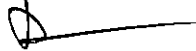


24.11.2016

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



(ABDUL LATIF)  
MEMBER



(MUHAMMAD AAMIR NAZIR)  
MEMBER

03.04.2017

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

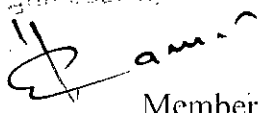


Chairman

10. 30.06.2017

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

Wide 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

24.05.2016

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

  
Chairman

26.7.2016

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

  
Chairman

BEFORE THE HONORABLE SERVICE TRIBUNAL KPK, PESHAWAR

In Re: *Service Appeal no: 1381/2015*

*Muzamil Shah* ..... 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 costs.

Through

Appellant

*Mus*  
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

*Muzamil Shah*

21.12.2015

Appellant Deposited  
Security & Process Fee

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.

  
Chairman

25.02.2016



Counsel for the appellant and Addl: A.G for official respondents No. 1 and 2 present. 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. 1381/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10.12.2015	The appeal of Mr. Muzamil Shah presented today by Mr. Nasir Mehmood Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.   REGISTRAR
2	11-12-15	This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>21-12-15</u> .   CHAIRMAN

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO ~~138~~ 2015

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

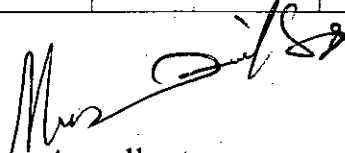
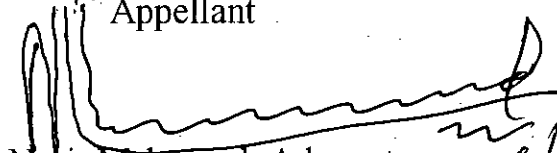
Versus

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

INDEX

S.No	Description of Documents	Annexure	Pages
1.	Grounds of Appeal with affidavit		1-4
2.	Copy of Educational Testimonials'	A	5
2.	Seniority List	B	6-9
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.	Forwarding letter dt.31.08.2015	G	22
8.	Wakalat Nama		

Through

  
Appellant  
  
Nasir Mahmood Advocate,  
Supreme Court of Pakistan  
13-D Haroon Mansion Peshawar.  
Mob.No.0333-9176275  
9/12

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO...1381.....\2015

A.W.P. Province  
Service Tribunal  
Slary No. 1436  
Gated 10-12-2015

Muzamil Shah 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, <sup>Statistical Investigator</sup> Office of the Statistical Officer, DIKhan.
4. M. Raziq Shah, <sup>SPS. MVS</sup> Office of the Statistical Officer, Swat.
5. Mehtaj Ali, <sup>ST. MV</sup> Office of the Statistical Officer, (CRS), Kohat.
6. Bahrullah, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Charsadda.
7. Umar Daraz, <sup>ST. INV</sup> Office of the Director, (CRS), HQ.
8. Hazrat Ali, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Mardan.
9. Hidayatullah, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Abbottabad.
10. Sultan yousaf, <sup>ST. MV</sup> Office of the Statistical Officer, (CRS), Dir Upper.
11. Said Wahid, <sup>ST. MV</sup> Office of the Statistical Officer, (CRS), Swabi.
12. Khalid Khan, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Malakan.
13. Mir Alam, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Chitral.
14. Gul Rahman, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Lakki Marwat.
15. Rawaiz Khan, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Haripur.
16. Wazir Gul, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Batagram.
17. Gul Zaman, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Dir Lower.
18. Barkatullah, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Nowshera.
19. Asad Sohail, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Hangu.
20. Atta Hussain Shah, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Tank.
21. Rahman Akber, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Kohistan.
22. Muhammad Ayub, <sup>ST. INV</sup> Office of the Statistical Officer, (CRS), Karak.

10/12/15

2

*Statistical investigator*

23. Sabaz Ali, Office of the Statistical Officer, (CRS), Bannu.

24. Abdur Rashid, <sup>ST. investigator</sup> 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.



5

Annexure "A"

No 085790

# UNIVERSITY OF PESHAWAR

(PAKISTAN)



VERIFIED AND FOUND CORRECT

## DETAILED MARKS CERTIFICATE

Roll No 8579

Asstt. Controller (Secrecy)  
University of Peshawar

B.A. PART-II EXAMINATION, 1998 (Annual/Supplementary)

Mr. / Ms. Syed Muzamil Shah  
Certified that the candidate secured the following marks and is placed in 2nd Division.

SUBJECTS	MARKS OBTAINED		
	MAXIMUM	IN FIGURES	MARKS IN WORDS
1. English ✓	75	24	Twenty four ✓
2. Pashto ✓	75	35	Thirty five ✓
3. Islamic Studies ✓	75	51	Fifty one ✓
4. Pakistan Studies ✓	40	25	Twenty five ✓
B.A. Part-I marks	285	164	
<b>TOTAL</b>	550	299	Two hundred & ninety nine ✓

Errors & omissions are subject to subsequent rectification.

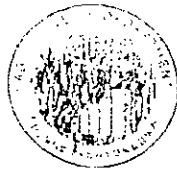
The Examination was taken as a WHOLE / IN-PARTS

RESULT DECLARATION DATE 28 DEC 1998

DATE \_\_\_\_\_

CONTROLLER OF EXAMINATIONS  
UNIVERSITY OF PESHAWAR

Attested  
i Ahmad  
IFTIKHAR AHMAD  
C.T, BPS-16 GHS, No 1  
D/Allahabad Dist: Mkd:



6 Annexure "B"

**DIRECTORATE OF CROP REPORTING SERVICES**  
**AGRICULTURE DEPARTMENT, KHYBER PAKHTUNKHWA**  
 ATTI, Campus Jinnah Road, Peshawar. (For all correspondence)  
 Phone Number: 091-2214376 (3 Lines) Fax: 091-2214376

**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 31<sup>st</sup> 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	Ghulam Mustafa	SSC	6/4/1957	D.I.Khan	26-10-1978	26/10/1978	D.I.Khan
2	M. Raziq Shah	SSC	2/1/1957	Bunir	18-03-1979	18/03/1979	Bunir
3	Mehal Ali	SSC	25-03-1957	Peshawar	24-04-1974 as FAW	24/04/1980	Peshawar
4	Bahzullah	SSC	28-03-1957	Charsadda	27-04-1980	27/04/1980	Charsadda
5	Umar Daraz	SSC	29-10-1959	Nowshera	30-04-1980 as FAW	25/05/1980	Peshawar
6	Mushtaq 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	1/4/1959	Mardan	10/11/1980	10/11/1980	Mardan
9	Hidayat Ullah	SSC	1/4/1959	Charsadda	12/11/1980	12/11/1980	Charsadda
10	Sultan Yousaf	SSC	12/8/1961	Mardan	12/11/1980	12/11/1980	Mardan
11	Said Wani	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	3/2/1981	3/2/1981	Peshawar
16	Gul Rahman	SSC	14-4-1958	Mardan	25-7-1981	25/07/1981	Malakand
17	Ravali 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 NKO	4/9/1981	Timergara
20	Sarfaraz Ak	F.A	1/5/1962	Nowshera	15-01-1982	16/01/1982	Nowshera
21	Asad Sohail	SSC	14-08-1964	Kohat	1/2/1982	1/2/1982	Kohat
22	Ata Hussain Shah	SSC	12/4/1954	D.I.Khan	31-10-1978 as FAW	28/04/1982	D.I.Khan
23	Rahim Akber	F.A	8/2/1964	Charsadda	28-08-1982	28/08/1982	Charsadda
24	Muhammad Ayub	F.A	5/3/1959	Karak	09-05-1979 as 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. Zahir Shah	SSC	10/5/1951	Nowshera	30-05-1983	29/08/1983	Nowshera
29	Abdul Maki Khan	SSC	10/8/1964	L.Marwat	12/11/1983	12/11/1983	L.Marwat
30	Abdul Anwar	SSC	20-12-1964	Bannu	11/2/1984	11/2/1984	Bannu
31	M. Yousaf No.1	F.A	26-03-1964	Malakand	1/4/1984	1/4/1984	Malakand
32	Amran Ullah	SSC	2/1/1963	Balagram	27-07-1984	27/07/1984	Balagram
33	M. Yousaf No.2	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	Ahmad Memon	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	Mahi Da Da	SSC	12/1/1964	D.I.Khan	17-09-1984	17/09/1984	D.I.Khan
40	Ghulam Rasool	SSC	20-12-1965	D.I.Khan	18-09-1984	18/09/1984	D.I.Khan
41	Sardar Nannan	B.A	30-01-1964	D.I.Khan	18-09-1984	18/09/1984	D.I.Khan
42	Muhammad Azhar	SSC	16-09-1964	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	L.Marwat
44	Amin Khan	SSC	10/5/1965	L.Marwat	22-09-1984	22/09/1984	L.Marwat
45	Fazil Anwar	SSC	10/2/1966	D.I.Khan	22-09-1984	22/09/1984	D.I.Khan

Attached to be a true  
 copy of the Original

*(Handwritten Signature)*

7

40	Burhan Ur Din	B.A	20-03-1966	L.Marwat	01-10-1984	11/02/1984	L.Marwat
41	Mirza Khan	SSC	20/10/1967	L.Marwat	21-5-1980 (Heldout)	11/10/1984	Swabi
42	Muhammad Riaz	SSC	17-11-1957	Swat	11/10/1984	11/10/1984	Karak
43	Umar Farooq	SSC	5/4/1965	Karak	13-10-1984	13/10/1984	Mardan
44	Qasim Khan	M.A	10/11/1962	Mardan	13-10-1984	13/10/1984	Mardan
45	Niamat Khan	SSC	16-12-1963	Mardan	13-10-1984	13/10/1984	Mardan
46	Faizullah	B.A	10-01-1965	Mardan	18-12-1978	14/10/1984	Abbottabad
47	Mehammad Riaz	SSC	13-5-1960	Abbottabad	14-10-1984	14/10/1984	Abbottabad
48	Nisar Khan	SSC	31-05-1964	Abbottabad	10-10-1984	16/10/1984	D.I.Khan
49	Inayat Ullah No.1	SSC	1/4/1966	D.I.Khan	10-10-1984	16/10/1984	Kohistan
50	Abdul Wasood	SSC	14-05-1967	Kohistan	10-10-1984	17/10/1984	Mansehra
51	M. Iqbal No.1	SSC	13-01-1963	Mansehra	18-10-1984	18/10/1984	Abbottabad
52	M. Shoukat	B.A	12/2/1952	Abbottabad	21-10-1984	21/10/1984	Karak
53	M. Iqbal No.2	SSC	2/4/1964	Karak	25-10-1984	25/10/1984	Swabi
54	Gul Bahadar	F.A	15-05-1965	Swabi	1/11/1984	1/11/1984	Mansehra
55	Mushtaq Ahmed	SSC	10/6/1957	Mansehra	4/11/1984	4/11/1984	Swabi
56	Sardar Ahmed	F.A	4/4/1963	Swabi	6/11/1984	6/11/1984	Karak
57	Alam Saeed	SSC	20-03-1964	Karak	14-11-1984	14/11/1984	Malakand
58	Qasim Khan	SSC	18-01-1950	Malakand	15-11-1984	15/11/1984	Chitral
59	Basher Ahmed	SSC	13-04-1962	Chitral	17-11-1984	17/11/1984	Chitral
60	Aftab Hussain	SSC	15-03-1962	Chitral	18-11-1984	18/11/1984	Swat
61	Muhammad Alam	E.A	1/5/1964	Swat	19-11-1984	19/11/1984	Malakand
62	Maz Ullah	SSC	20-01-1961	Malakand	22-11-1984	22/11/1984	Karak
63	Surat Ur Rehman	SSC	1/5/1965	Karak	10/12/1984	10/12/1984	L.Marwat
64	Kiramat Ullah	B.A	20-01-1959	L.Marwat	11/12/1984	11/12/1984	Kohat
65	Sofia Hussain Shah	E.P	2/9/1955	Kohat	10/1/1985	10/1/1985	D.I.Khan
66	Inayat Ullah No.2	SSC	22-05-1961	D.I.Khan	10/1/1985	10/1/1985	L.Marwat
67	Mehrdullah	SSC	6/1/1967	L.Marwat	20-01-1985	20/01/1985	Malakand
68	M. Yousaf No.2	F.A	10/3/1965	Malakand	26-01-1985	26/01/1985	Mansehra
69	Sohail Ahmed	F.A	1/5/1966	Mansehra	28-01-1985	28/1/1985	Peshawar
70	Bakhshish	SSC	1/5/1956	Peshawar	28-01-1985	28/01/1985	Mardan
71	Imtiaz Ahmed	F.A	15-09-1958	Mardan	28-01-1985	28/01/1985	D.I.Khan
72	Aman Din	SSC	4/2/1961	D.I.Khan	2/3/1985	2/3/1985	Tank
73	Misal Khan	F.A	3/3/1960	D.I.Khan	21-03-1985	21/03/1985	Tank
74	Abdullah Khan	SSC	3/5/1965	D.I.Khan	3/4/1985	3/4/1985	L.Marwat
75	Taseen Khan	SSC	2/2/1966	D.I.Khan	11/4/1985	11/4/1985	Tank
76	Raneem Ullah	SSC	7/2/1967	Mansehra	15-04-1985	15-04-1985	Mansehra
77	Muhammad Jamil	SSC	8/4/1965	Mardan	13-05-1985	13/05/1985	Mardan
78	Abdul Rauf	SSC	9/2/1966	Mardan	23-06-1985	23/06/1985	L.Marwat
79	Islam Shah	SSC	9/6/1965	Mardan	10/7/1985	10/7/1985	Mardan
80	Zafar Ullah	SSC	1/8/1962	Nowshera	24/02/1984 as JIC	21/08/1985	Nowshera
81	Iqbal Zarin	B.A	10/6/1963	Upper Dir	31/8/1985	31/08/1985	Upper Dir
82	Ali Gohar	SSC	12/9/1961	Nowshera	5/10/1985	5/10/1985	Peshawar
83	Akhtar Zaman	SSC	30-05-1958	Bannu	5/10/1985	5/10/1985	Bannu
84	Jan Mohammad	SSC	10/5/1965	Charsadda	6/11/1985	6/11/1985	Charsadda
85	Irshad Ur Rehman	SSC	20-06-1962	Nowshera	6/11/1986	5/11/1986	Nowshera
86	Hazrat Yousaf	SSC	1/11/1963	Dir Lower	18-02-1986	18/02/1986	Dir Lower
87	Masood Anwar	SSC	8/5/1963	Abbottabad	25-2-1986	25/02/1986	Abbottabad
88	Daud Khan	SSC	6/5/1963	D.I.Khan	1/3/1986	1/3/1986	D.I.Khan
89	Syed Farooq Shah	B.A	9/4/1967	Mansehra	21-04-1986	21/04/1986	Mansehra
90	Fareed Ullah Shah	SSC	15-01-1957	Karak	15-06-1986	15/06/1986	Karak
91	Inayat Ullah No.3	SSC	18-11-1961	Charsadda	1/10/1986	1/10/1986	Charsadda
92	Zulfqar Ali	SSC	22-08-1965	Mansehra	1/10/1986	1/10/1986	Mansehra
93	Khurshid	SSC	9/2/1962	Mardan	1/11/1987	1/11/1987	Mardan
94	Wasim Pervez	B.A Eco:	1/4/1964	Abbottabad	24-01-1987	24/01/1987	Abbottabad
95	Muhammad Arif	D.com	6/6/1966	Nowshera	11/4/1987	11/4/1987	Nowshera
96	Mir Hussain Shah	B.A	10/3/1967	Chitral	7/11/1987	7/11/1987	Chitral
97	Jan Bahadur	SSC	10/4/1967	Bunri	18-06-1987	18/06/1987	Bunri
98	Rohman Gul	B.A	12/2/1969	Karak	4/11/1987	4/11/1987	Karak
99	Saeed Khan	B.A Eco:	11/10/1966	Lower Dir	22-11-1988	22/11/1988	Lower Dir
100	Yousaf Ali Shah	SSC	15-02-1962	Nowshera	22-09-1987	1/12/1988	Nowshera
101	Fakhan Azam	B.A	9/6/1968	Karak	21-12-1988	21/12/1988	Kohat
102	Fahat Abass	B.A	27-02-1968	D.I.Khan	11/2/1990	11/2/1990	D.I.Khan
103	Muhammad Wali	F.A	1/4/1964	Peshawar	1/5/1990	1/5/1990	Peshawar

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110	Amit Zafar	SSC	10/1/1969	Peshawar	14/1/1990	10/1/1991	
111	Galeem Khan	SSC	6/3/1968	D.I.Khan	2/2/1991	2/2/1991	D.I.Khan
112	Muhammad Usaid	SSC	6/9/1963	Abbottabad	1/3/1991	1/3/1991	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	24/6/1992	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	14-61-1993	14/6/1993	Tank
118	Shah Nazir Anwar	B.A	16-04-1972	Kohat	19-01-1993	19/01/1993	Kohat
119	Azam Khan	SSC	15-03-1970	Peshawar	26-01-1993	26/01/1993	Peshawar
120	Atta-Ur-Rehman	F.A	7/9/1972	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	Faiz Ahmed	SSC	18-10-1973	Tank	29/9/1993	29/9/1993	Tank
125	Uzgat Ali	SSC	12/6/1958	Swabi	18.10.1981 as S/K	18/10/1981 (R)	Mardan
126	Muhammad Anif	SSC	7/4/1958	Mardan	1.2.1981 as S/K	10/1/1984 (R)	Mardan
127	Fazil Amin	SSC	1/1/1962	Swabi	1.2.1981 as S/K	10/1/1984 (R)	Swabi
128	Abdul Hakim	B.A	1/4/1963	Swabi	4.9.1982 as S/K	10/1/1984 (R)	Swabi
129	Muhammad Asif	SSC	15-03-1977	D.I.Khan	1/10/1995	1/10/1995	Hangu
130	Anwar Ullah	B.A	7/9/1971	Timergara	12/10/1995	12/10/1995	Timergara
131	Abdul Mobin	F.A	20-08-1977	D.I.Khan	25-10-1995	29/10/1995	Tank
132	Shahid Iqbal	B.A	23-07-1966	D.I.Khan	1/1/1982	1/9/1998	D.I.Khan
133	Shah Saad	SSC	9/2/1968	Mardan	10.91.1984	1/7/2001	Dir Lower
134	Muhammad Naem	B.A	22/7/1968	Haripur	29-06-1995	1/2/2002	Haripur
135	Abdul Basir	B.A	1/7/1967	Mansehra	7/2/1985	2/13/2002	Mansehra
136	Muhammad Ijaz	B.A	20-06-1962	Haripur	12/7/1997	4/9/2002	Haripur
137	Nisar Khan	SSC	20-06-1973	Haripur	16-011-1994	3/1/2003	Haripur
138	Muhammad Saifur	SSC	10.10.1963	Swabi	04.12.1989 as J/C	27/08/2005	Swabi
139	Nafees-ud-Din	SSC	11/12/1975	Hangu	3/4/2004	3/4/2004	Hangu
140	Muhammad Ilyas	F.Sc	24-02-1979	Peshawar	17/08/2004	17/08/2004	Hangu
141	Muhammad Ayaz	SSC	14-03-1968	Nowshera	1/2/1987	1/12/2005	Nowshera
142	Muhammad Riaz	SSC	12/3/1962	Haripur	1/7/2006	1/7/2006	Haripur
143	Muhammad Dildar	SSC	12/8/1959	Mansehra	16/02/1978	1/7/2006	Mansehra
144	Said Habib	SSC	23-04-1959	Buner	28/05/1975	1/7/2006	Buner
145	Abdur Rehman	SSC	14-09-1955	Buner	2/12/1980	1/7/2006	Buner
146	Nazir Ahmed	SSC	10/3/1961	Abbottabad	16/7/1980	1/7/2006	Abbottabad
147	Ajmir Khan	SSC	9/2/1963	Buner	1/12/1981	1/7/2006	Buner
148	Muhammad Ramzan	SSC	1/4/1961	Charsadda	1/9/1982	1/7/2006	Charsadda
149	Abdul Latif	SSC	1/4/1966	D.I.Khan	1/8/1984	1/7/2006	D.I.Khan
150	Noor Ali Shah	SSC	1/7/1961	Dir Upper	17/07/1985	1/7/2006	Dir Upper
151	Ghulam Rasool	SSC	15-08-1967	D.I.Khan	1/10/1987	1/7/2006	D.I.Khan
152	Abdur Rehman	SSC	17-12-1964	Bunnu	9/1/1988	1/7/2006	Bunnu
153	Gul Hasan	SSC	12/10/1966	L.Marwat	1/3/1988	1/7/2006	L.Marwat
154	Manzoor Hussain	SSC	3/2/1970	Mansehra	1/3/1988	1/7/2006	Mansehra
155	Said Iqbal	F.A	19-09-1967	Peshawar	15/06/1988	1/7/2006	Peshawar
156	Siraj Was	SSC	1/1/1969	Swabi	5/7/1988	1/7/2006	Swabi
157	Miandad	SSC	18-03-1957	Charsadda	14/07/1988	1/7/2006	Charsadda
158	Hukam Khan	SSC	8/5/1970	Mardan	10/8/1988	1/7/2006	Mardan
159	Luqman Shah	F.A	10/1/1971	Karak	13-06-1989	1/7/2006	Karak
160	Riaz Ahmed	SSC	1/4/1981	Nowshera	1/7/1989	1/7/2006	Nowshera
161	Kamal Khan	SSC	5/12/1967	Karak	10-08-1989	1/7/2006	Karak
162	Hamam ul Hussain	SSC	1/1/1970	Charsadda	1/12/1989	1/7/2006	Charsadda
163	Qamar Zaman	SSC	25-05-1960	D.I.Khan	23-01-1990	1/7/2006	D.I.Khan
164	Arab Khan	SSC	8/5/1956	Karak	07-03-1990	1/7/2006	Karak
165	Wali Dad	SSC	10/2/1956	Mardan	30-05-1990	1/7/2006	Mardan
166	Asad Munir	F.A	1/1/1972	Abbottabad	2/7/1990	1/7/2006	Abbottabad
167	Shamsul Hadi	SSC	1/7/1965	Nowshera	1/8/1990	1/7/2006	Nowshera
168	Hakim Khan	SSC	1/7/1973	Swabi	18-09-1990	1/7/2006	Swabi
169	Zain Ullah	SSC	25-04-1973	Bunnu	28-04-1991	1/7/2006	Bunnu
170	Rais Ahmed	SSC	23-05-1972	D.I.Khan	16-12-1991	1/7/2006	D.I.Khan

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1652 13/10/2012

S.#	Name of Official	Qualification	Date of Birth	Domicile	Date of 1st Appointment	Date of Promotion	Place of Posting
235	Kashif Hassan	B.A.	30.4.1985	Swat	18-01-2013	18/01/2013	Swat
236	Roman Ur Rehman	B.A.	30-04-1988	Mansehra	18-01-2013	18/01/2013	Mansehra
237	Ibrahim	B.A.	10/3/1982	Swabi	25-05-2013	25/05/2013	Swabi
238	Iran 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	Kalichah	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 1<sup>st</sup> Appointment as Field Worker.

Sd/-XXX  
DIRECTOR  
CROP REPORTING SERVICES  
KHYBER PAKHTUNKHWA  
PESHAWAR

Encl: No 5141-74/SCRS  
Dated Peshawar, the 31<sup>st</sup> 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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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<br>Special Secretary Finance Deptt.<br>Khyber Pakhtunkhwa.              | Chairman |
| 2. | Syed Hidayat Jan<br>Special Secretary Agriculture Deptt.<br>Khyber Pakhtunkhwa.      | Member   |
| 3. | Mr. Muhammad Imtiaz Ayub<br>Additional Secretary (Reg).<br>Finance Department.       | Member   |
| 4. | Mr. Shafi-ul-Ahmad<br>Section Officer (Regulation-III),<br>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
<b>Total Financial Implication</b>	<b>Rs. 4.887</b>

*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

12

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

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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 village: 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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- f. plots. Collection of additional information on use of fertilizers, seed rate, No. of irrigations and No. of sprays etc.
- g. Collection of data on harvest prices by varieties of various crops during each season according to scheduled timings.
- h. 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.
- i. Maintenance of village-wise and field wise statistics for future development of new sample design.
- j. 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)

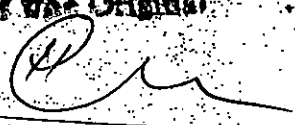
- a. Helping the Statistical Investigator in the training of Crop Reporters in Statistical surveys such as:
  - \* Area estimation survey on major crops during Kharif and Rabi season.
  - \* Yield estimation survey on major crops.
  - \* Growers' Opinion Survey on major crops.
  - \* Survey on Agricultural 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.

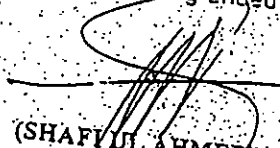
*Chandra*

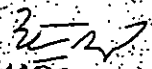
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- Growers' opinion survey on major crops.
  - Survey on Agricultural Machinery.
  - Harvest prices.
  - b. Preparation of Survey Forms for the Field Staff.
  - c. Preparation of 1<sup>st</sup>, 2<sup>nd</sup> and final estimates of Crops on the basis 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.
  - k. Conducting special survey on Cost of production survey.
  - l. 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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 (SHAFIUL AHMED)  
 Section Officer (R-III)  
 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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15

Annexure "D"

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

No: 3136-A /SCRS  
Dated Peshawar, the 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.

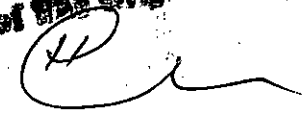
i. According to the recommendation of the Up-gradation Committee, the post of  
Statistical Investigator (BS: 16) may be filled in through the following manner.

- 50% by initial recruitment.  
Qualification: BA/BSc (at least 2<sup>nd</sup> 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

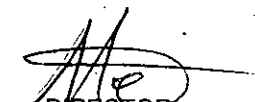
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16

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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17/16

Annexure "E"

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



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
AGRICULTURE LIVESTOCK & COOPERATIVE  
DEPARTMENT

Dated Peshawar, the August, 2015

**NOTIFICATION.**

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

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

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

Sr.NO.	Names of incumbents	Sr.No.	Name of incumbents
1.	Mr.Ghulam Mustafa	2.	M.Raziq Shah
3.	Mehtaj Ali	4.	Bahrullah
5.	Umar Daraz	6.	Mushtaq Hussain
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.	Fazli 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

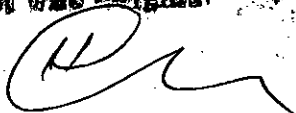
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29.	Abdul Wadood	30.	Muhammad Iqbal No.1
31.	Niamat Khan	32.	Muhammad Shoukat
33.	Muhammad Iqbal No.2	34.	Gul Bahadar
35.	Mushtaq Ahmad	36.	Sardar Ahmad
37.	Alam Saeed	38.	Qasim Khan
39.	Basher Ahmad	40.	Aftab Hussain
41.	Muhammad Alam	42.	Maz Ullah
43.	Surat Ur Rehman	44.	Kiramata 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.	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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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, 12/08/2015

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 DEPARTMENTApproved to be a true  
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20 19  
Endst. No. SOE(AD)23-13/2013/SCRS

Dated Peshawar, 21/08/2015

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**

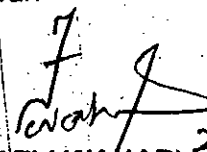
Endst: No. 4200-61 /DCRS  
Dated Peshawar, the 26/08 /2015.

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

بخدمت جناب ڈائریکٹر کراپ رپورٹنگ سروسز خیبر پختونخواہ پشاور

بوساطت: سٹیٹسٹیکل آفسر کراپ رپورٹنگ سروسز ضلع درہ یاسین

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

اسٹنٹ/سٹیٹسٹیکل انوسٹیگیٹر

جناب عالی!

مودبانہ گزارش ہے کہ up-gradation کمیٹی نے کراپ رپورٹر BPS-05 کی پوسٹ کو up-gradation منظور دی ہے وقت (B.A) تعلیم کی شرط عائد کی تھی۔ اس طرح اسٹبلشمنٹ 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 نیا انصافی 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

سید سہیل شاہ کراپ رپورٹر محکمہ کراپ رپورٹنگ سروسز

ضلع درہ یاسین

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22 Annexure 'G' (مرفقہ)

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.

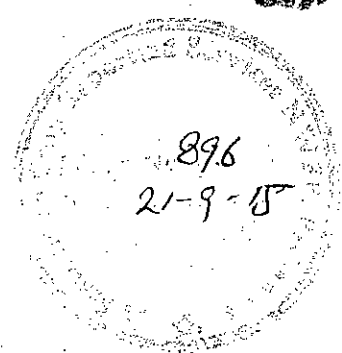
NO. 335 /so,(CRS) DIR LWOER DATED 31/8 /2015

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

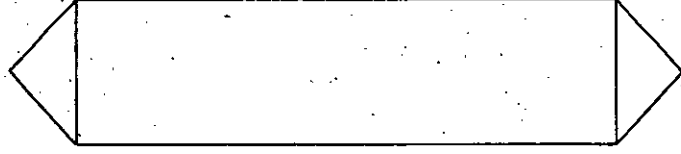
*[Signature]*  
23/9/15

*[Signature]*  
28/9/15

Attested to be a True Copy of the Original



بعدالت جناب سرورس نرسول حسرتوخواه لیسٹا



2012ء منجانب  
سرصل سٹاہ بنام حکومت

مورخہ

مقدمہ

دعویٰ سرورس نرسول

جرم

## باعث تحریر آنکہ

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

اللہ رب العالمین

آن مقام لیسٹا اور کیلئے ناصر محمود، سید عبد الحفیظ اللہ جی

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

Attested  
Accepted by

سبب سے وہ 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 کر کہ سندر ہے۔

2012ء

ماہ

المرقوم

واہ العبد

العبد

کے لئے منظور ہے۔

مقام لیسٹا

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

IN RE: Service Appeal No.1381/2015

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

**APPELLANT**

**VERSUS**

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

**RESPONDENTS**

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

**Respectfully Sheweth,**

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

(Copy of judgment is appended  
as Annex-A)

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

**1996-SCMR-284(c)**

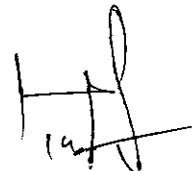
**(c) Constitution of Pakistan (1973)---**

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

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

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

Through



**Rizwanullah**  
M.A. LL.B

**Advocate High Court, Peshawar.**

Dated: 26/7/2016

# VAKALATNAMA

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

Service appeal No, 1381/2015

Muzamil Shah

APPELLANT  
PETITIONER

VERSUS

Secretary Agriculture and others

RESPONDENTS

We Respondents No: 3 to No: 22, 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: 25/4/2016

Respondents no. 3 to 22

CLIENT

Approved & Accepted

M. Asim

Muhammad Asim  
Advocate



Name	Respondent NO:	Signature
Ghulam Mustafa	3	Ghulam Mustafa
M. Raziq Shah	4	Mudt
Mehtaj Ali	5	M. Mehtaj Ali
Bahrullah	6	Bahrullah
Umar Draz	7	Umar Draz
Majid Ali	8	Majid
Hidayatullah	9	Hidayatullah
Sultan Yousaf	10	Sultan
Said Wahid	11	Said Wahid
Khalid Khan	12	Khalid
Mir Alam	13	Mir Alam
Gul Rahman	14	Gul Rahman
Rawaj Khan	15	Rawaj Khan
Wazir Gul	16	Wazir Gul
Gul Zaman	17	Gul Zaman
Basrat Ullah	18	Basrat Ullah
Asad Sohail	19	Asad Sohail
Atta Hussain Shah	20	Atta Hussain Shah
Rahman Akbar	21	Rahman Akbar
Muhammad Ayub	22	Muhammad Ayub

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.:

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

Mr Ijaz Anwar, ASC.

Date of hearing:

17.02.2016.


JUDGMENT

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

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

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

ATTESTED

  
Court Associate  
Supreme Court of Pakistan  
Islamabad


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

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

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

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

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Court Associate  
Supreme Court of Pakistan

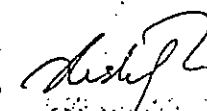
service of the Respondents and could not have been adjudicated upon by the High Court. He next contended that the terms and conditions of service of civil servants fall within the domain of the Service Tribunal, therefore, the impugned judgment was without jurisdiction.

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.

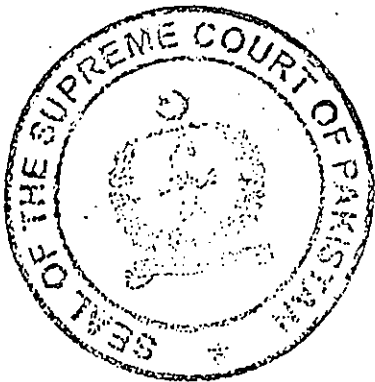
7. The aforesaid definition of the expression "Upgradation" clearly manifests that it cannot be construed as promotion, but can be granted through a policy. In fact, this Court in the judgment titled as Ali Azhar Khan Baloch vs. Province of Sindh (2015 SCMR 456) and an unreported judgment of this Court 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,  
 17<sup>th</sup> February 2016.

Approved for reporting.  
 Sohail\*\*

24.2.16

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