

BEFORE THE FEDERAL SERVICE TRIBUNAL,
ISLAMABAD

Appeal No. 1838 (R) CS/2010

Muhammad Majid, Data Entry Operator/36294
(BPS-10), & 14 others

... Appellant

Versus


1. The Secretary Ministry of Defence, Rawalpindi
2. Military Accountant General, Rawalpindi
3. The Secretary Establishment Division,
Cabinet Secretariat, Islamabad
4. The Secretary to Government of Pakistan,
Finance Division (Regulation Wing),
Pakistan Secretariat, Islamabad

... Respondents

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ON BEHALF OF RESPONDENTS


(MULAZAM HUSSAIN)
Accounts Officer (AN-III)

Through

Defence Counsel

Dated March, 2011

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(BPS-10), & 14 others

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PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:

Comments on Facts of the Appeal:

1. No comments.
2. The post of Data Entry Operator in Ministry of Information and Media Development Department is (B-14) with the qualification of Bachelor degree with Computer Science / Statistics / Economic / mathematics (Grade-C) including computer programming course in HTML / JAVA and C++, whereas the post of Key Punch Operator (Data Entry Operator) in P.M.A.D is (B-10) with the qualification of Intermediate with minimum speed of 1000 key depression per hour for Data Entry / Verification. So the plea of the applicants is not in order, as there is a clear difference in terms / conditions and qualification as well as Computer Programming courses between the Ministry of Information and Media Development and P.M.A.D.
3. The posts of Accounts Officers form B-17 to B-18, Assistant Accounts Officers from B-16 to B-17, Senior Auditors from B-14 to B-16 and Junior Auditors from B-7 to B-11 were upgraded in P.M.A.D as well as other Audit and Accounts

organization of Federal Government under the orders of honorable Supreme Court of Pakistan to eliminate / remove the disparity between Federal and provincial government employees of the same posts because the posts of these categories in provincial Government (Punjab) were already in BS-18, 17, 16 and 11 respectively having the same qualification and other conditions. It is further added that the posts of I.T personnel were also upgraded vide notification No. 8/1/D-7/(MAG)/2008/1881 dated 25/06/2010 in which disparity was existed, but the post of Key Punch Operator (Now Data Entry Operator) in P.M.A.D as well as all other Departments / Organizations viz Pakistan Computer Bureau Ministry of Information is B-10 having the same qualification and terms / conditions.

4. KPOs (B-10) serving in Federal Board of Revenue were re-designated as DEOs instead of B-14 vide Establishment Division letter No. 03/22/2006-R.1 dated 21/05/2010 **(Annexure-C / Page-16 of the Appeal)**.
5. The posts of I.T cadre viz Data Coder B-12 and Data Control Supervisor (B-14) were also upgraded / re-designated as Data Control Officer / Data Control Assistant in P.M.A.D and Pakistan Computer Bureau under the orders of Federal Service Tribunal, Islamabad dated 18/09/2004 **(Annexure-A/ Page-07 to 08)** and dated 29/06/2009 **(Annexure-B/ Page-09)** to remove disparity as the posts carrying the same nomenclature in Ministry of Religious Affairs, Government of Sindh and Federal Bureau of Statistics were already upgraded as Data Control Assistant (B-16) but the post of Key Punch Operator was re-designated as Data Entry Operator (B-10) in P.M.A.D as well as in Ministry of information Pakistan Computer Bureau Islamabad.
6. The meeting of the clerk union with Prime Minister was held in 2006 for up-gradation of the post of clerks and accordingly the posts of clerical / Auditors were upgraded with effect from 01/07/2007 and it is pointed out that appellants were not in Govt. service at that time, so their request is not tenable. The

posts of the clerical / Auditor were up graded with effect from 01/07/2007, whereas the appellants were appointed in September 2007. Thus this is not applicable to them.

7. Not admitted. As the plea of the appellants have no relevance with the letter dated 29/06/2007, the argument of the appellant with regard to the applicability of the above said letter of up-gradation of clerical posts with effect from 01/07/2007 is not in order because the appellants were not in Government service on 01/07/2007 they were appointed in 09/2007 after that up-gradation.
8. Earlier, the posts of computer related personnel were upgraded under the orders of the learned Federal Service Tribunal vide judgment dated 15/07/2009 **(Annexure-G/ Page-20 to 25 of the Appeal)** on the grounds to remove disparity and discrimination but in the case of appellants there is no disparity and discrimination because the post of Data Entry Operators in P.M.A.D as well as all other departments / organizations, is B-10 having the same qualification and conditions.
9. The post of the appellant can be considered for up gradation only if there was no venue for promotion but in P.M.A.D, there are more favorable / considerable opportunities of promotion to the appellant they are eligible for promotion from Data Entry Operator B-10 to B-16 as Data Control Officer after the completion of prescribed length of service and fulfillment of other conditions.
10. The appellants are already being treated equally as envisaged in Art-25 of the constitution of Islamic Republic of Pakistan 1973. No disparity and discrimination has been done to the appellants and their request for up gradation on the analogy of that of Accounts cadre is not in order.
11. No comments.

Grounds:

- A. There are reasonable opportunities of career advancement in the P.M.A.D and the appellants are eligible for promotion from

Data Entry Operator B-10 to Data Control Officer B-16 after the completion of prescribed length of service in B-10 and fulfillment of other conditions. Thus there is no disparity and discrimination to the appellants.

(i) Data Coders BPS-12 and Data Control Supervisors BPS-14 were upgraded as Data Control Officers BPS-16 under the orders of the learned Federal Service Tribunal to remove the disparity, but in the case of appellant there is no disparity because the post of Data Entry Operator in P.M.A.D and other Departments is B-10 having intermediate qualification and other conditions.

(ii) Not pertaining /N.A.

(iii) Not pertaining /N.A.

(iv) Not pertaining /N.A.

(v) Not pertaining /N.A.

(vi) Not pertaining /N.A.

(vii) As stated in Para 2 of the facts.

B. The Board of Investment Islamabad has advertised the post of Data Entry Operator (B-14) in News Paper daily Jang dated 27/04/2000 with the basic condition / requirement of Bachelor Degree qualification, where as the post of Data Entry Operator in P.M.A.D is (B-10) with the qualification of Intermediate, So the appellant's case is not analogous with that of the case of Board of investment Islamabad.

C. The Planning and Devolvement Division Islamabad has also advertised in newspaper daily Jang dated 13/01/2005 the post of Data Entry Operator (B-15) with the basic terms / conditions and requirement of Bachelor degree qualification including diploma / certificate in computer, where as the post of Data Entry Operator (B-10) in P.M.A.D is with the qualification of Intermediate, No analogy can be drawn between the two as both have different qualifications and terms & condition.

D. The appellants are Data Entry Operators (B-10) and not Computer Operator (B-16). Both the cadres are carrying

different qualification and nature of work. So their claim / plea of discrimination and request for up-gradation are not ~~in~~ justified.

- E. That further career advancement of Data Entry Operator (B-10) (appellant) is not blocked at initial stage. They are eligible for promotion from Data Entry Operator (B-10) to Data Control Officer (B-16) after completion of prescribe length of service and other conditions. So the argument that their further career advancement is blocked is not in order and there is no injustice and discrimination to the appellants.
- F. The posts of the appellant in all departments / organizations are B-10 with same qualification and other conditions. So there is no matter of disparity of status and Financial benefits. The appellants are already being treated equally.
- G. The appellants are being treated equally in accordance with the Law, Justice, rules and regulations.
- H. The posts of Data Coders and Data Control Supervisors were upgraded in P.M.A.D under the order of Federal Service Tribunal to remove disparity as was already done in the case of Pakistan Computer Bureau, but in the case of appellant there is no disparity as the post of Data Entry Operator in P.M.A.D as well as other departments / organizations is B-10 having same qualification and terms / conditions.
- J. The post of the appellants in all departments / organizations is B-10 with same qualification and other conditions and there are reasonable opportunities in P.M.A.D for further career advancement. So, there is no matter of disparity of status and Financial benefits.
- K. The post of the appellants and other terms and conditions of service in P.M.A.D as well as other organizations and departments are similar. There are reasonable opportunities to the appellants for further advancement of their career. So there is no disparity and necessity to evaluate their recruitment rules of other similar organizations.

The appellants are already being treated equally in accordance with the rules as prevalent in other organizations. They will be eligible for promotion to B-16 after completion of prescribed service and fulfillment of terms / conditions.

Prayer:

Keeping in view of the position stated in the preceding paras, it is, therefore, respectfully prayed that the instant appeal may kindly be dismissed with cost.

ON BEHALF OF RESPONDENTS


(MULAZAM HUSSAIN)
Accounts Officer (AN-III)

Through

Defence Counsel

Dated March, 2011