

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Execution Petition NO.197/2021  
in  
Service Appeals No. 567 of 2018

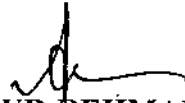
Maqsood Ur Rehman .....Appellant

Versus

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY AND  
OTHERS ..... Respondents

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(ATTA-UR-REHMAN)  
Secretary to Government of Khyber Pakhtunkhwa  
Agriculture Department Peshawar  
(Respondent No.2)  
**SECRETARY**  
Govt. of Khyber Pakhtunkhwa  
Agriculture Department

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**Khyber Pakhtunkhwa  
Service Tribunal

Execution Petition No.197/2021 in Service Appeal No.567/2018

Diary No. 15368

Maqsood Ur Rehman

Dated 03.09.24

Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary &amp; Others.

**Respondents****PROGRESS REPORT/ RELEASE OF SALARIES IN RESPECT OF RESPONDENTS IN EXECUTION PETITION NO.197/2021 IN SERVICE APPEAL NO.567/2018 TITLED MAQSOOD UR REHMAN V/S GOVT OF KPK THROUGH CHIEF SECRETARY & OTHERS.**

The Khyber Pakhtunkhwa Service Tribunal Peshawar on 22.07.2024 passed the following orders in the above titled case: -

“The Tribunal is constrained to attach the salaries of the respondents in the manner as prescribed under section 60(1)(i) of the Code of Civil Procedure, 1908 till complete implementation of the judgment of this Tribunal. The Accountant General Khyber Pakhtunkhwa, Peshawar shall submit report in writing that the salaries of the respondents are actually attached. To come for implementation report on 19.08.2024 before S.B” (Annex-I).

02. That the above order was passed for non-submission of implementation report of the following order passed in Appeal No.11948/2020 dated 25.01.2022 which is reproduced below: -

“The instant appeal as well as the connected Service Appeal No.339/2017 are accepted and the impugned orders dated 22-12-2016 and 06-12-2017 are set aside with direction to the respondents to assign separate nomenclature to both the posts as well as to maintain separate seniority list till retirement of the appellant along with his other batch-mates. The appellant along with his other batch-mates stands senior to their erstwhile juniors and shall be considered first for promotion to the next grade, however, in case of their deprivation from promotion on account of impugned seniority list, they shall be considered for promotion with effect from the date, which they stood eligible for promotion in light of this judgment”

03. The department filed CPLA No.637-P & 638-P/2019 against the said judgment dated 02.09.2021 passed by the Khyber Pakhtunkhwa Service Tribunal Peshawar.

4. Meanwhile the appellant filed Execution Petition No.197/2022 for implementation of Tribunal Judgment dated 02.09.2021.

5. The Section Officer (Estt-I), of this department forwarded working paper to Section Officer (PSB) Establishment department for consideration of PSB regarding conditional implementation/proforma promotion of the appellant as per Tribunal judgment dated 02.09.2021.
6. The Provincial Selection Board (PSB) meeting was held on 16.05.2023 wherein the instant case was deferred due to status quo granted by Apex Court (**Annex-II**)
7. The Hon'ble Apex court finally decided the instant case on **08.11.2023** in favour of petitioner (**Annex-III**).
8. The appellant again approached the KP Service Tribunal Peshawar for restoration of execution petition which was restored in January 2024.
9. The Section Officer (Establishment-I) of this department again took up the case with Section Officer (PSB) Establishment for placing the case before the PSB duly followed by reminders.
10. The Section Officer (PSB) Establishment department raised some observations that assigning separate nomenclature to both the cadre is the domain of Finance Department (**Annex-IV**).
11. Accordingly, Agriculture Department moved a note for Secretary Finance for the above mentioned purpose (**Annex-V**).
12. The Finance Department examined the case and moved the case en-route Establishment Department for views. Accordingly Establishment Department examined the case and principally agreed with Administrative Department but raised some observations (**Annex-VI**).
13. Administrative Department cleared the observations raised by the Establishment Department Khyber Pakhtunkhwa (**Annex-VII**).
14. Implementation in the instant case is under process and will take time as it involves necessary action by different departments. Agriculture Department has been vigorously pursuing the case with all concerned Departments for its early finalization.
15. In view of the above, progress report duly signed and stamped by the undersigned is submitted with the request that the salaries of the respondents No.1 to 2 i.e. Chief Secretary, Secretary Agriculture Khyber Pakhtunkhwa may kindly be released please.

(ATTA-UR-REHMAN)

Secretary to Government of Khyber Pakhtunkhwa Agriculture Department Peshawar (Respondent No.2)

**SECRETARY**  
Govt. of Khyber Pakhtunkhwa  
Agriculture Department

22<sup>nd</sup> July, 2024

(8)



1. Learned counsel for the petitioner present. Mr. Umair Azam, Additional Advocate General present

2. On 24.06.2024, Mr. Atta Ullah, Deputy Director and Mr. Jehanzeb, Superintendent representatives of the respondents, present and had made commitment for submission of implementation report, however, the same is yet to be submitted. Therefore, the Tribunal is constrained to attach the salaries of the respondents in the manner as prescribed under Section-60(1)(i) of the code of Civil Procedure, 1908. The Accountant General Khyber Pakhtunkhwa shall submit report that salaries of the respondents are actually attached. To come up for implementation report on 19.08.2024 before S.B. P.P given to the petitioner's counsel.

(Kalim Arshad Khan)  
Chairman

ATTESTED

\*Manzoor Shah\*

MANZOOR SHAH  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Section Officer (Litigation)  
Agriculture, Livestock & Coop. Deptt.  
Khyber Pakhtunkhwa Peshawar

Date of Presentation of Application	22/7/24
Number of Words	102
Copying Fee	5/-
Urgent	5/-
Total	5/-
Name of	
Date of	25/7/24
Date of Delivery of Copy	25/7/24

4  
Annex II  
3/2

Annex III

**PRESENT:**

Mr. Justice Sardar Tariq Masood  
Mr. Justice Amin-ud-Din Khan  
Mr. Justice Muhammad Ali Mazhar

Civil Petitions No. 637-P and 638-P of 2021

Government of KPK through Chief Secretary, Peshawar  
& others  
(In both cases)

Versus

Mr. Maqsood ur Rahman & others  
(In both cases)

For the petitioners:

Respondents:

Date of hearing:

Mr. Zahid Yousaf Qureshi, AOR  
Zahid Ullah, Dir. Planning CRS, KPK  
Wasim Khan, Focal person, Agriculture Dept.

Not represented  
18.05.2023

Petitioners

Respondents

**ORDER**

Notice.

CMA's No. 1001-P and 1002-P of 2021

Subject to notice, status-quo is to be maintained till the next date of hearing.

*[Signature]*  
Section Officer (Litigation)  
Agriculture, Livestock & Coop. Department  
Khyber Pakhtunkhwa Peshawar.

Sd/-J  
Sd/-J  
Sd/-J

Certified to be True Copy

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad



GR No: 10558/2023  
Date of Presentation: 18-5-2023  
No of Words: 307  
No of Pages: 2

Civil/Crimln

FIB

Annex-A

Annex-III

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Bench**

Mr. Justice Jamal Khan Mandokhail  
Mr. Justice Muhammad Ali Mazhar

**Civil Petition No. 637-P/2021 & CMAs 1001-P, 638-P, 1002-P/2021**

*(Against the judgment dated 02.09.2021 of the KPK Service Tribunal, Peshawar passed in Service Appeal No. 567/2018)*

Govt. of Khyber Pakhtunkhwa thr. Chief Secretary, Peshawar and another **...Petitioner(s)**  
Versus

Maqsood ur Rehman and others **...Respondent(s)**

For the Petitioner(s): Sultan Mazhar Sher, Addl. AG KPK  
Mr. Zahid Yousaf Qureshi, AOR

For the Respondent(s): Mr. Khaled Mahman, ASC (R-1)  
Mr. Noor Muhammad, ASC (R 2-7, 9,10, 13, 15-17)  
Nemo (R 8, 11, 12, 14)

Date of Hearing: 08.11.2023

**ORDER**

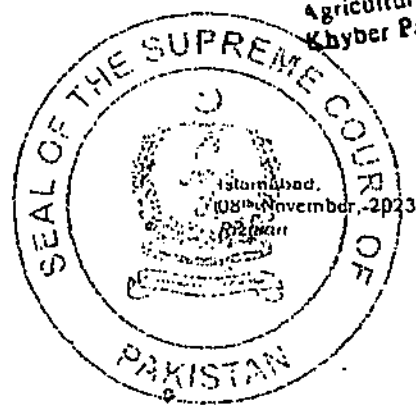
Jamal Khan Mandokhail, J. The learned counsel for the respondents states that all the private respondents have retired from service and some of them have passed away, therefore, the petition has become infructuous. The learned Additional Advocate General does not dispute such statement.

In view of the above, the petition is dismissed as having become infructuous. The CMAs also stand disposed.

Section Officer (Litigation)  
Agriculture, Livestock & Coop. Department  
Khyber Pakhtunkhwa Peshawar.

Sd/-J  
Sd/-J

Certified to be True Copy  
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad.



6 Annex-IV  
20

(A)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

No. SO (PSB) ED/1-6/2024/P-388  
Dated Peshawar, the June 21, 2024

To  
The Secretary to  
Government of Khyber Pakhtunkhwa,  
Agriculture Department.

Subject: - EXECUTION PETITION NO. 197/2021 IN SERVICE APPEAL NO. 339/2017 & 567/2018 TITLED MAQSOOD UR REHMAN V/S GOVERNMENT OF KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to Agriculture Department letter No. SOE(AD) V-7/PS3/Maqsood/CRS/2024/524, dated 20.06.2024 on the subject and to say that the case has been examined and observed that assigning separate nomenclature is the domain of Finance department which has not been given by Finance department. Moreover, seniority lists attached with working paper are tentative whereas final notified seniority lists are required.

2. The working paper and other documents received with the letter quoted above are returned herewith in original for doing the needful.

Yours faithfully,

*[Signature]*  
SECTION OFFICER (PSB)  
21/6/24

*[Signature]*  
Section Officer (Litigation)  
Agriculture, Livestock & Coop. Department  
Khyber Pakhtunkhwa Peshawar.  
ENDST. EVEN NO. & DATE.

A copy is forwarded to the Section Officer (R-III), Establishment Department.

SECTION OFFICER (PSB)

*[Signature]*  
24/6/24

*[Signature]*  
*[Signature]*  
24/6



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE DEPARTMENT

NOTE FOR SECRETARY FINANCE

Subject: -

CHANGE OF NOMENCLATURE OF STATISTICAL INVESTIGATOR (BS-16) UPGRADED TO BS-17 AND RE-DESIGNATED AS ASSISTANT STATISTICAL OFFICER / EXECUTION PETITION NO.197/2021 IN SERVICE APPEAL NO.339/2017 & NO.567/2018 TITLED MAQSOOD-UR-RAHMAN V/S GOVERNMENT OF KHYBER PAKHTUNKHWA.

Agriculture Department vide letter dated 20.06.2024 (**Annex-I**) submitted Working Paper for promotion in respect of appellant (Mr. Maqsood-ur-Rahman) and his other batch mates to higher scales in light of Court Judgment dated 02.09.2021 (**Annex-II**). The same was returned by Establishment Department vide letter dated 21.06.2024 with the observation that assigning separate nomenclature to both the cadres is the domain of Finance Department (**Annex-III**).

02. According to the Service Rules 1981 amended in 1989 (**Annex-IV**), there were two categories of posts in Crop Reporting Services (CRS) Agriculture Department.

1	Statistical Investigator, BS-16 (Tehsil Incharge) and
2	Assistant Statistical Officer, BS-17 (District Incharge)

03. The post of Statistical Investigator (BS-16) was upgraded to BS-17 and re-designated as Assistant Statistical Officer (Tehsil In-charge) w.e.f 01.07.1997 vide Notification dated 27.06.1997 (**Annex-V**) and the post of existing Assistant Statistical Officer BS-17 was re-designated as Statistical Officer, BS-17 Supervisory with Special Pay of Rs.150/- Per Month (District In charge) w.e.f 01.07.1997 (**Annex-VI**) i.e.

S.#	Existing Nomenclature & BPS (Before 01.07.1997)	After up-gradation nomenclature & BPS (w.e.f. 01.07.1997)
1	Statistical Investigator, BS-16 (Tehsil Incharge)	upgraded to BS-17 and re-designated as Assistant Statistical Officer
2	Assistant Statistical Officer, BS-17 (District Incharge)	Statistical Officer, BS-17 Supervisory with Special Pay of Rs.150/- Per Month

04. Last separate final / approved / undisputed Seniority List for both the cadre issued in 2003 and 2004 is placed as (**Annex-VII & VIII**).

05. In light of Court Judgment dated 26.03.2009 (**Annex-IX**) and approval of Finance Department vide letter No.KC/SO(FR)FD/7-13/2008 dated 13.02.2010 & SO(FR)/FD/7-13/2008 dated 07.04.2012, the posts of Statistical Investigator BS-16 along with incumbents were upgraded to BS-17 w.e.f 01.05.1977 or from the date of their appointment and re-designated as Statistical Officers vide Agriculture Department Notification No. SOE (AD) III (2) 201/2009 dated 17.02.2010 (**Annex-X**) and Notification No. SOE (AD) III (2) 201/2011/CRS dated 07.04.2012 (**Annex-XI**). However, the same was required to redesignate as Assistant Statistical Officer instead of Statistical Officers on the basis of their earlier upgradation & redesignation from the post of Statistical Investigator (BS-16) to Assistant Statistical Officers (BS-17) vide Notification dated 01.07.1997 (**Annex-V ibid**) and seniority lists issued in 2003 & 2004 as mentioned in Para-4 of the Note.

06. Resultantly, the Department amalgamated the seniority of the two separate cadre vide Agriculture Department Notification No. SOE (AD) III (2) 291/2014 dated 22.12.2016 (**Annex-XII**), placing the erstwhile Assistant Statistical Officer (BS-17) senior to the existing Statistical Officers BS-17 Supervisory with Rs.150/- Special Pay Per Month (as per para-4 above).

Section Officer (Litigation)  
Agriculture, Livestock & Fisheries Department  
Khyber Pakhtunkhwa Peshawar.

ALACD-77-61-00 468

120  
19/7/2024

640  
19/7/24

3-223/18  
Annex V

7





GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE DEPARTMENT

8

**NOTE FOR SECRETARY FINANCE**

07. The Appellant (Mr. Maqsood-Ur-Rahman), being the senior most Statistical Officer, Challenged (i) the Notification dated 22.12.2016 (Annex-XII ibid) vide Service Appeal No.339/2017 and (ii) re-designation of the post of Statistical Investigator as Statistical Officer after its up-gradation to BS-17 (Annex-XI ibid XIII) vide Service Appeal No.567/ 2018. The Court accepted both the Service Appeals vide judgment dated 02.09.2021 (Annex-II ibid). The judgment reads;

*In view of the foregoing discussion, the instant appeal as well as the connected Service Appeal No.339/2017 are accepted and the impugned orders dated 22.12.2016 and 06.12.2017 are set aside with directions to the respondents to assign separate nomenclature to both the posts as well as to maintain separate seniority list till retirement of the appellant along with his other batch-mates. The appellant along with his other batch-mates stands senior to their erstwhile juniors and shall be considered first for promotion to the next grade, however in case of their deprivation from promotion on account of impugned seniority list, they shall be considered for promotion with effect from the date, when they stood eligible for promotion in light of this judgment. Parties are left to bear their own costs. File be consigned to record room.*

08. Assigning separate nomenclature to both the cadres as required by Establishment Department is the domain of Finance Department for implementation of the court judgment wherein no financial implications and variation in basic pay scale is involved. Next date of hearing in the subject case is fixed on 22.07.2024 in the Tribunal (Annex-XIV).

09. In view of above, Agriculture Department proposes that *separate nomenclature may be assigned to both the cadres, i.e. Assistant Statistical Officer (BS-17) and Statistical Officer, BS-17 (Supervisory+Rs.150/- PM)*, as required by Establishment Department, Khyber Pakhtunkhwa w.e.f. impugned Notification dated 17.02.2010 & 07.04.2012 (Annex-X & XI ibid) as;

S.#	Nomenclature of the Cadre (Before impugned Notification dated 17.02.2010 & 07.04.2012)	Nomenclature of the Cadre (After impugned Notification dated 17.02.2010 & 07.04.2012)	Proposed / required nomenclature of the Cadre (for implementation of the Court Judgment dated 02.09.2021)
1	Assistant Statistical Officer (BS-17)	Statistical Officer (BS-17)	Assistant Statistical Officer (BS-17)
2	Statistical Officer (BS-17 Supervisory)	Statistical Officer (BS-17 Supervisory)	Statistical Officer (BS-17 Supervisory)

10. Proposal contained in Para-9/N is submitted for consideration / approval, please.

Section Officer (Litigation)  
Agriculture, Livestock & Coop. Department  
Khyber Pakhtunkhwa Peshawar

(MUHAMMAD JAVED MARWAT)  
SECRETARY AGRICULTURE

**SECRETARY FINANCE DEPARTMENT**  
**KHYBER PAKHTUNKHWA**

V.P.P

Subject: CHANGE OF NOMENCLATURE OF STATISTICAL INVESTIGATOR (BS-16) UPGRADED TO (BS-17) AND RE-DESIGNATED AS ASSISTANT STATISTICAL OFFICER/EXECUTION PETITION NO. 197/2021 IN SERVICE APPEAL NO. 339/2017 & NO. 567/2018 TITLED MAQSOOD-UR-REHMAN V/S GOVERNMENT OF KHYBER PAKHTUNKHWA.

11. The case has been examined. According to this Department circular dated 22-09-2020, (Annex-XV), cases pertaining to change of nomenclature shall be submitted to Finance Department having prior input of the Establishment Department. Administrative Department has not obtained input of the Establishment Department in the matter which is imperative.

12. Therefore, Establishment Department may add its views accordingly.

(AMER SULTAN TAREEN)  
Secretary, Finance Department

Secretary Establishment Department

Section Officer (Litigation)  
Agriculture, Livestock & Coop. Department  
Khyber Pakhtunkhwa Peshawar

PS/Secy E&AD KP  
Diary No. 6686  
FTS No. 29/16  
Date.

By: Finance & P  
Diary No. 440  
dated 25.12.2021

- 13. Note for Secretary Finance moved by Agriculture Department regarding change of nomenclature of Statistical Investigator (BS-16) upgraded to BS-17 and re-designated as Assistant Statistical Officer has been examined.
- 14. Establishment Department principally agrees with the instant proposal of change of nomenclature / re-designation in light of Service Tribunal Judgement dated 02.09.2021; however, Agriculture Department may clarify the following points before the proposed re-designation: -
  - i. How many posts of Statistical Officer (BS-17) would be re-designated as Assistant Statistical Officer (BS-17).
  - ii. As to whether the post of Statistical Officer (BS-17) (Supervisory) exists in the present budget book as well as Service Rules or it also needs re-designation. If so, then how many posts of Statistical Officer (BS-17) (Supervisory) would be required for re-designation.
  - iii. As to whether the proposal of re-designation would be with immediate effect or it will take effect retrospectively.
- 15. Note is, therefore, returned to the Administrative Department on the above lines.

Secretary Agriculture

*[Signature]*  
**Section Officer (Litigation)**  
 Agriculture, Livestock & Coop; Department  
 Khyber Pakhtunkhwa Peshawar

*[Signature]*  
**(MUHAMMAD ZUBAIR KHAN)**  
 Secretary Establishment  
 18/02/2024

PS/Secy E&AD KP  
 Diary No. 1686  
 FTS No. 19/18/24  
 Date. 19/02/24



GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE DEPARTMENT

NOTE FOR SECRETARY FINANCE

Reference Para-13 to 15 of the Note

16. Reply/clarification to observations raised by Establishment Department vide Para-14 of the Note are as follow:

- i. Eighteen (18) numbers of posts need to be re-designated as Assistant Statistical Officer (BS-17).
- ii. The post of Statistical Officer (BS-17 Supervisory) does not exist in the present budget book as well as Service Rules. Five (05) posts of Statistical officers (BS-17 Supervisory +Rs.150) needs to be re-designated.
- iii. The proposal of re-designation would take effect from the date of impugned Notification dated 17.02.2010 till retirement of the incumbents of both the cadres.

17. Proposal contained in Para-9 read with Para-16 of the Note is submitted for consideration/approval, please.

(ATTA UR REHMAN)  
SECRETARY AGRICULTURE

SECRETARY ESTABLISHMENT DEPARTMENT  
KHYBER PAKHTUNKHWA

Section Officer (Litigation)  
Agriculture, Livestock & Coop. Department  
Khyber Pakhtunkhwa Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Execution Petition NO.197/2021  
in  
Service Appeals No. 567 of 2018

Maqsood Ur Rehman & Others .....Appellant

Versus

GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS .....Respondents

**Counter Affidavit**

The undersigned hereby solemnly declare/ affirm that the contents of the progress report/application is true and correct to the best of our knowledge and belief and nothing has been kept secret from this Honorable Tribunal.



3/9/24

(ATTA-UR-REHMAN)

Secretary to Government of Khyber Pakhtunkhwa  
Agriculture Department Peshawar  
(Respondent No.2)

**SECRETARY**

Govt. of Khyber Pakhtunkhwa  
Agriculture Department

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition NO.197/2021  
in  
Service Appeals No. 567 of 2018

Maqsood Ur Rehman& Others .....Appellant

Versus

GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS .....Respondents

**AUTHORITY LETTER**

I, hereby authorize Mr. Mufeed Khan, Section Officer (Litigation-II) (BPS-17), Agriculture Department, Khyber Pakhtunkhwa to file progress report/application as well as pursue the case on behalf of Secretary Agriculture, Khyber Pakhtunkhwa Civil Secretariat Peshawar in the Khyber Pakhtunkhwa Service Tribunal, Peshawar till decision of the case.



(ATTA-UR-REHMAN)

Secretary to Government of Khyber Pakhtunkhwa  
Agriculture Department  
(Respondent No.2)

**SECRETARY**

**Govt. of Khyber Pakhtunkhwa  
Agriculture Department**