/10/1982	Peshawar
26	Abdul Rashid	SSC	8/1/1962	Mardan	1.2.1982	1/2/1982	Mardan
27	Ghafoor Rehman	SSC	13-12-1960	Mardan	17-05-1983	17/05/1983	Mardan
28	M. Zanir Shah	SSC	10/5/1961	Nowshera	28-08-1983	28/08/1983	Nowshera
29	Abdul Mohi Khan	SSC	19/6/1964	L.Marwat	12/11/1983	12/11/1983	L.Marwat
30	Abdul Anwar	SSC	23-12-1964	Bannu	11/2/1984	11/2/1984	Bannu
31	M. Yousof Wali	F.A.	28-03-1964	Malakand	1/4/1984	1/4/1984	Malakand
32	Anwar Ullah	SSC	2/1/1963	Ratlogram	27-07-1984	27/07/1984	Ratlogram
33	M. Yousof Noor	SSC	13-05-1960	Abbottabad	1/9/1984	1/9/1984	Abbottabad
34	Nisar Ahmed	SSC	20-06-1966	Haripur	1/9/1984	1/9/1984	Haripur
35	Javed Khan	F.A.	28-04-1964	Mansehra	2/9/1984	2/9/1984	Mansehra
36	Akhtar Munir	SSC	3/1/1963	L.Marwat	12/9/1984	12/9/1984	L.Marwat
37	Muhammad Hanif	SSC	2/3/1964	D.I.Khan	16-09-1984	16/09/1984	D.I.Khan
38	Rab Nawaz	SSC	22-09-1961	D.I.Khan	17-09-1984	17/09/1984	D.I.Khan
39	Mahj Ud Din	SSC	12/1/1964	D.I.Khan	17-09-1984	17/09/1984	D.I.Khan
40	Ghulam Noman	SSC	30-12-1959	D.I.Khan	18-09-1984	18/09/1984	D.I.Khan
41	Safiq Rehman	B.A.	30-3-1954	D.I.Khan	18-09-1984	18/09/1984	D.I.Khan
42	Muhammad Azhar	SSC	18-09-1964	D.I.Khan	18-09-1984	18/09/1984	D.I.Khan
43	Pir Adam	SSC	15-12-1961	L.Marwat	22-09-1984	22/09/1984	Bannu
44	Amin Khan	SSC	10/5/1965	L.Marwat	22-09-1984	22/09/1984	L.Marwat
45	Fazal Ahmad	SSC	10/2/1960	D.I.Khan	22-09-1984	22/09/1984	D.I.Khan

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Approved to be a true copy of the Original

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46	Burhan Ullah	B.A	20-03-1966	L.Marwat	01-10-1984	11/01/1984	L.Marwat
47	Muzah Khan	SSC	22/1/1966	L.Marwat	01-10-1984	11/01/1984	Swabi
48	Muhammad Riaz	SSC	17-11-1957	Swabi	21-5-1980 (Hulpor)	11/10/1984	Karak
49	Unair Farooq	SSC	5/4/1965	Karak	11-10-1984	13/10/1984	Mardan
50	Qasir Khan	M.A	10/1/1962	Mardan	13-10-1984	13/10/1984	Mardan
51	Najmat Khan	SSC	16-12-1961	Mardan	13-10-1984	13/10/1984	Mardan
52	Fayyaz Ullah	B.A	18-01-1965	Mardan	13-10-1984	13/10/1984	Mardan
53	Mohammad Riaz	SSC	13-5-1960	Abbottabad	18-12-1978	14/10/1984	Abbottabad
54	Nisar Khan	SSC	31-05-1964	Abbottabad	14-10-1984	14/10/1984	Abbottabad
55	Inayat Ullah No.1	SSC	1/4/1966	D.I.Khan	10-10-1984	16/10/1984	D.I.Khan
56	Asad Yvadood	SSC	14-05-1967	Kohistan	10-10-1984	16/10/1984	Kohistan
57	M. Iqbal No.1	SSC	13-04-1963	Mansehra	17-10-1984	17/10/1984	Mansehra
58	M. Shoukat	B.A	22/1/1963	Abbottabad	18-10-1984	18/10/1984	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	Mushtaq Ahmed	SSC	10/6/1957	Mansehra	5/11/1984	5/11/1984	Mansehra
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	Bashar Ahmed	SSC	13-04-1962	Chitral	15-11-1984	15/11/1984	Chitral
66	Aftab Hussain	SSC	15-03-1963	Chitral	17-11-1984	17/11/1984	Chitral
67	Muhammad Alam	F.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	Kiramat Ullah	B.A	20-01-1959	L.Marwat	10/12/1984	10/12/1984	L.Marwat
71	Syed Farooq Shah	B.A	2/2/1955	Kohat	11/12/1984	11/12/1984	Kohat
72	Inayat Ullah No.2	SSC	22-05-1961	D.I.Khan	10/1/1985	10/1/1985	D.I.Khan
73	Mehrdullah	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	1/5/1956	Mansehra?	26-01-1985	26/01/1985	Mansehra
76	Bakhshish	SSC	1/5/1956	Peshawar	28-01-1985	28/01/1985	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	3/3/1959	D.I.Khan	21-03-1985	21/03/1985	Tank
80	Abdullah Khan	SSC	3/5/1965	D.I.Khan	3/4/1985	3/4/1985	L.Marwat
81	Taseen Khan	SSC	2/2/1966	D.I.Khan	11/4/1985	11/4/1985	Tank
82	Raneem Ullah	SSC	7/2/1967	Mansehra	15-04-1985	15/04/1985	Mansehra
83	Muhammad Jamil	SSC	8/4/1965	Mardan	13-05-1985	13/05/1985	Mardan
84	Abdul Rauf	SSC	9/2/1965	L.Marwat	23-06-1985	23/06/1985	L.Marwat
85	Islam Shah	SSC	9/6/1965	Mardan	10/7/1985	10/7/1985	Mardan
86	Zafar Ullah	SSC	1/8/1962	Nowshera	24/02/1984 as J/C	21/08/1985	Nowshera
87	Iqbal Zarin	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	Akhtar Zaman	SSC	30-05-1958	Bannu	5/10/1985	5/10/1985	Bannu
90	Jan Mohammad	SSC	10/5/1965	Charsadda	6/11/1985	6/11/1985	Charsadda
91	Irshad Ur Rehman	SSC	20-06-1962	Nowshera	6/11/1985	6/11/1985	Nowshera
92	Hazrat Yousaf	SSC	1/1/1963	Nowshera	6/11/1985	6/11/1985	Dir Lower
93	Maqsood Anwar	SSC	6/5/1963	Dir Lower	18-02-1986	18/02/1986	Dir Lower
94	Daud Khan	SSC	6/5/1963	Abbottabad	25-2-1986	25/02/1986	Abbottabad
95	Syed Farooq Shah	B.A	9/4/1967	Abbottabad	1/3/1986	1/3/1986	D.I.Khan
96	Fareed Ullah Shah	SSC	15-01-1967	Mansehra	21-04-1986	21/04/1986	Mansehra
97	Inayat Ullah No.3	SSC	18-11-1961	Karak	15-06-1966	15/06/1986	Karak
98	Zulfiqar Ali	SSC	22-08-1965	Karak	1/10/1986	1/10/1986	Charsadda
99	Khurshid	SSC	9/2/1962	Charsadda	1/10/1986	1/10/1986	Mansehra
100	Wasim Pervez	B.A Eco.	1/4/1964	Mansehra	1/10/1986	1/10/1986	Mansehra
101	Muhammad Arif	D.com	6/5/1968	Mansehra	1/10/1986	1/10/1986	Mansehra
102	Mir Hussain Shah	B.A	10/3/1967	Mansehra	1/10/1986	1/10/1986	Mansehra
103	Jan Bahadar	SSC	10/4/1967	Mansehra	1/10/1986	1/10/1986	Mansehra
104	Rahman Gul	B.A	12/2/1969	Mansehra	1/10/1986	1/10/1986	Mansehra
105	Saeed Khan	B.A Eco.	11/10/1966	Mansehra	1/10/1986	1/10/1986	Mansehra
106	Yousaf Ali Shah	SSC	15-02-1962	Mansehra	1/10/1986	1/10/1986	Mansehra
107	Fakhri Azam	B.A	9/6/1968	Mansehra	1/10/1986	1/10/1986	Mansehra
108	Farhat Abass	B.A	27-02-1963	Mansehra	1/10/1986	1/10/1986	Mansehra
109	Muhammad Wali	F.A	1/4/1964	Mansehra	1/10/1986	1/10/1986	Mansehra

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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.	30.4.1986	Swat	18-01-2013	18/01/2013	Swat
236	Rizwan Ur Rehman	B.A.	30-04-1986	Mansehra	18-01-2013	18/01/2013	Mansehra
237	Ibrahim	B.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.	06.11.1992	D.I.Khan	09.05.2013	9/5/2013	D.I.Khan
242	Anjad 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

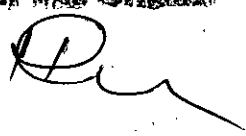
Encl: No.5141-74/SCRS
Dated Peshawar, the 31st December, 2014.

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	Anur Zahir	SSC	10/1/1969	Peshawar	1/4/1990	10/1/1990	D.I.Khan
111	Saleem Khan	SSC	6/2/1958	D.I.Khan	2/2/1991	20/1/1991	D.I.Khan
112	Muhammad Dawid	SSC	6/9/1963	Abbottabad	17/1/1991	17/1/1991	Abbottabad
113	Muhammad Israr	SSC	15-03-1969	Mansehra	1/3/1991	1/3/1991	Mansehra
114	Muhammad Nasir	F.A.	2/1/1972	Kohat	24.6.1992	14/1/1992	Kohat
115	M. Ramzan	SSC	1/1/1966	Tank	12/1/1993	12/1/1993	Tank
116	Mushlag Ahmed	SSC	15-01-1974	Tank	12/1/1993	12/1/1993	Tank
117	Izaf Khan	F.A.	1/4/1972	Tank	14.01.1993	14/01/1993	Tank
118	Shahid Nark Ahmed	B.A.	16-04-1972	Kohat	19-01-1993	19/01/1993	Kohat
119	Azam Khan	SSC	15-03-1970	Peshawar	20-01-1993	20/01/1993	Peshawar
120	Aika-ur Rehman	F.A.	7/8/1972	Tank	1/2/1993	1/2/1993	Tank
121	Alam Zeb	F.A.	22-10-1972	Peshawar	1/2/1993	1/2/1993	Peshawar
122	Sada Khan	SSC	20-08-1973	L.Marwat	3/7/1993	3/7/1993	Bannu
123	Tahseen Ullah	SSC	1/10/1974	D.I.Khan	13/9/1993	13/9/1993	D.I.Khan
124	Fariq Ahmed	SSC	18-10-1973	Tank	29/9/1993	29/9/1993	Tank
125	Liaqat Ali	SSC	12/6/1958	Swabi	18.10.1981 as S/K	10/1/1994 (R)	Mardan
126	Muhammad Anif	SSC	7/4/1958	Mardan	1.2.1981 as S/K	10/1/1994 (R)	Mardan
127	Fazli Amin	SSC	1/1/1962	Swabi	1.2.1981 as S/K	10/1/1994 (R)	Swabi
128	Abdul Hakim	B.A.	1/4/1963	Swabi	4.8.1982 as S/K	10/1/1994 (R)	Swabi
129	Muhammad Asif	SSC	15-03-1977	D.I.Khan	1/10/1995	1/10/1995	Hangu
130	Aman Ullah	B.A.	7/9/1971	Timergara	12/10/1995	12/10/1995	Timergara
131	Syed Muzamil Shah	B.A.	10/4/1975	Timergara	25-10-1995	20/10/1995	Timergara
132	Abdul Mobin	F.A.	20-08-1977	D.I.Khan	10/1/1996	10/1/1996	Tank
133	Shahid Iqbal	B.A.	27-07-1966	D.I.Khan	1/1/1998	1/9/1998	D.I.Khan
134	Shah Said	SSC	3/2/1968	Mardan	10.01.1984	1/7/2001	Dir Lower
135	Muhammad Naeem	B.A.	22/7/1968	Hangpur	29-06-1995	1/2/2002	Haripur
136	Abdul Basir	B.A.	1/7/1967	Mansehra	7/2/1965	21/3/2002	Mansehra
137	Muhammad Ijaz	B.A.	20-06-1962	Hangpur	12/7/1997	4/9/2002	Haripur
138	Nisar Khan	SSC	20-06-1973	Haripur	16-01-1994	3/1/2003	Haripur
139	Muhammad Saifur	SSC	10.10.1963	Swabi	04.12.1989 as S/K	27/08/2003	Swabi
140	Nafees-ud-Din	SSC	1/12/1975	Hangu	3/4/2004	3/4/2004	Hangu
141	Muhammad Ilyas	F.Sc.	24-02-1979	Peshawar	17/08/2004	17/08/2004	Hangu
142	Muhammad Ayaz	SSC	14-03-1968	Nowshera	1/2/1987	1/12/2006	Nowshera
143	Muhammad Riaz	SSC	12/3/1962	Hangpur	17/2/2006	1/7/2006	Hangpur
144	Muhammad Didar	SSC	12/8/1959	Mansehra	16/02/1978	1/7/2006	Mansehra
145	Said Habib	SSC	23-04-1959	Buner	28/05/1975	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	Ajmir Khan	SSC	9/2/1963	Buner	1/12/1981	1/7/2006	Buner
149	Muhammad Ramzan	SSC	1/4/1981	Charsadda	1/9/1982	1/7/2006	Charsadda
150	Abdul Latif	SSC	1/4/1966	D.I.Khan	1/8/1984	1/7/2006	D.I.Khan
151	Noor Ali Shah	SSC	1/7/1961	Dir Upper	17/07/1985	1/7/2006	Dir Upper
152	Ghulam Rasool	SSC	15-09-1967	D.I.Khan	1/10/1987	1/7/2006	D.I.Khan
153	Abdur Rehman	SSC	17-12-1964	Bunnu	9/1/1988	1/7/2006	Bunnu
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	Sajid Iqbal	F.A.	19-09-1967	Peshawar	15/06/1988	1/7/2006	Peshawar
157	Siraj Wani	SSC	1/1/1969	Swabi	5/7/1988	1/7/2006	Swabi
158	Miandad	SSC	18-03-1957	Charsadda	14/07/1988	1/7/2006	Charsadda
159	Hukam Khan	SSC	8/5/1970	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	1/4/1981	Nowshera	1/7/1989	1/7/2006	Nowshera
162	Kamal Khan	SSC	5/12/1967	Karak	10-08-1989	1/7/2006	Karak
163	Hamem ul Hussain	SSC	1/1/1970	Charsadda	1/12/1989	1/7/2006	Charsadda
164	Qamar Zaman	SSC	25-05-1968	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 Hadi	SSC	1/7/1968	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	Bunnu	26-04-1991	1/7/2006	Bunnu
171	Rais Ahmed	SSC	23-05-1972	D.I.Khan	16-12-1991	1/7/2006	D.I.Khan

1652 13/10/2017

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 Imliaz 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

Approved
Signature

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

PROPOSED SERVICE RULES

11

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 <li style="text-align: center;">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. <li style="text-align: center;">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)

Examine

PROPOSED CHARTER OF DUTIES

- i. Designation=Crop Reporter (BS-6)
 - a. Growers' Opinion Survey during sowing time to assess "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.

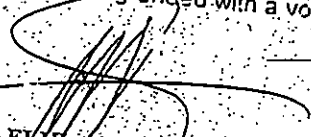
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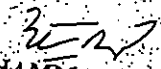
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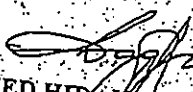
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- Growers' opinion survey on major crops.
 - Survey on Agricultural Machinery.
 - Harvest prices.
 - b. Preparation of Survey Forms for the Field Staff.
 - c. Preparation of 1st, 2nd and final estimates of Crops on the basis of data supplied by the 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.

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 (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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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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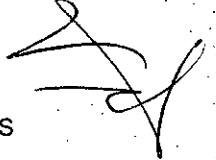


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against the higher post will have no bearing on actual promotion which will take place in due course of time.

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


DIRECTOR
CROP REPORTING SERVICES
KHYBER PAKHTUNKHWA
PESHAWAR



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



GOVERNMENT OF KHYBER PAKHTUNKHWA AGRICULTURE LIVESTOCK & COOPERATIVE DEPARTMENT

Dated Peshawar, the August, 2015

NOTIFICATION.

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

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

Table with 4 columns: Sr.NO., Names of incumbents, Sr.No., Name of incumbents. Lists 25 names of incumbents to be upgraded.

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

Table with 4 columns: Sr.NO., Name of incumbents, Sr.NO., Name of incumbents. Lists 28 names of incumbents to be upgraded.

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29.	Abdul Wadood	30.	Muhammad Iqbal No.1
31.	Niamat Khan	32.	Muhammad Shoukat
33.	Muhammad Iqbal No.2	34.	Gul Bahadar.
35.	Mushtaq Ahmad	36.	Sardar Ahmad
37.	Alam Saeed	38.	Qasim Khan
39.	Basher Ahmad	40.	Aftab Hussain
41.	Muhammad Alam	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.	Zulfqar Ali
19.	Khurshid	20.	Wasim Parvez
21.	Muhammad Arif	22.	Mir Hussain Shah
23.	Jan Bahadar	24.	Rehman Gul
25.	Saeed Khan	26.	Yoursaf Ali Shah
27.	Fakhari Azam	28.	Farhat Abbas
29.	Muhammad Wali	30.	Amir Zada
31.	Salim Khan	32.	Muhammad DAud
33.	Muhammad Israr	34.	Muhammad Nasir
35.	Muhammad Ramzan	36.	Mushtaq Ahmad
37.	Izzat Khan	38.	Shahid Nazir Ahmad
39.	Azam Khan	40.	Attaur Rehman
41.	Alam Zeb	42.	Sada Khan
43.	Tehseen Ullah	44.	Farid Ahmad
45.	Liaqat Ali	46.	Muhammad Arif
47.	Fazal Amin	48.	Abdul Hakim
49.	Muhammad Asif	50.	Amanullah
51.	Syed Muzamil Shah	52.	Abdul Mubin
53.	Shahid Iqbal	54.	Shah Said
55.	Muhammad Naeem	56.	Abdul Basir
57.	Muhammad Ijaz	58.	Nisar Khan
59.	Muhammad Safdar	60.	Nafeesud Din
61.	Muhammad Ilyas	62.	Muhammad Ayaz
63.	Muhammad Riaz	64.	Muhammad Dilder
65.	Syed Habib	66.	Abdur Rehman
67.	Nazeer Ahmad	68.	Ajmir Khan
69.	Muhammad Ramzan	70.	Abdul Latif

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(Signature)

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

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

Dated Peshawar, 12/08/2015

Copy forwarded for information and necessary action to:-

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

SECTION OFFICER (FR)
GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

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19.

Dated Peshawar, 21/08/2015

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

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.

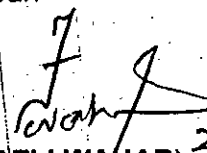

(DILAWAR KHAN)
SECTION OFFICER-ESTT

DIRECTORATE OF CROP REPORTING SERVICES, KHYBER PAKHTUNKHWA

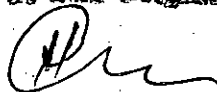
Endst: No. 4200-61 /DCRS
Dated Peshawar, the 26/08 /2015.

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.


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

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بخدمت جناب ڈائریکٹر کراپ رپورٹنگ سروسز خیبر پختونخواہ پشاور

بوساطت: سٹیٹسٹیکل آفسر کراپ رپورٹنگ سروسز ضلع دیر بالا

عنوان: محکمہ اپیل برائے (Up-gradation) بحیثیت سٹیٹسٹیکل

اسٹنٹ / سٹیٹسٹیکل انسپیکٹر

جناب عالی!

مودبانہ گزارش ہے کہ Up-gradation کمیٹی نے کراپ رپورٹر BPS-05 کی پوسٹ کو up-gradation میں ضروری دینے وقت (B.A) تعلیم کی شرط عائد کی تھی۔ اس طرح اسٹبائشمنٹ ڈپارٹمنٹ جنرل قانون کے مطابق کوئی بھی سرکاری ملازم کو BPS-16 میں یا اوپر up-gradation نہیں دی جاسکتی جب تک اس کی تعلیم B.A نہ ہو۔ لیکن محکمہ نے ان تمام اصولوں اور قوانین کو بالائے طاق رکھتے ہوئے BPS-5 کے میٹرک پاس ملازمین کو BPS-16 میں بحوالہ نوٹیفیکشن نمبر Endst. No. SOE(AD)23-13/2013/SCRS بتاریخ 21/08/2015 «کاپی منسلک ہے» میں ڈائریکٹ up-gradation دے دی۔ جو کہ حد گریجویٹ کراپ رپورٹرز کے ساتھ انتہائی ناانصافی ہے۔ اسلئے آپ صاحبان سے گزارش ہے کہ ہماری ساتھ انصاف کیا جائے اور من پسند کراپ رپورٹرز کی بجائے up-gradation کمیٹی کے سفارشات کے مطابق ہم B.A پاس کراپ رپورٹرز کو جائز حق دلائے ہوئے میری up-gradation BPS-16 میں کی جائے۔ جس کیلئے میں انتہائی مشکور رہوں گا۔

العارض

حیدر

احمال زویں کراپ رپورٹر محکمہ کراپ رپورٹنگ سروسز

ضلع دیر بالا

21

Annexure "G" (مکملہ)

OFFICE OF THE STATISTICAL OFFICER DIR LOWER AT TIMERGARA.

To

Hon:
The Director,
Crop Reporting Services,
Khyber pukhtonkhwa Peshawar.

APEAL FOR UP-GRADATION

Memo:- Enclosed please find here with applications in original are sent in respect of Mr, iqbal zarin, Mr, Saeed khan, Mr, Amanullah and Mr, Syed Muzamilshah cropreporters for the up-gradation of Statistical Asistant/Statistical Investigator for information further necessary action please.

NO-335 /so,(CRS) DIR LWOER DATED 31/8 /2015

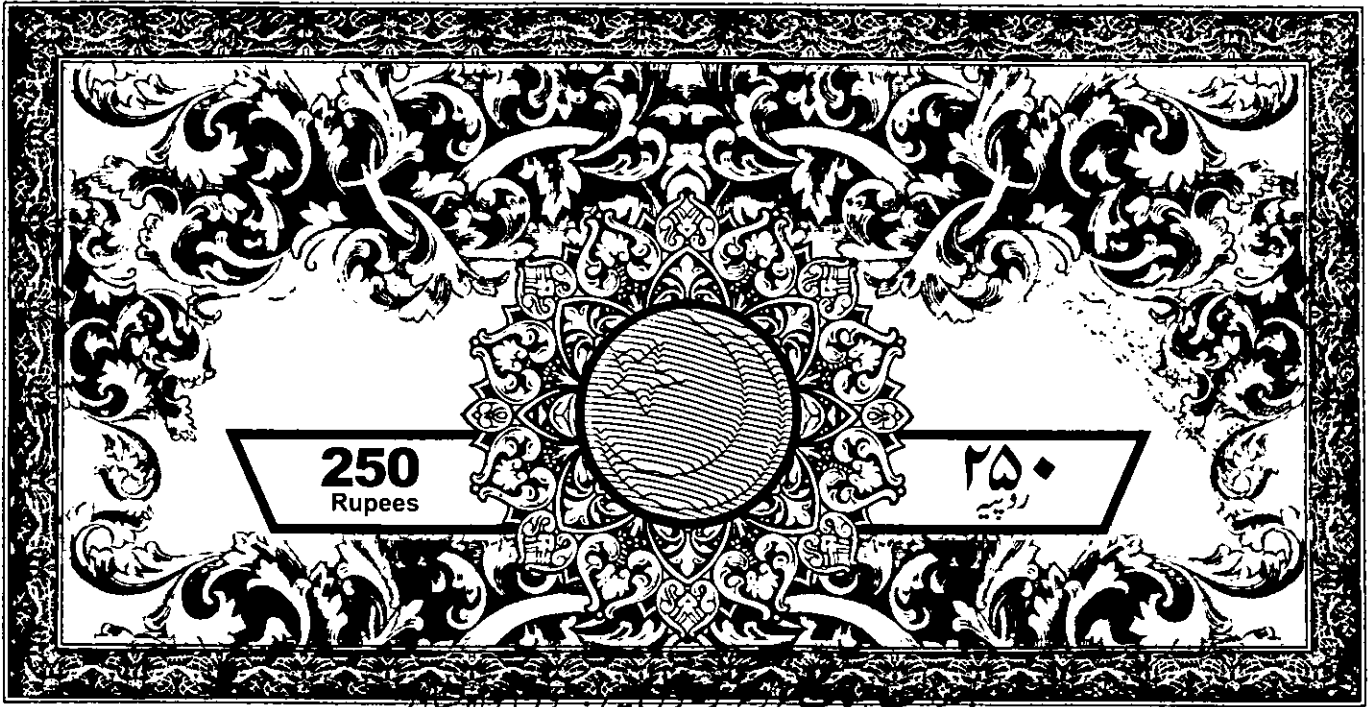
[Signature]
STATISTICAL OFFICER
CROP REPORTING SERVICES
DISTT:DIR LOWER AT TIMERGARA

[Signature]
23/9/15

[Signature]
23/9/15

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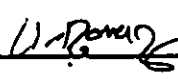
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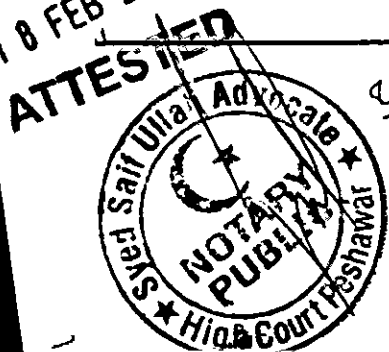
اقبال زرین خان وغیرہ بنام سیکٹری گورنمنٹ لائیو اسٹاک اینڈ کوآپریٹو ڈیپارٹمنٹ

مختیار نامہ خاص برائے بیروی مقدمہ

مایانکہ (1) غلام مصطفیٰ خان ولد محمد عاشق خان ساکن موسیٰ زئی شمالی کلاچی ضلع ڈیرہ اسماعیل خان (2) عطاء حسین شاہ ولد سید سونا شاہ ساکن رگپور شمالی تحصیل پہاڑ پور ضلع ڈیرہ اسماعیل خان کے ہیں۔ درینوقت بقائمی عقل و ہوش و حواس خمسہ و بلا ترغیب غیرے کے اقرار کر کے لکھ دیتے ہیں، کہ ہم مقرران کا ایک عدد مقدمہ بعنوان "اقبال زرین وغیرہ بنام سیکٹری گورنمنٹ لائیو اسٹاک اینڈ کوآپریٹو ڈیپارٹمنٹ" بعدالت جناب سر سزٹر پیوٹل خیبر پختون خواہ پشاور زیر تجویز ہے، جس میں ہم مقرران بطور مدعا علیہم نمبر 20,3 گردانے گئے ہیں۔ چونکہ ہم مقرران بوجہ دیگر مصروفیات مقدمہ ہذا بیروی کرنے سے اصالتاً قاصر ہیں۔ لہذا اپنی جانب سے میاں عمر دراز ولد میاں یعقوب خان ساکن محلہ میاں گان ترخہ تحصیل ضلع نوشہرہ کو اپنا مختیار خاص مقرر کر کے اختیارات دیتے ہیں، کہ مختیار موصوف ہماری جانب سے ہماری غیر موجودگی مقدمہ عنوان بالا کی بیروی بذات خود و دستخط خود کرے۔ ہر تارتخ پر پیش ہووے۔ وکیل یا بیرسٹریا بیرسٹریٹ لاء مقرر کرے۔ وکالت نامہ دیوے۔ وکالت نامہ دستخط کرے۔ دعویٰ، جواب دعویٰ، جواب الجواب ترمیمی عرضی دعویٰ داخل عدالت حضور کرے۔ بیان دے۔ بیان حلفی دے۔ شہادت ریکارڈ کرے۔ اپیل کرے۔ نگرانی کرے۔ نظر ثانی کرے۔ گواہان پیش کرے۔ خرچہ گواہان داخل کرے۔ تائید و تردید و تصدیق کرے۔ راضی نامہ کرے۔ راضی نامہ پیش کرے۔ تالش کرے۔ ثالث مقرر کرے۔ سرسبزی کرے۔ اجراء کرے۔ اجراء داخل کرے۔ یکطرفہ کاروائی کیلئے درخواست دیوے۔ غرضیکہ جہاں جہاں ہم مقرران کی ذات و دستخطوں کی ضرورت ہو، مختیار موصوف ہر قسم کاروائی بذات خود و دستخط کرے۔ مختیار موصوف کا جملہ ساختہ پرداختہ ہمیں مثل کردہ ذات خود کے قبول و منظور ہوگا۔ لہذا یہ مختیار نامہ خاص برائے بیروی مقدمہ سنداً تحریر ہے۔ البرقوم۔ 18/02/2016

 غلام مصطفیٰ خان (اختیار دہندہ)	 عطاء حسین شاہ (اختیار دہندہ)	 میاں عمر دراز (اختیار گر ہندہ)
12102-8883351-7	12103-1472976-9	17201-3316453-3

18 FEB 2016

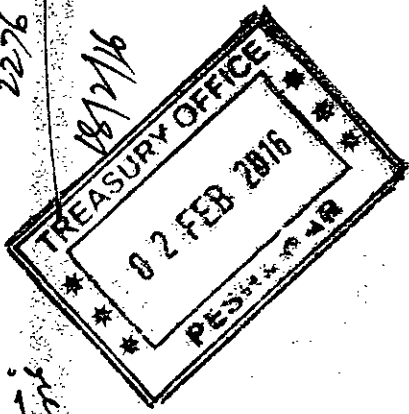


واہ ش
 روپڑوان ولد محمد الزمان مسکنہ آدنیہ
 ضلع ہراتی تحصیل ٹلار
 16202-1337723-5

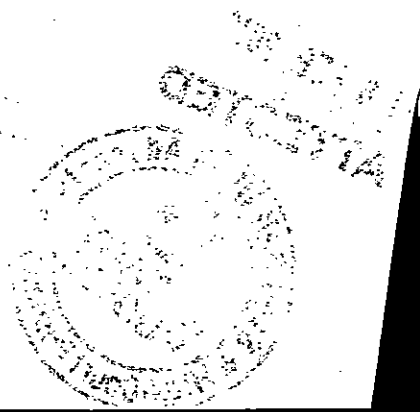
واہ ش
 رحم اکبر ملہ فضل اکبر مسکنہ میرانگ شینگ
 سنند ضلع دادسہ
 17101-9073777-3

2276
18/2/16

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VAKALATNAMA

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

Service appeal No: 1378/2015

Jagbal Larin

APPELLANT
PETITIONER

VERSUS

Secretary Agriculture and others -

RESPONDENTS

I Umar Dhal (Respondent No. 7) do hereby appoint M. Asim Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me as my Counsel / Advocate in the above noted matter, without any liability for his default and with the authority to engage / appoint any other Advocate/Counsel on my costs.

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

Dated: 25/2/2016

U Dhal
CLIENT

Asim

Approved & Accepted

Asim

Muhammed Asim
Advocate

VAKALATNAMA

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

Service Appeal No. 1378 /2015

Iqbal Zarin

APPELLANT / PETITIONER

VERSUS


Secretary Agriculture & others.

RESPONDENTS

I Abdul Rashid (Respondent No. 4) do hereby appoint Rizwanullah, Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me as my Counsel / Advocate in the above noted matter, without any liability for his default and with the authority to engage / appoint any other Advocate/Counsel on my costs.

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

Dated: 23 / 12 /2016



CLIENT

Approved & Accepted



MR. RIZWANULLAH
Advocate High Court

BEFORE THE HONORABLE SERVICE TRIBUNAL KPK, PESHAWAR

In Re: *Service Appeal no 1378/2015*

Iqbal ZarinAppellant

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.

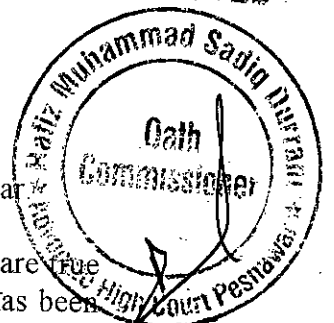
24 NOV 2016

Through

Appellant

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

ATTESTED



AFFIDAVIT

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

Deponent

Nasir Mehmood

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

IN RE: Service Appeal No.1378/2015

1. Iqbal Zarin 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 **Articles 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 of

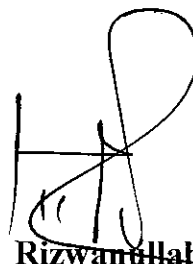
**---Arts. 189 & 190---Decision of
Supreme Court---Binding, effect of---
Extent--Law declared by Supreme Court
would bind all Courts, Tribunals and
bureaucratic set-up in Pakistan.**

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: 24/4/2016



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

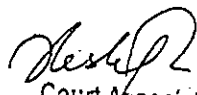
Respondents were disposed of with the direction to the Appellants to act according to law and to do what is required by the law to do within a minimum possible time.

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

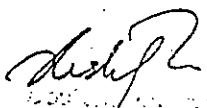
service of the Respondents and could not have been adjudicated upon by the High Court. He next contended that the terms and conditions of service of civil servants fall within the domain of the Service Tribunal, therefore, the impugned judgment was without jurisdiction.

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.

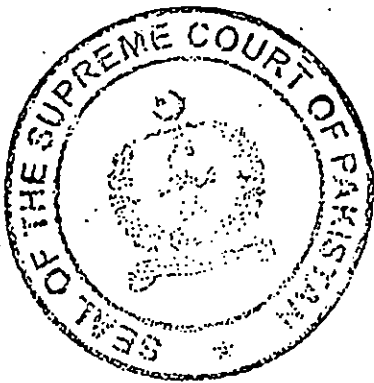
7. The aforesaid definition of the expression "Upgradation" clearly manifests that it cannot be construed as promotion, but can be granted through a policy. In fact, this Court in the judgment titled as Ali Azhar Khan Baloch vs. Province of Sindh (2015 SCMR 456) and an unreported judgment of this Court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

A. R. SHER


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

Court Associate
Supreme Court of Pakistan
Islamabad

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

24.2.16

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