18.07.2017

Counsel for the appellant present. Mr. Mukhtiar Ali, Assistant Secretary alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Since the appellant is not in attendance therefore, notice be issued to appellant to appear before the court on the next dated. Adjourned. To come up for attendance of appellant on 14.11.2017 before D.B.

(Gul Zeb Khan) Member (Muhammad Amin Khan Kundi) Member

14.11.2017

None is preset on behalf of the appellant. Mr. Usman Ghani, District Attorney for the respondents present. Called several times till last hours of the court but none appeared on behalf of the appellant.

In view of the above, the present appeal is dismissed for want of prosecution. File be consigned to the record room.

Member

Shairman

ANNOUNCED 14 11 2017 24.08.2016

Clerk of counsel for the appellant and Mr. Ziaullah, GP for respondents present. Seeks adjournment. To come up for arguments on 24.11.2016 before D.B.

Member,

Chairman

24.11.2016 Appellant with counsel and Mr. Muhammad Ibrar. Assistant Secretary alongwith Mr. Muhammad Jan, GP for respondents present. Rejoinder not submitted. Counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for

rejoinder and arguments on 27.3.2017.

(MUHAMMAD A AMIR NAZIR) MEMBER

MEMBER

27.03.2017

Agent to counsel for appellant and Mr. Mukhtiar Ali, Superintendent alongwith Assistant AG for respondents present. Rejoinder not submitted. Requested for adjournment. Last opportunity granted for rejoinder and final hearing. To come up for rejoinder and final hearing for 18.07.2017 before D.B.

Member

(ABDUL LATIF)

Channan

10.11:2015

Counsel for the appellant and Addl: A.G for official respondents present. Correct addresses of private respondents submitted. Notices be issued to the said private respondents for 26.1.2016 before S.B.

Chairman

26.1.2016

Agent of counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl: A.G for official respondents No. 1 and 2 present. None present for private respondents despite issuance of notice though registered post. Proceeded ex-parte. Written reply by official respondents No. 1 and 2 has already been submitted. The appeal is assigned to D.B for rejoinder and final hearing for 10.5.2016.

Chairman

10.5.2016

Agent of counsel for the appellant and Addl. AG for the respondents present. Learned counsel for the appellant is stated to be busy before the august Peshawar High Court. Adjourned for rejoinder and final hearing before D.B on Supreme Court of Pakistan. To come up for final hearing before D.B on 24.08.2016.

Member

Charman

24.02.2015

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. for official respondents alongwith Addl: A.G present. Private respondents No. 3, 5, 8, 14, 25, 42 and 45 not served. Counsel for the appellant is directed to provide correct addresses of the said private respondents within three days whereafter fresh notices be issued to them. The remaining private respondents No. 4, 6, 7 and 9 to 13, 15 to 24, 26 to 41, 43, 44 and 46 are not present despite service. Placed ex-parte. Adjourned for further proceedings to 26.05.2015 before S.B.

[3] (2) 企业开始

Charrman

26.05.2015

Agent of counsel for the appellant and Mr. Mukhtar Ali, Supdt. alongwith Addl: A.G for official respondents present. Correct addresses of private respondents No. 3, 5, 8, 14, 25, 42 and 45 not submitted by the appellant. Directed to submit correct addresses of the said private respondents within a week, where-after notices be issued to them for 13.8.2015.

Charrman

13.08.2015

. S. Dr. E. 175

Agent of counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Assistant A.G for official respondents present. Correct addresses not submitted. Last opportunity granted for submission of correct addresses for 10.11.2015 for further proceedings before S.B.

Chairnan

27.05 2014

half because on the constraint Counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents present 66 100 and requested for time. None is available on behalf of private respondents. Fresh notices be issued to them. To come up for written reply on main appeal as well as reply/arguments on order loss of replace recest stay application on 25.09.2014.

25.09.2014

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come record year of hard in a se

Counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the respondents No. 1 & 2 present and reply filed. Copy handed over to counsel for the appellant. None is available on behalf of private respondents. Fresh notices be issued to them and receipt be attached with notiges. To come up for written reply of private respondents on 08.12.2014.

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t 10-11 of his ground confidency.

MEMBER

Mender

9.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents present. None is available on behalf of private respondents. Tribunal is incomplete. To come up for the same on 24.2.2015.

Appeal No. 272 2014

Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. He further contended that the order dated 23.01.2014 as received to the appellant on 21.02.2014, passed by the Board of Revenue, Revenue & Estate Department is the final order and there is no need to file separate appeals in support he filed copy of unreported judgment of Supreme Court of Pakistan in Civil Petitions No. 500 & 501-P/2003 dated 27:04.2005. Counsel for the appellant stated that similar nature cases of Mr. Abdul Waheed in Service Appeal No. 252/2014, Mr. Abdul

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The learned Government Pleader while assisting the Tribunal was of the view that the order dated 23.01.2014 is original order and the appellant was to file departmental appeal.

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Haleem, 253/2014 and Muhammad Taj, 254/2014 have already been

admitted and pending before the learned Bench-II for regular

hearing, therefore the same may also be club with the said appeal.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee The Court no 110 10 V2 within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments. Appellant has also filed an . application for suspending the operation of order dated 23.01.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal as well as reply/arguments on application on 06.08.2014 before the learned Bench-II.

Member

Subsection 27.03.2014 The Total Strain CP 101 to 1800 The

Counsel for the appellant present. Preliminary arguments partly heard. The learned counsel for the appellant stated that similar nature of appeals No. 252/2014 titled. Abdul Waheed, No. the Bar of the miles of the same 254/2014 titled. Muhammad Taj and Appeal No. 253/2014, titled The sale of the sale of the sale of Abdul Haleem have already been admitted for regular hearing. 计磁路线 化基础 The above mentioned appeals may be requisitioned, however, preadmission notice be issued to the Government Pleader to assist the Tribunal for preliminary hearing on 14.04.2014.

Member

indight where with a will all and tribler a land our display Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requester for adjournment. To come up for preliminary hearing as \$P\$1.15 高达特别格 magain 1997。 per order sheet dated 27:03:2014 on 13.05:2014

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1	25/02/2014	The appeal of Mr. Muhammad Riaz resubmitted today
_	arapan Cerilanan	by Mr. Khaled Rahman Advocate may be entered in the
	ANTENERISEN	Institution register and put up to the Worthy Chairman for
	M. A.	preliminary hearing.
		REGISTRAR
2	97-9-901	This case is entrusted to Primary Bench for preliminary
•	27-220)	hearing to be put up there on 27-3-2014
	, .	
		CHAIRMAN
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i		

The appeal of Mr. Muhammad Riaz Tehsildar Pabbi Distt. Noshera received today i.e. on 21.02.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within T5 days.

1- Copy of departmental appeal/review application against the impugned order is not attached with the appeal which may be placed on it.

2- Addresses of respondents No.3 to 46 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 285 /S.T.

Dt. 21/02 /2014.

REGISTRAR 24\2-\N
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Khaled Rehman Adv. Pesh.

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Objection is not unual become the impufred order of 23/14

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 272 /2014

Muhammad Riaz, Tehsildar		The Govt. of KP and others
	Versus	
Appellant		Respondents

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5.	Notification thereby amendments in rules were notified	02.12.2011	C	0-21
6.	Notification of promotion of appellant and others	04.06.2013	D	22-23
7.	Minutes of DPC		E	24-27
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13.	Wakalat Nama			

Through

Khaled Rahman Advocate, Beshawar

3-D, Haroon Mansion, Khyber Bazar, Peshawar. Off Tel: 091-2592458

Off: Tel: 091-2592458 Cell # 0345-9337312

Dated: 20%/02/2014

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REFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No._272 /2014

Muhammad Riaz, Tehsildar, Pabbi, District Nowshera......Appellant

Versus

- 1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 2. The Secretary to Govt. of Khyber Pakhtunkhwa Revenue & Estate Department, Civil Secretariat, Peshawar.
- Lappeld No 4,b, 2. 12 pp 13 15 pp 24 ,20 pp 3. 15 pp 24 ,20 pp 3. 41, 43, 244 prompts. Whe could de (4) 24-2-15- percla Shakirullah S/o Khan Mir, R/o Mohallah Sudan Khel, Village Pirokhel, Tehsil Landi Kotal, Khyber Agency.
 - Munir Ahmad S/o Jehangir Khan, R/o Outside Laghari Gate, Bagh Gali, Al-Noor Masjid, Street Sahib Jan Colony, House # 69, D.I.Khan
 - 5. Rahamdullah Khan S/o Ahmad Khan, R/o village Dolat Khel, Ishaq Khel, Tehsil and District Lakki Marwat.
 - Imtiaz Ali Shah S/o Muhammad Ali Shah, R/o Village & P.O. Warana, Shah Abad, Tehsil Takhti Nasrati, District Karak.
 - Khalid Khan S/o Iftikhar Hussain, R/o Village & P.O. Khar Bajaur Agency.
 - Fazal Wadood S/o Fazli Mehmood, R/o Village Sadullah, Mohmand Agency.

Irshad Ali S/o Dost Muhammad, R/o Village & P.O. & Tehsil Tangi, ac-submitted to-District Charsadda. and filed.

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- Noor-ul-Amin S/o Zar Mueen,
 R/o Hassan Abad Colony, P.O. Zafar Abad
 Colony, D.I.Khan.
- Amir Nawaz S/o Gul Daraz, R/o Main Panyala, Tehsil Paharpur, District D.I.Khan.
- Shah Wazir S/o Abdullah Khan, R/o Waziristan Hotel, Wana Road, S.W.Agency.
- Sikandar Khan S/o Sarzamin Khan, R/o Village & P.O. & Tehsil Charbagh, Mohallah Mandri, District Swat.
 - Ishtiaq Ahmad Khan S/o Ala-ud-Din,
 R/o Village & P.O. Old Malakand Agency.
- Shamsul Islam S/o Faqir Gul, R/o Village & P.O Ghari Usmani Khel, Tehsil Dargai, District Malakand.
- Muhammad Ilyas S/o Shah Nasim Khan, R/o Mohallah Khattak Khel, Hazara, Tehsil & District Swat.
- Yasir Salman Kundi S/o Hamid Khan Kundi, R/o Chowk Chashma Road, Sheikh Yousaf, D.I.Khan.
- Yadullah Khan Khattak S/o Muhibullah Khattak R/o Mohallah Pela Khel, Lund Khwar, Tehsil Takht Bhai District Mardan.
- Ahmad Hashmi S/o Fazli Rabi R/o Village Raid Garhi, Tehsil Lal Qilla, Maidan, District Dir Lower.
- Aminullah Khan S/o Dost Muhammad Khan, R/o Village Baggi Qamar, P.O. Rahmani Khel, Tehsil Paharpur, D.I.Khan.
- Islah-ud-Din S/o Sayed Badshah, R/o Village Nawab Dheri, P.O. Takar, Tehsil Takht Bhai, District Mardan.

- Zahid Younas S/o Muhammad Younas, R/o Latambar, Tehsil & District Karak.
- Niamatullah S/o Khanimullah, R/o Village Dheri Lakpani, Tehsil & District Mardan
- Muhammad Riaz S/o Fazli Aziz, R/o Tehsil Munda, District Dir Lower.
- 25. Muhammad Yar S/o Waqif Khan, R/o Sakha Kot, Bazar, Malakand Agency.
- Sher Ali Khan S/o Sahib Zar Gul, R/o Landi Khas, Mingora Swat.
- Munawar Shah S/o Abdul Rasheed, R/o Village Seh Sadda, P.O. Chakdara, Tehsil Adenzai, District Dir Lower.
- Iftikhar-ud-Din S/o Zewar Din, R/o Gulbahar Colony No.1, Mardan Road, GPO Charsadda.
- Younas Khan S/o Waqif Khan, R/o Village & P.O Akhagram, Tehsil Wari, District Dir Lower.
- Mujahid Ali S/o Khalil-ur-Rahman, R/o Village Kandi Tazadin, P.O. Pabbi, District Nowshehra.
- Syed Abdul Akbar Shah S/o Syed Gul Chaman, R/o Village Pir Abad, P.O. Bakhshali, District Mardan.
- 32.) Syed Sultan Haider Shah S/o Syed Gulzar Hussain, R/o House No.946/14-A, Sheikh Abad No.3, District Peshawar.
- Aftab Ahmad S/o Javed Muhammad, R/o Village & P.O Chaghar Matti, Tehsil & District Peshawar.
- Dil Nawaz Khan S/o Alamzeb, R/o Village & P.O Kalu Khan, Tehsil & District Swabi.

- Kifayatullah S/o Haji Akbar; R/o Street Idrees Abad, Gulbahar No.3, Peshawar.
- Faqir Hussain S/o Muhammad Younas R/o Kandi Taza Din, P.O. Pabbi, District Nowshehra.
- Zulfiqar Khan S/o Arsala Khan, R/o Village Hassan Garhi, Shami Road, Peshawar.
- Wiqar Ahmad S/o Muhammad Irfan, R/o Village & P.O Kanshian, Tehsil Balakot, District Mansehra.
- Muhammad Faraz Qureshi S/o Muhammad Riaz Qureshi, R/o Street No.1, Al-Mansoor Town, Ayub Medical Complex, Abbottabad.
- Fazlur Rahman S/o Habib-ur-Rahman, R/o Village & P.O Paind Hashim Khan, Tehsil & District Haripur.
- Farrukh Jadoon S/o Anwar Ahmad Khan, R/o Village & P.O Langra, Tehsil & District Abbottabad.
- 42. Fayaz Ahmad S/o Pir Khan, R/o Village & P.O Beeran gah, Tehsil & District Abbottabad.
- 43.) Bilal Ahamd S/o Farid-ud-Din, R/o Village Kalis, P.O., Tehsil & District Haripur.
- Tanveer Shehzad S/o Muhammad Sahif, R/o Badira Road, Mohallah Lahor Banda, Mansehra.
- 45. Ijaz Ahmad S/o Muhammad Riaz, R/o Thanda Mera, Village & P.O Salhat, Tehsil & District Abbottabad.
- Muhammad Salim S/o Muhammad Sidique, R/o Village Badhair, P.O. Nathiya Gali, Tehsil & District Abbottabad............Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS

ACT. 1974 **AGAINST** THE **IMPUGNED NOTIFICATION** DATED 23.01.2014 **PASSED** RESPONDENT NO.2 VIDE WHICH ON ACCEPTANCE OF THE DEPARTMENTAL APPEAL OF RESPONDENT NO.3-46, THE NOTIFICATION **DATED** 04.06.2013 BY **MEANS OF** WHICH APPELLANT WAS PROMOTED TO THE POST OF TEHSILDAR (BPS-16) WAS WITHDRAWN AND APPELLANT WAS REVERTED BACK TO THE POST OF NAIB TEHSILDAR.

PRAYER:

On acceptance of the instant appeal, the impugned Notification dated 23.01.2014 may graciously be set aside by restoring the Notification dated 04.06.2013 with all consequential back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

- 1. That appellant is one of the senior most employees of the Revenue & Estate Department and at the moment is serving as Tehsildar at Pabbi, District Nowshehra. Earlier he was serving as Naib Tehsildar in the Department.
- 2. That initially the services of Tehsildars and Naib Tehsildars were governed by the West Pakistan Tehsildar & Naib Tehsildar Rules, 1961, which were replaced in the year 2001. In both sets of Rules there was no condition of Graduation for promotion to the post of Tehsildar.

- 3. That vide Notification dated 04.02.2009 (Annex:-A), the Rules ibid, were replaced and the posts of Tehsildars as per the new Rules were to be filled in as follows:
 - a) 20% by initial recruitment;
 - b) 60% by promotion on the basis of joint senioritycum-fitness from amongst the Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrars with at least five years service;
 - c) 20% by promotion on the basis of seniority-cumfitness from the amongst the Superintendents of
 the office of the Board of Revenue (Revenue &
 Estate and Land Settlement and Consolidation
 Department), Commissioners, DORs and Political
 Agents and Senior Scale Stenographers of the
 offices of Board of Revenue, Commissioners,
 Additional Commissioners, DCOs and Political
 Agents, having five years service.

It is important to mention here that in Column Nos.4&5 minimum qualifications for appointment by initial recruitment or by transfer or by promotion have been fixed as second class graduation from any University recognized by HEC but it has been provided that the condition of graduation was to be made applicable after five years of the date of the Notification.

4. That in 2011, further amendments were proposed in the Rules mentioned above which were approved on the recommendations of Standing Service Rules Committee vide Comparative Statement (Annex:-B) wherein in Column No.4 of Serial No.1 against the post of Tehsildar (BPS-16), the minimum qualification for appointment by promotion was deleted, thus the condition of

graduation for promotion was done away with, however, when the amendments were notified vide Notification dated 02.12.2011 (Annex:-C) erroneously the amendment relating to the deletion of the minimum qualification for appointment by promotion was not incorporated therein due to oversight while changes in Column No.7 were only reflected.

- Notification dated <u>04.06.2013</u> (Annex:-D) appellant alongwith others were promoted to the posts of Tehsildar (BPS-16) on regular basis on the recommendations of Departmental Promotion Committee (Minutes Annex:-E) and in pursuance of the Notification ibid, appellant took-over the charge of the post of <u>Tehsildar at Pabbi</u> and is still performing his duties as such.
- 6. That some most junior Naib Tehsildars appointed directly in the year 2009 on the recommendations of the Khyber Pakhtunkhwa Public Service Commission filed W.P.No.1720-P/2013 (Annex:-F) before the Peshawar High Court, Peshawar challenging the promotion Notification of the appellant and others since the writ petition was not maintainable, therefore, the same was entertained but was disposed of vide judgment dated 05.11.2013 (Annex:-G) wherein the petition was treated as Departmental appeal and sent to Respondent No.2 for decision strictly accordance with the rules. The relevant part of the judgment is reproduced as under:-

"The learned counsel for petitioners, however, submitted that the instant petition has been filed on 18.06.2013 and since then is pending adjudication for decision, in motion. He requested that the instant writ petition be transmitted to Respondent No.1 as departmental appeal for decision. The request of the counsel for petitioner is genuine, thus copy of this writ petition be transmitted to Respondent No.1. i.e. Secretary Estates & Revenue Department, Khyber Pakhtunkhwa shall be treated as departmental appeal and be decided in the prescribed limits of time strictly in accordance with Rules and law.

With the above observations, this writ petition is disposed of accordingly."

7. That Respondent No.2, thereafter took up the writ petition as Departmental appeal/Representation and vide impugned Notification dated 23.01.2014 (Annex:-H) the same was accepted consequently, the Notification dated 04.06.2013 by means of which appellant and others were promoted to the post of Tehsildar (BPS-16) was withdrawn and appellant and others were reverted to the posts held prior to the promotion and vide another Notification dated 24.01.2014 (Annex:-I) appellant and others were taken on acting charge basis against the same posts. It is pertinent to mention here that appellant was promoted to the post of Tehsildar on acting charge basis vide

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Notification dated 04.10.2010 (Annex:-J).

8. That appellant, being aggrieved of the impugned Notification ibid, assails the same through this appeal inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned Notification, which is unjust, unfair and hence not sustainable in the eye of law.
- В. That the Departmental appeal maintainable inas much as the same was violative of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 which requires separate Departmental appeals/Representations. Since the Hon'ble High Court has directed for decision of the Departmental appeal strictly in accordance with the rules, therefore, Respondent No.2 has wrongly accepted a single Departmental appeal of as many as 44 appellants by means of single appeal, which is thus against the rules and hence the impugned Notification is without lawful authority and hence liable to be set aside.
- C. That the condition of Graduation was illegally as well as wrongly applied to the appellant and other similarly placed promotees inas much as the same

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was the requirement for the initial recruitment and it was for this reason that in subsequent amendments the same condition was done away with but mistakenly the same could not be reflected in the Notification which was later on issued. Be that as it may, the condition was to be applied after five years, therefore, the same could not be applied to the appellant even under the same Notification. In this view of the matter the impugned Notification is illegal, malafide and hence not maintainable.

- D. That appellant is one of the senior-most employees of the Department and it was on the basis of his longstanding service that appellant was promoted after observing all the codal formalities on the recommendations of the Departmental Promotion Committee, therefore, the impugned Notification is unlawful and hence not tenable under the law.
- E. That appellant has been condemned unheard inas much as he was not provided an opportunity of hearing before passing the impugned Notification which is thus against the principle of natural justice because it is a settled law that denial of promotion amounts to major penalty and civil servant must be heard before depriving him of the promotion.
- F. That the promotion of the appellant has been acted upon and carried into effect and hence valuable rights have accrued in favour of the appellant which could not be taken away under the principle

of locus poenitentiae and for that matter the principle of promissory estoppel.

G. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

Khaled Rahman, Advocate, Peshawar

Dated: / 02/2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No	/2014
Muhammad Riaz	Applicant
Versus	
The SMBR and others	Respondents
Application for suspending the op Notification dated 23.01.2014 till tinstant appeal.	_
Respectfully Sheweth,	

- 1. That the above titled service appeal is being filed today which is yet to be fixed for hearing.
- 2. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which make out an excellent prima facie case in favour of applicant/ appellant.
- 3. That the balance of convenience also lies in favour of applicant/appellant and in case the impugned Notification is not suspended the applicant/appellant will suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of this application, the operation of the impugned order dated 23.01.2014 may graciously be suspended till the final disposal of the main appeal.

Through

Khaled Rationan, Advocate, Peshawar

Dated: / 02/2014

A COMMEDIAMISSIONES

<u>Affidavit</u>

I, Muhammad Riaz, Tehsildar, Pabbi, District Nowshera, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

EXTRAORDINARY

GOVERNMENT





REGISTERED NO. P.III
GAZETTE

NORTH - WEST FRONTIER PROVINCE

Published by Authority

PESHAWAR, WEDNESDAY, 4TH FEBRUARY, 2009.

CRITI-GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE, REVENUE AND ESTATE DEPARTMENT.

NOTIFICATION

Peshawar, dated 26th December, 2008

No. 32102-61/Admn:I/135/SSRC. – In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO. 457(1)/2001 dated 28tj June, 2001 and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts born on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-



N.W.F.P GOVERNMENT GAZETTE, EXTRAORDINARY, 4TH FEBRUARY, 2009.

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			·		<u>, </u>	1	4 ,
	1	2	3	4	5	6	727
	S.No	Nomenclature of	11 0	Minimum Qualification	Minimum	Age limit	Method of recruitment
		the post	Authority	for appointment by	Qualification		
				initial recruitment or by	for appointment by		
				transfer	promotion		
11.15	6-1.	Tehsildar	Administrative	Second class	Second classics.	21-30 years	(a) Twenty percent by initial recruitment: and
		(BPS 16)	Secretary	Graduation from any	Graduation from any	For initial	
	2//		(SMBR)	University recognized		recruitment	(a) Sixty percent by promotion, on the basis of
	<u>〜</u> 丿			by the Higher	by the Higher		joint seniority-cum-fitness from amongst Naib
				Education Commission	Education	and the second of the second o	Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrar with at
		, - 1 e5,	4		Commission.		least five years service.
					is a second of		
Ψ.				The Company of the Company	May Commence		(b) Twenty percent by promotion on the basis of
							joint seniority-cum-fitness from amongst
							Superintendents of the office of Board of
							Revenue (Revenue & Estate and Land
ļ							Settlement & Consolidation Department)
					,		Commissioners, DOR and Political Agents and
.							Senior Scale Stenographers of the offices of
	1						Board of Revenue, Commissioners, Additional
							Commissioner, DCOs and Political Agents
							having five years service.
Ì			;				

ſ	1	2	3	4	5	6	7
	2.	Naib Tehsildar (BPS 14)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher	Second class Graduation from any University recognized by the Higher	21 – 30 years For initial recruitment	(a) Fifty percent by initial recruitment, through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and
				Education Commission	Education Commission		 (b) Thirty percent by promotion, on the basis of Seniority – cum – fitness from amongst Graduate Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. The condition of Graduation will be applicable after five years from the date of issuance of this Notification. (c) Twenty percent by promotion, on the basis of joint Seniority – cum – fitness from amongst Junior Scale Stenographer and Assistants in the office of Political Agent and Assistant Political Agent Frontier Region, Assistant / Junior Scale Stenographer of Ex – Deputy Commissioner / Commissioners offices presently working in the offices of DCO / ACO / EDO (F&P) and DOR, who are Graduate with five Years Service as such.
	3.	District Kanungo (Saddar Kanungo) (BPS 14)	-	-	-		By transfer from amongst Naib Tehsildar
	4.	Head Clerk (Revenue) (BPS 14)	-	-	-		By transfer from amongst Naib Tehsildar

	1	2	3	4	5	6	7
	5.	District Revenue Accountant (BPS 14)	-	-	-	-	By transfer from amongst Naib Tehsildar
	6.	Kanungo (BPS – 09)	District Officer (Revenue &	-	-	-	By promotion, on the basis of joint Seniority –cum – fitness, on District level from amongst the Patwaris / Tehsil Revenue Accountant and Wasil Baqi Nawis
	2)		Estate) /Collector,		The contract of the contract o		who have passed the Departmental Examination of Kanungo with at least five Years Service as such.
	· 7.	Senior Tehsil Revenue	e za nakon nakon erak	Briston Walter Control		ar _ arter age _ a	By transfer from amongst Patwaris
		Accountant (BPS 07) and Junior Tehsil					
		Revenue Accountant			,		
		Wasil Baqi Nawis / Additional			,	-	:
E		Wasil Baqi Nawis (BPS – 05)			,		
		Patwari (BPS – 05)	District Officer (Revenue & Estate) /Collector,	Intermediate or equivalent qualification, who have passed the Patwari Examination having	18 to 30	By initial recruitment	By initial appointment for amongst the Patwari passed candidates entered in Register maintained by the District Collector of the District Concerned having one year diploma in information technology from any institution recognized by Board of technical
	*			one year diploma in information technology from any institution technology from any institution recognized			education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

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1	2	3	4	5	6	7
•			by Board of technical			
			education			



Sd/-SECRETARY TO GOVERNMENT OF NWFP, REVENUE AND ESTATE DEPARTMENT



COMPARATIVE STATEMENT SHOWING EXISTING SERVICE RULES AND PROPOSED AMENDMENTS.

These Rules are formulated for the officials working in Revenue and Estate Department. The officials foregoing promotion twice, failing to pass the interest of the considered to have become in efficient and liable to compulsory retirement from service.

of Post	Minimum Qualification for appointment by initial	Minimum	Age Limi	t Nethod o	f Recruitment
2	recruitment or by transfer	Qualification for appointment by promotion	-	Existing	Approved
Tehsildar (BPS – 16)	At least 2 nd Division Graduation Degree from any University recognized by	4	Years for	6 (a) Twenty percent by initial recruitment; and	(a) Twenty percent by initial recruitme through Public Service Commission based on 1
) xumed	Higher Education Commission		recruitmen	(b) Sixty percent by promotion, on the basis of Seniority — cum — fitness from amongst the Graduate Naib Tehsildar with at least Five Years Service as such. The condition of Graduation will be applicable after five years from the date of issuance of this Notification; and (c) Age and qualification for initial recruitment and passing — of — Departmental — Examination — and prescribed training of Tehsildar will remain intact. (d) Twenty percent by promotion on the basis of Joint Seniority-cum-fitness from amongst graduate Assistants/Senior Scale Stenographers of BOR, DLR, and Senior Scale Stenographers of the Offices of Commissioner, Additional Commissioner, Political Agents.	b) Sixty percent by promotion, on the basis seniority – cum – fitness from amongst Na Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrars with at least fix years service. (c) No change d) Twenty percent by promotion on the basis of Joint Seniority-cum-fitness from amongs Superintendents of the offices of Board of Revenue Commissioners.

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niversity recognized by		initial	NWFP Public Service Commission based on the result of a Competitive Examination conducted by it	
			(b) 30 % by promotion, on the basis of Seniority – cum – fitness from amongst Graduate Kanungos with at-least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. The condition of Graduation will be applicable after five years from the date of issuance of this Notification.	(b) 25 % by promotion, on the basis of seniority – cum – fitness from amongst Kanungos with atleast five years service as such, and have passed the Departmental Examination of Naib Tehsildar.
		:	Executive District Officers (F&P), Political Moharries of the office of Political Agents and Assistant Political Agents (FR), with at least five	Commissioners, Additional Commissioner, DCOs, DOR offices, and Executive District Officers
		ent a ser enterent en	Naib Tehsildar will remain intact passing of Departmental Examination and prescribed training as per Rules 52 / 53 / 54 & 55 of the West Pakistan Tehsildari and Naib Tehsildari Departmental Examination_and Training Rules 1969-will remain—	(d) The criticial so appointed shall successfully complete Settlement / Revenue training and pass Kanungo Certificate Examination. (e) As infd) column = 6. (No change)
			intact.	EXPEAN TION Ministerial employees of the
				Board of Revenue eligible for appointment to the post of Naih Tehsildar under the provision of clause (c) shall, for the purposes of the said clause.
	-			be deemed to belong to the division and zone respectively in which in their home district is situate
•	er u na mana an		1	Note:- Vacancy in a Division will be filled on respective
	least 2 nd Division raduation Degree from any niversity recognized by gher Education Commission	aduation Degree from any niversity recognized by gher Education Commission	aduation Degree from any viversity recognized by gher Education Commission Years for initial recruitment	recruitment in accordance with syllabus, and (b) 30 % by promotion, on the basis of Seniority— cum—fitness from amongst Graduate Kanungos with at-least Five Years Service as such, who have passed the Departmental Examination of Oradiation will be applicable after five years from the date of issuance of this Northenton. (c) 20 % by promotion on the basis of joint Seniority-cum-fitness from amongst Graduate Assistants of the office of Commissioners, Additional Commissioner, DCOs, DOR offices, and Executive District Offices (F&P), Political Moharrirs of the office of Political Agents and Assistant Political Agents (FR), with at least five years services as such. (d) Age and qualification for initial recruitment of Naib Telisidar will remain intact passing of Departmental Examination and Frasining Rules 1969-will remain- intact Examination and Frasining Rules 1969-will remain- intact

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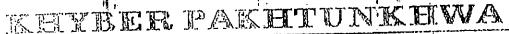
•						
	istrict Kanungo (Saddar Sanungo)			-	By transfer from amongst Naib Tehsilder	By selection on seniority-cum-fitness with du regard to seniority from amongst Intermediat passed Kanungos with atleast 03 years service
2	d Clerk (Revenue) (Divisional cadre)		-	-	By transfer from amongst Naib Tehsildar	Assistant having dealt with revenue or acquisition matters for atleast 03 years.
5.	District Revenue Accountant	-	-		By transfer from amongst Naib Tehsildar	By promotion on the basis of selection on seniority from amongst Kanungos with at-least 03 years service.
-107	Kennungo				By promotion on the basis of jetut Seniority = cum	By promotion, on the basis of joint seniority our
)				Titness, on District Tevel from amongst the Patwaris / Tehsil Revenue Accountant and Wasil Baqi Nawis who have passed the Departmental Examination of Kanungo with at least five years service as such.	Patwaris / Tehsil Revenue Accountant who have passed the Departmental Examination of Kanungo.
/.	Tehsil Revenue Accountant / Wasil Baqi -Nawis/ Addl: -		- 	-	By transfer from amongst Patwaris	No change.
	Wasil Baqi Nawis (BPS – 7)					
8.	Patwari (BPS – 05)	FA or equivalent qualification having obtained certification / deploma in Computer litracy		18 - 35 years for	(a) By initial appointment from amongst the Patwari passed candidates entered in Register maintained by the District-Collector of the District-	(a) By initial appointment from amongst the Patwari passed candidates entered in Register
		especially in Microsoft and		recruitment.	Concerned having one year diploma in information.	Concerned Thaving Tone Tweet Certificate in
		Urdu packages.			technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.	information technology from any Institution
					and all of issuance of right salion.	Training.
	1					

Nasir Aman
Section Officer (Regulation – II)
Establishment Department (Member)

Khurshid Alam Section Officer (Regulation – I) Finance Department (Member)

Hamsheeda Begum Assistant Legal Drafter – I Law Department (Member)

Waqar Ayub Secretary Revenue & Estate Department (Chairman)



Published by Authority

PESHAWAR, 0000000000000, 00TH SEPTEMBER, 2012.

GOVERNMENT OF KHYBER PAKHTUNKHWA BOARD OF REVENUE/REVENUE & ESTATE DEPARTMENT

 $\left(2\right)$

NOTIFICATION

Dated Poshawar, the 2nd December, 2011.

AmxC

No. Estt:///296/Amendment/29174.—In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the Morth-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment, Finance and Law Departments hereby directs that in this Department Motification No. 32102/Admn:1/135/SSRC, dated 26-12-2008 read with Notification No. 12389/Admn:1/296/Amendment, dated 30.03.2011, the following further amendments shall be made, namely:-

AMENDMENTS

In the Appendix:-

- 1. Tehsildar (BPS-16) Against S.No. 1, in column No. 7, for the existing entries, at clauses (a), (b) and (d), the following shall be substituted, namely:
 - (a) Twenty percent by initial recruitment, through Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and
 - (b) Sixty percent by promotion, on the basis of joint sonlocity-cum-litness from amongst Naib Tehsidars, District Revenue Accountants, District Kanungos and Sub-Registrar with at least five years service.
 - Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Superintendents of the office of Board of Revenue (Revenue & Latate and Land Settlement & Consolidation Department) Commissioners, DOR and Political Agents and Senior Scale Stenographers of the offices of Floard of Revenue, Commissioners, Additional Commissioners, DCOs and Political Agents having five years service.
 - 2 Nalb Tehslidar (BPS-14) (Divisional Cadre)
- Against S.No. 2, in column No. 7, for the existing antities, at clause (b), (c) and (d), the following shall be substituted, namely:
- (b) Twenty five percent by promotion, on the basis of seniority-cum fluess from amongst Konunges with at least five years service as such and have passed the departmental examination of Naib Tehsildar.
- (c) Twenty-five percent by promotion on the basis of joint sonlerly-cumfilness from amongst Assistants of the office of BOR, Commissioners, Additional Commissioners, DCOs, DOR office and Executive District Officers (F&F), with at least five years sorvice, Political Moharries of the office of Political Agent/Assistant Political Agents, with 10 years service.

	[-]	
	The control of the co	(d) The official so appointed shall successfully complete. Settlement/Revenue training and pass Kenungo Certificate Examination.
		EXPLANATION: Ministerial employees of the Board of Revenue eligible fro appointment to the post of Nalb Tehsildar under the provision of clause (c) shall, for the purposes of the said clause, be deemed to belong to the division and zone respectively in which their home district is situate.
		Note:- Vacancy in a division will be filled on respective divisional basis.
3	Olstrit Kanungo (BPS-14)	Against S.Na. 3, in column Na. 7, for the existing entitles, the following shall be substituted, namely:
an Malana da Santa d		By selection on sonjority cum-fitness with due regard to seniority from amongst intermediate passed Kanungos with at least 03 years.
4.	Head Clork (Revenue) BPS-14 (Divisional cadre)	Against S.No. 4, in column No. 7, for the existing entries, the following shall be substituted, namely:
		Assistant having doubt with revolue or acquisition matters for at least 03 years.
5.	District Revenue Accountant (BPS-14)	Against S.No. 5, in column No. 7, for the existing entries, the following shall be substituted, namely:
	in the state of th	By promotion on the basis of selection on seniority from amongst . Kanungos with at least 03 years-service.
ß.	Kanungo (BPS-9)	Against S.No. 8, in column No. 7, for the existing entries, the following shall be substituted, namely:
•		By promotion, on the basis of Joint seniority-cum-fitness, on District level from amongst the patwarfs/Tchall Revenue Accountant who have passed the Departmental Examination of Kanungo.
7.	Patwari (BPS-5)	Against S.No. 8, in column No. 7, for the existing entries, at clause (a) and (b) the following shall be substituted, namely:
		(a) By initial appointment from unorigst the Patvari passed candidates entered in the Register maintained by the District Collector of the district concerned having one year certificate in information technology from any
-		Institution Recognized by Board of Technical Education.
		(b) Successfully completed 09 months Settlement training. This condition will be applicable w.e.f. January 2014.

Sd/-x-x-x SECRETARY.



GOVERNMENT OF KITYBER PAKHTUNKHWA BOARD OF REVENUE REVENUE & ESTATE DEPARTMENT

F Peshawar dated the 04/06/2013)

NOTIFICATION

No.Esrt:1/26/11338

Consequent upon the recommendation of Departmental Promotion

Committee, the Competent Authority is pleased to order the promotion the following Naib Tehsildar, District Kanungo, District Revenue Accountant & Sub-Registrar (BBS - 14) to the post of Tehsildar

(BPS -- 16) on regular basis with immediate effect:-

SNO	NAME OF OFFICER	
1	Mr. Hazrat Çamar	
2. 3.	Mr. Muhammad Siddique	
3	Mr. Misri Khan	
4.	Mr. Bashir Ahmad	·
5.	Mian Samiul ah Jan	
6	Mr. Abdul Haleem	
7.	Mr. Asghar Shah	
8.	Mr. Ali Sher Khan	
9.	Mr. Abdul Ghaffar	
10.	Mr. Muhamn ad Taj	
11.	Mr. Said Rehman	
§ 12.	Mr. Qaisar Kuan	
: 13.	Mr. Najib Ullah	·
14.	Mr. Muhammad Ghulam	
15.	Mr. Muhamir ad Hayat 🤫 💖 😥 🚦	
16.	Mr. Waheed Ahmad	
17.	Mr. Muhammad Hamayun	
18.	Mr. Sarir Alu iad	
19.	Mr. Muhammad Riaz	
20.	Muhammad Nawaz :	-
21	Mr. Mic Laig How	
22.	Mr. Nauman Ali Shah	
23.	Mr. Shourin Shah	
24.	Mr. Hidayat Ulah	
25.	Mr. Ghulam Saryvar	
26.	Mr. Farzand Ali	
27.	Mr. Said Rahim	
28.	Mr. Fazli Raz q	
29.	Mr. Asmat Ul ah	
30.	Mr. Hussian Eakhsh	
31.	Mr. Abdur Rashid	
32.	Mr. Fateh Ullah	
33.	Mr. Mulazim l-lussain	:
34.	Mr. Muhammad Israr	··
35. 36.	Mr. Afzal Khan	
17	Mr. Gul Said	
37.	Mr. Jehanzeb	
38.	Mr. Anwar-ul-Haq	
39.	Mr. Kutab Khan	.]

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- 2. On promotion the above officers will be on probation for a period of one year in terms of setion-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989.
- 3. Consequent upon above, the following postings / transfers are orders with immediate effect:

S.NO.	NAME OF OFFICER	FROM	ТО
1.	Mr. Hazrat Qanığı	District Revenue Accountant Buner	Services placed at the disposal of Commissioner, Malakand for further posting.
2.	Mr. Muhammad Siddique	Disfrict Revenue Accountant Peshawar'	Reader to Member – II, Board of Revenue
3.	Mr. Misri Khan	Sub-Registrar Malakand	Services placed at the disposal of Commissioner, Mardan for posting as Tehsildar Takht Bhai.
4.	Mr. Bashir Alımad	Tehsildar Swabi	Retained on the same post.
5.	Mian Samiullah Jan	Tehsildar Tangi	Retained on the same post.
6.	Mr. Abdu! Halcehi	District Kanungo Battagram	Services placed at the disposal of Commissioner, Hazara for further posting.
7.	Mr. Asghar Shah	Tehsildar / Recovery Officer NHA Abbottabad	Services placed at the disposal of Commissioner, Hazara for posting as Tehsildar Balakot.
8,	Mr. Ali Sher Khan	Tehsildar on Special Duty Board of Revenue	Retained on the same post.
9.	Mr. Abdu! Ghaffar	Tehsildar Serai Naurang	Retained on the same post.
10.	Mr. Muhammad Taj	District Kanungo Haripur	Scrvices placed at the disposal of Commissioner, Hazara for further posting.
11	Mr. Said Rehman	Tehsildar Anti-corruption Peshawar	Retained on the same post.
12.	Mr. Qaisar Khan	Tehsildar (FR) Bannu	Retained on the same post.
13.	Mr. Najech Ullah	Special Tehsildar Irrigation (Rod Kohi) DIKhan	Retained on the same post.
14.	Mr. Muhammad Ghulam	District Kanungo Karak	Services placed at the disposal of Commissioner, Kohat for further posting.
15.	Mr. Muhammad Hayat	Tehsildar (OPS) National Accountability Bureau	Retained on the same post.
16.	Mr. Waheed Ahinad	Tchsildar (OPS) Allai	Retained on the same post.
17.	Mr. Muhammad Hamayun	Sub-Registrar Dir Lower	Services placed at the disposal of Commissioner, Malakand for further posting.
18.	Mr. Sarir Ahmad	Tchsildar Nowshera	Retained on the same post.
19.	Mr. Muharamad Riaz	Tehsildar / Recovery Officer Peshawar Circle Peshawar	Services placed at the disposal of Commissioner, Peshawar for posting as Tehsildar Pabbi.
20.	Muhammad Nawaz	Tehsildar Battagram	Retained on the same post.
21.	Mr. Mir Laiq	Tehsildar Mardan	Retained on the same post.
22.	Mr. Nauman Ali _s Shah	PT, Lower Orakzai	Retained on the same post.
23.	Mr. Shourin Shah	Telisildar (OPS) Shabqadar	Retained on the same post.
24.	Mr. Hidayat Ullah	Tehsildar (OPS) Behrain	Retained on the same post.
25.	Mr. Ghulam Sarwar	Naib Tehsildar Martung	Services placed at the disposal of Commissioner, Malakand for further posting.
26.	Mr. Farzand Ali	Naib Tehsildar Chargagh	Services placed at the disposal of Commissioner, Malakand for further posting.

λ			
SNO:	NAME OF OFFICER	FROM	то
27.	Mr. Said Rahim	Tchsildar / Recovery Officer (OPS) Swat	Services placed at the disposal of Commissioner, Malakand for posting as Tehsildar Timergara.
28.	Mr. Fazli Raziq	Naib Tehsildar (Revenue) DCOffice Swat	Services placed at the disposal of Commissioner, Malakand for further posting.
29.	Mr. Asmat Üllah	District Revenue Accountant Lakkij	Services placed at the disposal of Commissioner, Bannu for further posting.
30.	Mr. Hussian Bakhsh	Head Clerk (Revenue) DİKhan	Services placed at the disposal of Commissioner, DIKhan for further posting.
31.	Mr. Abdur Rashid	District Revenue Accountant	Services placed at the disposal of Commissioner, DIKhan for further posting.
32.	Mr. Fateh Ullah	At the disposal of FATA Secretariat	Retained on the same position
33.	Mr. Mulazini Hussain	Settlement Naib Tehsildar Panyala	Services placed at the disposal of Commissioner, DIKhan for further posting.
34.	Mr. Muhammad Israr	HCR DC Office Bannu	Services placed at the disposal of Commissioner, Bannu for further posting.
35.	Mr. Afzal Khan	Tehsildar Khadu Khel (OPS) Buner	Retained on the same post.
36.	Mr. Gul Said	Sub-Registrar Hangu	Recovery Officer NRSP Mardan
37.	Mr. Jehanzeb	Sub-Registrar Mardan	Services placed at the disposal of Commissioner, Mardan for further posting.
38.	Mr. Anwar ul-Haq	Naib Tehsildar Chakaiser	Services placed at the disposal of Commissioner, Malakand for further posting.
39.	Mr. Kutali Khan	Head Clerk (Revenue) Tank	Services placed at the disposal of Commissioner, DIKhan for further posting.
	100	1	

By order of Secretary to Government of Khyber Pakhtunkhwa Revenue & Estate Department

No.Estt:1/26/11339-422

Copy for warded to the:-

- Accountant Ciencral Khyber Pakhtunkhwa
- All Commissioners, in Khyber Pakhtunkhiwa.
- All Deputy Commissioners, in Khyber Pakhtunkhwa. All Political Agents in Khyber Pakhtunkhwa.
- Superintending Engineer (O) PESCO Peshawar Circle Peshawar
- Regional Operating Officer, National Rural Support Programme Khyber Pakhtunkhwa Nowshera.
- 7. Deputy Scoretary (Law & Order) FATA Scoretariat Khyber Pakhtunkhwa.
- 8. Officers concerned.

Deputy Secretary to Government of Khyber Pakhtunkhwa Revenue & Estate Department.

Amy E' (24)

GOVERNMENT OF KHYBER PAKHTUNKHWA BOARD OF REVENUE REVENUE & ESTATE DEPARTMENT

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING REGARDING PROMOTION OF NAIB TEHSILDAR, SUB-REGISTRAR, DISTRICT KANUNGO AND DISTRICT REVENUE ACCOUNTANT (BPS. 14) TO THE POST OF TEHSILDAR (BPS-16) HELD ON 24,05,2013 AT 10:00 AM UNDER THE CHAIRMANSHIP OF SECRETARY REVENUE & ESTATE DEPARTMENT.

A meeting of Departmental Promotion Committee was held on 24.05.2013 at 10:00 AM in the office of Secretary Revenue & Estate Department under his Chairmanship for consideration of the promotion cases of Naib Tehsildar, Sub-Registrar, District Kanungo and District Revenue Accountant (BPS – 14) to the post of Tehsildar (BPS – 16).

The following attended.

- Mr. Masood Khan
 Deputy Secretary (Regulation –II)

 Finance Department
- 2. Mr. Nasir Aman
 Section Officer (Regulation II)
 Establishment Department
- 4. Mr. Ghulam Muhammad, Secretary — Board of Revenue

Member

Meinber

Secretary

2. Following agenda was discussed where after recommendations for each of the officials in the panel were made:-

d				1 ::	# 1
S.No	Name of official	R	ecommendation		
Ι.	Mr. Hazrat Qamar	DRA- H	e was considered and found so ost of Tchsildar (BPS - 16) on		
2.	Mr. Muhammad Si DRA	ddique, H	Was considered and C		GUIEU DUSIS.
3.	Mr. Gul Ghazi Kha DRA	m, – III	s case was discussed and defi	C¦r	ed on the basis of over
4.	Mr. Abdul Qadeer, Naib Tehsildar	As	per pervious decision 05.10.0	20	1: Reports for the
5.	Mr. Misri Khan, Sub-Registrar	He	Was considered and C	- 15	rseded
The special sp	Mr. Mukhtiar Ali, District Kanungo	HIS	t of Tehsildar (BPS – 16) on recase was discussed and defe lability of Annual Confident 9 & 2011.	<u>.</u>	iat basis.
	Mr. Muhammad Asla Sub-Registrar	Pin LUS	case was discussed and defer lability of Annual Confidentia		li
			to terroring transcriptions described to the second		2001 10.

Sub-Registrat Sub-Registrat	Sub-Registra service 1 158 Mr. Liaqui Ali, Sub-Registra variability of Annual Confidential Reports for the entire service 1 158 Mr. Mujathid Ali, Sub-Registra variability of Annual Confidential Reports for the 2001 and clear Annual Confidential Reports for the year 2009. His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2010. 2011 & 2012 2013 2014 119			
Sub-Registrar service 1.58 Mr. Liaqui Alia Sub-Registrar Sub-Regi	Sub-Registra service 1 158 Mr. Liaqui Ali, Sub-Registra variability of Annual Confidential Reports for the entire service 1 158 Mr. Mujathid Ali, Sub-Registra variability of Annual Confidential Reports for the 2001 and clear Annual Confidential Reports for the year 2009. His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2010. 2011 & 2012 2013 2014 119	§.	Y Y Y Y Y Y Y Y Y Y	His case was discussed and deferred on the basis of non
9. Mr. Lingut Ali, Sub-Registrar, Su	9. Mr. Lingut Ally Sub-Registrar Consideration of the basis of non availability of Annual Confidential Reports for the 2001 and clear Annual Confidential Reports for the 2010 and clear Annual Confidential Reports for the 2010 and availability of Annual Confidential Reports for the 2010 and availability of Annual Confidential Reports for the 2010 and availability of Annual Confidential Reports for the 2010 and availability of Annual Confidential Reports for the 2010 and availability of Annual Confidential Reports for the 2010 and availability of Annual Confidential Reports for the 2010 and availability of Annual Confidential Reports for the 2010 availability of Annual Confidential Reports for the 2005 availability of Annual Confidential Reports for the 2012 availability of Annual Co	7		availability of Annual Confidential Penants for the autis
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Sub-Registrar Sub-Registra	Sub-Registrar Sub-Registra		<u> </u>	service.
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27. Mr. Muhammad Ghulam, District Kanlungo 28. Mr. Abdur Rehman Shah, Naib Tehsildar 29. Mr. Muhammad Hayat, District Kanlungo 30. Mr. Waheed Ahmad, District Kanlungo 31. Mr. Shafi-ur-Rehman, District Kanlungo 32. Mr. Muhammad J. His case was discussed and deferred on the basis of no availability of Annual Confidential Reports for the 2012. 33. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. 34. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. 35. His case was discussed and deferred on the basis of no availability of Original Annual Confidential Reports for the 2007, 2008, 2009, 2010 & 2011. 36. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. 37. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis.	27. Mr. Muhammad Ghulam, District Kanungo 28. Mr. Abdur Rehman Shah, Naib Tehsildar 29. Mr. Muhammad Hayat, District Kanungo 30. Mr. Waheed Ahmad, District Kanungo 31. Mr. Shafi-ur-Rehman, District Kanungo 32. Mr. Muhammad J. His case was discussed and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. 31. Mr. Shafi-ur-Rehman, District Kanungo 32. Mr. Muhammad J. His case was discussed and deferred on the basis of non availability of Original Annual Confidential Reports for the 2007, 2008, 2009, 2010 & 2011. 32. Mr. Muhammad J. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. 33. His case was discussed and deferred on the basis of non availability of Original Annual Confidential Reports for the 2007, 2008, 2009, 2010 & 2011. 34. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis.		n n n n	
27. Mr. Muhammad Ghulam, District Kanungo 28. Mr. Abdur Rehman Shah, Naib Tehsildar 29. Mr. Muhammad Hayat, District Kanungo 30. Mr. Waheed Ahmad, District Kanungo 31. Mr. Shafi-ur-Rehman, District Kanungo 32. Mr. Muhammad J. His case was discussed and deferred on the basis of no availability of Annual Confidential Reports for the 2012. 33. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. 34. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. 35. His case was discussed and deferred on the basis of no availability of Original Annual Confidential Reports for the 2007, 2008, 2009, 2010 & 2011. 36. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. 37. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis.	27. Mr. Muhammad Ghulam, District Kanungo 28. Mr. Abdur Rehman Shah, Naib Tehsildar 29. Mr. Muhammad Hayat, District Kanungo 30. Mr. Waheed Ahmad, District Kanungo 31. Mr. Shafi-ur-Rehman, District Kanungo 32. Mr. Muhammad J. His case was discussed and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. 31. Mr. Shafi-ur-Rehman, District Kanungo 32. Mr. Muhammad J. His case was discussed and deferred on the basis of non availability of Original Annual Confidential Reports for the 2007, 2008, 2009, 2010 & 2011. 32. Mr. Muhammad J. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. 33. His case was discussed and deferred on the basis of non availability of Original Annual Confidential Reports for the 2007, 2008, 2009, 2010 & 2011. 34. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis.		-	
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District Kanungo Mr. Waheed Ahmad, District Kanungo Mr. Shafi-ur Rehman, District Kanungo His case was discussed and deferred on the basis of no availability of Original Annual Confidential Reports for the post of Tehsildar (BPS – 16) on regular basis. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis.	Mr. Muhammad Hayat, District Kanungo Mr. Waheed Ahmad, District Kanungo Mr. Shafi-ur Rehman, District Kanungo His case was discussed and deferred on the basis of non-availability of Original Annual Confidential Reports for the 2007, 2008, 2009, 2010 & 2011. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. TED	1 -0.	1 ***	This case was discussed and deterred on the basis of non-
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30. Mr. Waheed Ahmad, District Kanungo Mr. Shafi-ur-Rehman, District Kanungo Mr. Shafi-ur-Rehman, District Kanungo Mr. Muhammad Mr. Muhammad He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. His case was discussed and deferred on the basis of not availability of Original Annual Confidential Reports for the 2007, 2008, 2009, 2010 & 2011. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis.	30. Mr. Waheed Ahmad, District Kanungo Mr. Shafi-ur-Rehman, District Kanungo Mr. Shafi-ur-Rehman, District Kanungo Mr. Shafi-ur-Rehman, District Kanungo Mr. Muhammad Mr. Muhammad He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. His case was discussed and deferred on the basis of non availability of Original Annual Confidential Reports for the 2007, 2008, 2009, 2010 & 2011. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis.	~′'		
30. Mr. Waheed Ahmad, District Kanungo Mr. Shafi-ur Rehman, District Kanungo Mr. Shafi-ur Rehman, District Kanungo Mr. Muhammad Mr. Muhammad He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. His case was discussed and deferred on the basis of not availability of Original Annual Confidential Reports for the post of Tehsildar (BPS – 16) on regular basis. He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis.	30. Mr. Waheed Ahmad, District Kanungo Mr. Shafi-ur Rehman, District Kanungo Mr. Shafi-ur Rehman, District Kanungo Mr. Shafi-ur Rehman, District Kanungo Mr. Muhammad Mr. Shafi-ur Rehman, District Kanungo Mr. Muhammad He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. TED		District Kanungo	post of Tensildar (BPS -116) on regular basis.
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32. Mr. Muhammad J He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular basis. TED	32. Mr. Muhammad / Hamayun, SR post of Tehsildar (BPS – 16) on regular basis. TED		Dietrick Kantona M	Tavailability of Original Annual Confidential Reports for the
He was considered and found suitable for promotion to the post of Tehsildar (BPS – 16) on regular besis. TED	Hamayun, SR post of Tehsildar (BPS – 16) on regular basis. TED	1	Signific Canadigo	
Hamayun, SR post of Tehsildar (BPS – 16) on regular basis. TED	Hamayun, SR post of Tehsildar (BPS - 16) on regular basis. TED	32	Mr. Madagaines	
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			Hamayun SR	
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	<u> </u>	
33	Mr. Sarir Ahmad,	He was considered and found suitable for promotion to the
•	Naib Tehsildar	post of Tchsildar (BPS – 16) on regular basis.
34.	Mr. Muhammad Riaz,	He was considered and found suitable for promotion to the
J7.	Naib Tehsildar	post of Tehsildar (BPS – 16) on regular basis.
		His case was discussed and deferred on the basis of non-
35.	Mr. Attaullah, 🏰	Fils case was discussed and deferred on the busined in the
i	Naib Tehsildar	availability of Annual Confidential Reports for the 2012.
36.	Mr. Musadiq Hüşsain,	His case was discussed and deferred on the basis of non
	Naib Tehsildar 1	availability of Annual Confidential Reports for the 2012.
		His case was discussed and deferred on the basis of non
37.	Mr. Abdul Qayum,	availability of Annual Confidential Reports for the 2012.
	Naib Tehsildar 🖟	availability of Affinian Confidencial Reports for the 2012.
38.	Muhammad Nawaz,	He was considered and found suitable for promotion to the
	Naib Tehsildar	post of Tchsildar (BPS – 16) on regular basis.
39.	Mr. Mir Laiq	He was considered and found suitable for promotion to the
139.	Naib Tehsildar	post of Tehsildar (BPS – 16) on regular basis.
! <u>-</u>		He was considered and found suitable for promotion to the
1 40.	Mr. Nauman Ali Shah,	He was considered and round summer for promotion to the
	Naib Tehsildar,	post of Tehsildar (BPS – 16) on regular basis.
41.	Mr. Shourin Shah,	He was considered and found suitable for promotion to the
	District Kanungo	post of Tehsildar (BPS – 16) on regular basis.
42.	Muhammad Bashir,	His case was discussed and deferred on the basis of non
42.	State Translation (6)	availability of Annual Confidential Reports for the 2012.
`	Naib Tehsildar 🖺	He was considered and found suitable for promotion to the
43.	Mr. Hidayat Ullah,	FIG Was considered and round suitable by
j	Naib Tehsildar !!	post of Tehsildar (BPS - 16) on regular basis.
44.	Mr. Iftikhar Ahmad.	His case was discussed and deferred on the basis of non
ļ		availability of Original Annual Confidential Reports for the
ļ	Naib Tehsildär!	2010, 2011 & 2012.
45.	Mr. Ghulam Sarwar,	He was considered and found suitable for promotion to the
13.	Naib Tehsildar	post of Tehsildar (BPS - 16) on regular basis.
		He was considered and found suitable for promotion to the
46.	Mr. Farzand Ali,	post of Tehsildar (BPS – 16) on regular basis.
	Naib Tehsildar	post of Tensildar (Dro Toyon Togethar date)
47.	Mr. Said Rahim,	He was considered and found suitable for promotion to the
	Naib Tehsildar	post of Fehsildar (BPS - 16) on regular basis.
48.	Mr. Fazli Raziq,	He was considered and found suitable for promotion to the
	Naib Tehsildar	post of Tehsildar (BPS – 16) on regular basis.
. 40	Mr. Shah Nawaz,	He was considered and found suitable for promotion to the
49.		post of Tehsildar (BPS – 16) on regular basis.
	Naib Tehsildar	He was considered and found suitable for promotion to the
50.	Mr. Asmat Ullah,	He was considered and found suitable for promotion to the
1	Naib Tehsildar	post of Tehsildar (BPS – 16) on regular basis.
51.	S. Mazhar Hussain Shah,	Deferred as departmental enquiry is pending against the
	Naib Tehsildar	official.
52	Mr. Hussian Bakhsh,	He was considered and found suitable for promotion to the
52.	l et e	post of Tehsildar (BPS - 16) on regular basis.
	Naib Tehsildar	He was considered and found suitable for promotion to the
. \ 53.	Mr. Abdur Rashid,	He was considered and found surface for promotion to the
.	Naib Tehsildar	post of Tchsildar (BPS – 16) on regular basis.
54.	Mr. Fatch Üllah,	He was considered and found suitable for promotion to the
	Naib Tchsildar	post of (Tehsildar (BPS - 16) on regular basis.
55.		His case was discussed and deferred on the basis of non
	I Minimunag, zykram,	availability of Original Annual Confidential Reports for the
	Naib Tehsildar	120111
.	Mr. Mulazim Hussain,	He was considered and found suitable for promotion to the
56.	1	post of Tehsildar (BPS + 19) on regular basis.
	Naib Tehsildar	He was considered and found suitable for promotion to the
57.		He was considered and round suitable for promotion to
Ì	Naib Tehsildar	post of Tehsildar (BPS + 16) on regular basis.
58.	Mr. Afzal Khan,	He was considered and found suitable for promotion to the
50.	Naib Tehsildar	post of Tehsildar (BPS - 16) on regular basis.
59.		He was considered and found suitable for promotion to the
39.	Sub-Registrar	post of Tehsildar (BPS-16) on regular basis.
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60.	Mr. Jehanzeb,		He was considered and fou	ind suitable for promotion to) on regular basis.	 . Un.s.
61.	Mr. Anwar-ul-Haq. Naib Tehsildar		TARE Was considered and for	ne emitable to	the
62.	Mr. Muhammad Fa Anwar, Naib Tehsi	roog dar	His case was discussed an availability of Annual Con) on regular basis. d deferred on the basis of the basis	
63.	Mr. Kutab Khan, Naib Tehsildar		1-2-1-20 1 10 2 1.09.2009 X	2012.50	· !
.64	Mr. Ghulam Qasim Naib Tehsildar		THS case was discussed and	on regular basis. d deferred on the basis of a fidential Reports for the 20	10n 10.
		1	1		. !

The meeting was ended with a vote of thanks.



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

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Petition No. 1725 - of 2013

Amy F n Khel (28)

Shakir Ullah Son of Khan Mir Rio Mohallah Sodan Khel, Village Piro Khel, Tehsil Landi Kotal Khyber Agency.

Munir Ahmad Son of Jhangi Khan Roo Outside Lahgari Gate, Bagh Ghali Al-Noor Masjid Street Sahib Jan Colony House No. 69, D.1, Khan

Rahamd Ullah Khan Son of Ahmad Khan R/o Village

Daulat Khel, Ishaq Khel, Tehsil & District Lakki

Marwat.

Imtiaz Ali Shah Son of Muhammad Ali Shah Rio Village & P.O Warana Shahabad, Tehsil Takht Nusrati, District Karak.

Khalid Khan Son of Iftikhar Hussain R/o Village & P.O. Khar Bajaur Agency.

Fazli Wadood Son of Fazli Mahmood R/o Village Saad Ullah, Mohmand Agency.

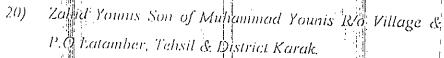
Irshad Ali Son of Dost Muhammad No Village, P.O and Tehsil Tangi District Charsadda.

Noor ul Amin Son of Zar Mueen R/o Hassan Abad Colony, P.O Zafarabad Colony, D.J. Khan.

Amir Nawaz Son of Gul Daraz R/o Main Panyala Tehsil Paharpur District D.I Khan

- 10) Shah Wazir Son of Abdullah Khan R/o Wazirstan Hotel & Bestaurant Wana Road, South Waziristan Agency.
- 11) Sikandar Khan Son of Sar Zumin Khan R/o Village & P.O.Tehsil Charbagh, Mohallah Manri District Swat.
- 12) Ishtiaq Ahmed Khan Son of Ala ud Din Rio Village & P.O Old Sakhukot Malakand Agency.
- (13) Shams ul Islam Son of Faqir Gul Ro Village & P.O. Ghari Usmani Khel Tehsil Dargai, District Malakand.
- 14) Muhammad Ilyas Son of Shah Nasım Khan Ivo Mohallah Khattak Khel, Village & P.O Hazara Tehsil & District Swat.
- 15) Yasir Salman Kundi Son of Hamid Khan Kundi R/o
 (Viowk Chashma Road, P.O Shiekh Yousaf L.I. Khan.
- 16) Yad Ullah Khan Khattak Son of Mohibullah Khattak R/o Mohallah Pela Khel, P.O Lund Khwar, Tehsil Takht Bhai District Mardan.
- 17) Ahmad Hashmi Son of Fazli Rabbi Ro Village Raidghari, Tehsil & PO Lal Qilla, Maidan District Dir Lower.
- 18) Amin Ullah Khan Son of Dost Muhammad Khan R/o Village Baggi Qamar P.O Rehmani Zhel, Tehsil Paharpur District D.I. Khan.
- 19) Islah ud Din Son of Syed Badshah R/o Village Nawab Dhery, P.O Takkar, Tehsil Thakt Bhai District Mardan.

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- 21) Niamat Ullah Son of Khanim Ullah R/o Village & P.O Dhary Lakpani Tehsil & District Mardan.
- 22) Muhammad Riaz Son of Fazal Aziz Ro Village, P.O and Tehsil Monda District Dir Lower.
- 23) Muhammad Yar Son of Waqif Khan Ro Village & P.O Skhakot Bazaar Malakand Agency.
- 24) Sher Ali Khan Son of Sahibzar Gul R/o Jandi Kass Mingora Swat.
- 25) Murawar Shah Son of Abdur Rashid Ro Village Selisadda P.O Chakdara Tehsil Adenzai, District Dir Lover.
- 26) Iftikhar ud Din Son of Zewar Din R/o Gulbahar Colony No l-Mardan Road, GPO Charsadda.
- 27) Young Khan Son of Waqif Khan R/o Village & P.O Akhagram Tehsil Wari District Dir Lower
- 28) Murahid Ali Son of Khalil ur Rehman R/o Vliage Kand . Tazadin P.O Pabbi District Nowshera.
- 29) Syed Abdul Akbar Shah Son of Syed Gul Ghaman R/o Village Pirabad, P.O Bashkhalai, District Mardan.
- 36) Syed Sultan Haider Shah Son of Syed Gulzar Hussain Shah No House No.946/14-A, Shiekhabad Na.3, District Peshawar.



- 1.0 Ghaghar Matti Tehsil & District Peshawar.
- Kalo Main, Tehsil & District Swabi.
- Coulhaller No.3, Peshawar.
- Din P. Ok abbi District Nowshera.
- (ihari Shemi Road, Peshawar, Shemi Road, Peshawar,
- 1'O Kanshian Tehsil Bala Kot District Mansehra.
- Oureshi Wo Street No.1 Al-Mansoor Town, Abub
 Medical Complex Abhottabad.
- P.O Paind Flashim Khan Tehsil & District Haripur.
- 19) Farukn Jadown Son of Anwar Ahmed Khan Ro Village & P.O Lengra Jahsil & District Abbottabad.
- Gibali, Tehsif & District Abbottabad
- Tehsil & District Haripur.



(1.) Fanyger Shahzad Son of Mydrammad Sahif Ro Badira Road Wohallah Lahor Banda Mansehra.



- 43; Fjaz Ahmad Son of Muhammad Riaz R/o Tanda Mera, Village & P.O Salhad Tehsil & District Abbottabad.
- 14) Muhammad Salim Son of Muhammad Saddique R/o
 Village Badhair, P.O Nathia Ghali Tehsil & District
 Abbolighad.

. Petitioner

Versus

- 1) Segretary Revenue and Estate Dept. Khyber Pakhtunkhwa Peshawar.
- 2) Departmental Promotion Committee Revenue and Estate Deptr: Khyber Pakhunkhwa Peshawa through Rispondent No.1.
- 3) Deputy Secretary Revenue and Estate Dentt: Khyber Pakhtunkhwa Peshawar
- 1) Hazrat Qamar Clo Commissioner Malakana Division.
- 5) Muhammad Siddique Reader to Member II Board of Nevenue.
- 6) Misri Khan Tehsildar Chota Lahor District Swebi.
- 7) Bashir Ahmed Tehsildar Swabi.
- 8) Mian Sami Ullah Tehsildar Tangi.
- 9) Abdul Haleem Clo Commissioner Hazara
- 10) Asghar Shah (70 Commissioner Hazare posted at Battgram.
- 11) Ali Sher Khan Tehsidar on Special Dity Revenue Peshawar.
- 12) Abdul Ghaffar Tehsildar Sarai Nourang

TEST TO



- Muhammad Taj Clo Commissioner Hazara. 13)
- Said Rehman Tehsilder Anti Corruption Peshawar. 14)
- Qai體: Khan Tehxildar FR Bannu. $I \rightarrow I$
- eb Ullah Tehsildar Irrigation (Rod Kohi) D.J.Khan 16)
- Mullammad Ghulam Clo Commissioner Kohal *[7]*
- National OPSI (l'chsildar Hayat Mithammad 18) Ackountability Bureau.
- Waheed Ahmed (OPS) Allai. 19)
- Muhammad Hamayun C/o Commissione Malakand 20). Bivision.
- Shrir Ahmed Tehsildar Nowsherd. 21)
- ्रिक्तिammad Riaz Tehsildar Pabbi. 22)
- Muhammad Nawaz Tehsildar Battagram 23)
- Mir Laig Tehsildar Mardan
- Nouman Ali Shah PT Lower Orakzai, Kuffram Agency.
- Shourin Shah Tehsildar (OPS) Shabgada
- 27) Hidayat (Illah Tehsildar (OPS) Behrairi.
- · Ghulam Sarwar Clo Commissioner Malakand Division. 28)
- Farzand Ali Clo Commissioner Malakand Division. 29)i
- Said Rahim Clo Commissioner Malakand Division. 30)
 - Fazli Raziq C/o Commissioner Malakdand Division.
 - Asmat Ullah C/o Commissioner Bann
 - Hussain Bakhsh Clo Commissioner D. Khan
 - Abdur Rashid Clo Commissioner D.I.Khan
 - Fatch Ullah FATA Secretariat.
 - Mulazim Hussain C/o Commissioner D.I.Khan Division.
 - Muhammad Israr C/o Commissioner Bannu.
 - Afzal Khan Tehsildar Khadu Khel (PS) Bunner.
 - Gul Said Recovery Officer NRSP, Matta Swet.
 - Jehanzeb Clo Commissioner Malakand.
 - Anwar ul Haq Clo Commissioner Malakand.



1

- 12) Kut關Khan Clo Commissioner D.I Khan.
- (13) Oaiser Khan
- (14) Lank Khan Sons of Ismail Khan R/o Bajkatta District

Bundi

..... Respondents

(34)

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973, AGRINST
THE ORDER OF RESPONDENTS NO. 1 TO 3
WHEREBY RESPONDENT NO.4 TO VERE
PROMOTED VIDE NOTIFICATION NO. ESTT:
1/26/11333 DATED 04/06/20013 ISSUED IN
BENTANT VIOLATION OF THE TEHSIDARI
AND NAIB TEHSILDARI RULES 2008 AS
AMENDED FROM TIME TO TIME.

Prayer:

On acceptance of this writ petition the impugned notification and the illegal promotions may be set aside and respondents No.1 to 3 be directed to reconsider the effire case strictly in accordance with the Rules in vocae.

Respectfully Sheweth:

the petitioners submit as under:

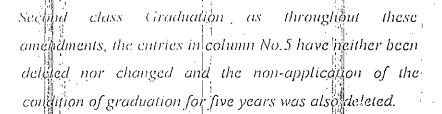
- I) That the petitioners were recrnited as Naib Tehsildars hrough a competitive examination conducted by the Khyber Pakhtunkhwa Public Service Commission and the petitioners were accordingly appointed as Naib Tehsildars by the Respondents vide appointment order No. 1782-1907/Admn: V/PSC dated 22/01/2009. (Copy of the appointments order are at Annexure "A")
 - That according to Tehsildar, Naib Tehsildar / Subordinate Revenue Service Rules 2008, Notified vide No.32102/
 Admn: 1/135/SSRC dated 26/12/2008 the post of Tehsildar was to be filledin under clause-(a) to the extent



of 20% by initial recruitment, under clause (b) to the extent of 60% by promotion from Nath Tehyldars and under clause (c) to the extent of 20% from the officials working in various branches of Revenue Administration, but for all categories minimum Qualification was 2nd Class craduation from a recognized University as per column. 5 describing minimum qualification for appointment by promotion. The condition of graduation was to be made applicable after 5 years of the date of notification to the promotion quota of 60% under clause (b). Copy of the Rules is at Annexure "B")

- That these Rules were further amended vide Notification No. 2390 12429/ Admn: 1/1/296/Amendment dated 30/03/2011. Through this notification clauses (b) and (c) of column 7 were substituted and officials like District Kunongos, District Revenue Accountants and Fead Clerks (Revenue) were made eligible for the 60% Quota meant for the Niab Tehsildars. The non-application of the condition of graduation for 5 years was also done away with (Copy of the Amendment Notification is at Annexure "C.)
- The yet another amendment was made in the said rules vide Notification No. Esti: 1/1/296/Amendment /29174 dated 02/12/2011 where again for the post of Tehsildar changes were introduced in the 60% Quota meant for promotion of Niab Tehsildars to the post of Tehsildars. This time Sub-Registrar were included in the list of clienble officials. (Copy of this Notification is at Annexure
- 5) That it will be easy to conclude that the minimum qualification for recruitment to the post of Tensildar is

(35)





- 6) That it can be easily concluded that all the amendments introduced in the 60% Quota originally meant only for Naib Tehsildars, are meant to reduce the chances of directly recruited Naib Tehsildars to become Tehsildars under malafide intention of the authorities.
- That respondents No.1 to 3, through the impugned orders, have promoted Respondent No.4 to 42 against the rules without ensuring the basic qualification of graduation required for promotion to the post of Tehsildar as required by the entries in column No.5 of the Rules, as these stand today, with the result that respondents No.6,7,9,10,13,14,18,19,20,24,22,23,24,28,29,30,32,33,35,36,38 & 22 have been promoted despite the fact that they are not graduates. (Copy of the impugned order No.Esst:1/26-1/338 dated 04/06/2013 is at Annexure "E")
- olandestinely through administrative orders as both of them were Patwaries in the year 2007-08 but are now working as EACs in District Buner. According to Detter No.Estt: 1/1/7270 dated 02/03/2012, issued by respondent No.1 addressed to Director Land Record, wherein the designation of both these respondents was mentioned as District Kanungo. It is amazing that an official who was District Kanungo in the year of 2012 received three promotions i.e. as Naib Tehsildar, Tehsildar and EACs in one year. This could have happened only in he revenue Depti: (Copy of the Letter is as Annexure "F").

accepted and a

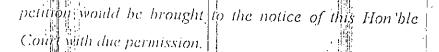


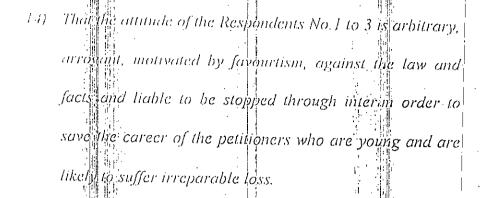




- That these promotions have been ordered in haste and without due process of law as no joint seniority list has been prepared in accordance with law regarding those officials who were to be considered for promotion to the post of Tehsildar. Such a joint seniority list is the basic requirement for any promotion process.
 - No.Estt-V/S.1/927 dated 26/04/2013 contains the name of those officials who have been shown as promoted to the post of Naib Tehsildars through the Administrative order of SAIBR. Such like administrative order is neither a process recognized by the Rules on the subject nor is logical because in the presence of Departmental Promotion Committee, no authority, even the Chief Sceretary, cannot promote any person to any post without the process of approval by a Departmental Promotion Committee. (Copy of the Seniority List is at Annexure
 - 11) That the seniority list has been issued at the back of the petitioners as the same has not been circulated amongst the petitioners as required by law.
 - 12) What the seniority list shows that promotions have been radered every 2/3 days which tells upon the working of the of the most important department of the province.
 - 13) Hat the respondents No. 1 to 3 are busy in processing further cases of promotion without adopting the proper procedure in accordance with rules on the subject. Any such orders, if issued, during the pendency of this writ

TATE CONTROL





15) That feeling apprieved, the petitioners have no other adequate remedy under the existing law of the land but to approach this Hon ble Court through this writ petition—with the request to set aside the impugned promotion orders on the following, amongst others;

Grounds:

- That the impugned order is against the law on the subject and the rules framed by the respondents themselves;
- That the respondents want to favour certain officials to the definition of the petitioners who have joined the service.

 Through competitive examination and the respondents are bein upon destroying their career from the very start;
- C) That promoting some of the respondents as Naib

 Tensildars through administrative orders, instead of the

ATTOR



norm (Fronte of 1940), and then promoting them further as.

Telistidaes shows their favouritism and disregard for law.

(38)

arbitiary and against the fundamental rights and need interference by this Hon'ble Court.

acceptance of this writ perition the impugned notification and the illegal promotions may be set aside and the respondent be directed to reconsider the entire case strictly in accordance with the Rules in vogue.

Interim Relief:

That the illegal impugned orders of promotion may kindly be suspended till the decision of this Writ petition as the same is against the Rules on face of it.

Dated 17/06/2013

Petitioners

Through

Abdul Matin Khan Advocate, High Court, Peshawar

Crtificate:

certified that as per instruction of my client he such like writh neutition on the subject has earlier been filed before this with the court.

Advocate

List of Books:

- Constitution of the Islamic Republic of Pokistan, 1973,
- 2) Other law books as per need.

Advocate

ថ្នាំo nonsiberuit ១៧ ម៉ឺក្ដីoved at deidw servant under the Civil Servants Law rights of a civil ปู่ตู้ 'นอทรอกษ์ อนุ hlimately the Churt would determine confronted with the preposition that cornsel for this petitioners was On the Brevious date learned jaw and rules. entire case strictly in accordance with prayer for recompanderation of the degal promotions and with turther ရုံဝှုံးပြင်ပျား များမြူသို့ setting aside the pougudmi ərli ໄດ້ ກວ່າ ຄຳລວກຮ່ວ appropriate writ directing the ាង៤៣ពួលកោយ prive ង្គ្រឹះស្នេ៤០ លោក ខែឧបសារទទ ្ស់កុំសាក្សា ប្រុស អង្គ្រីទ្រឃុះ beយុក្សទេរ។ ROOH-UL-AMIN KÜHAN, U.the petitionlers. Mr. Abdüll Matin, Advocate, for Presént: W.P No. 1720-P/2013. EDWICELL TO MA នាភាពអាសាសាជ អស៊ី PROM A'

respondent No.1, as departmental petition bell transmitted MLIC motion. He requestigd that the instant pending adjudication for decision, in Tiled on 18/6/2013 and since than is assd sad noitilig Instern satt padi lor the petitioner, however, submitted the Article ibid. The learned counsel Service Tribunal constituted under amendable to the urrisdiction ei noussup affige aut bas natisiales lo nountienog lo SIS slitting pand Jurisdiction of this Court is barred denied him to consider, wherein the bhomodion put the dispartment has on the hrounds that highes engible for pus challenged the influed order through the instant Will Petition he Rostrum stated at the bar greg petitioner's, when occupied (pc learned counsell .10] भार and preparation of the gase Today case was adjourned for fullther study learned counsel for the pelltioners the off to Jeogper ao Jeandrift soivros

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"Sarshad"





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counsel for decision. The request of the counsel for the petitioner is genuine, thus, copy of this Writ Petition be transmitted to respondent No.1 i.e.

Secretary Revenue and Estate

Department Khyber Pakhtunkhwa shall be treated as Departmental

Appeal and be idecided in the prescribed limits of time strictly in accordance with Rules and Law.

this Writ Petition is disposed off accordingly.

Announced: 5th November, 2018





ATT CTPD



NOTHICATION

No.Estr:1/26/_

DVERNMENT OF KHYBUR PAKHTUNKÁW BOARD OF REVENUE REVENUE & ESTATE SEPARTMENT

Peshawar dated the /01/2014

Upon acceptance of appeal filed by Mr. Shakirullah & others, the Competent Authority held the promotion order to post of Teasildar issued vide this department Notifications No. Estt:1/26/113 dated 04.06.2013, No. Estt:1/26/12401 and No. Esti:1/26/12342 dated 18.06.2013 in respect of following officials as not having the prescribed qualification for the post of Tehsildars. Accordingly, the promotion orders of the

officials listed below are withdrawn and they are reverted to the post held before prior to their

promotion.

			· .
SN	O NAME OF OFFICIAL	:	
1.	Mr. Misri Khan		
2.	Mr. Bashir Ahmad	e e e e e e e e e e e e e e e e e e e	
3.	Mr. Abdul Halcen		
 -4.	Mr. Asghar Shah	i i	
5.	Mr. Muhanmad Taj	Sel.	
б.	Mr. Said Rehman		
7.	Mr. Muhammad Hayat		
8.	Mr. Wahced Ahmadi		
9.	Mr. Muhammad Hamayun	: !	
10.	Mr. Sarir Ahmad		i .
11.	Mr. Muhammad Riaż		
12,	Muhammad Navyaz.	i.):	
13.	Mr. Mir Laiq		
14,	Mr. Ghulam Sarwar	•	
15	Mr. Farzand Ali		
16.	Mr. Said Rahim	:	
17.	Mr. Fazli Raziq		
18.	Mr. Asmat Ullah	an a	1.17 E.
19.		TEST	HU
20.	Mr. Abdur Rashid		
21.	Mr. Fafeh Ullah	/	
2 2.	Mr. Mulazim Hussain	:	:
2.3	Mr. Afzal Khan		
M.	Mr. Kutah Khan		• •
25.	Mr. Gul Ghazi Khan		. •

	S.NO	NAME OF OFFICE	.1,
	26.	Mr. Mukhtiar Ali	
	27.	Mr. Mushtag Alimad	* ** ** ** ** ** ** ** ** ** ** ** ** *
	28	Mr. Lingat Ali	
	2 9.	Mr. Naz Amin	The state of the s
	30,	Mr. Shali-ur-Reliman	to the second management of
: :	31.	Mr. Attaullah	t m t tom the second
: :	32.	Mr. Musadiq Hussain	;
1	33.	Mr. Abdul Qayum:	
	34.	Muhammad Bashir	
į	35.	Mr. Hikhar Ahmad	
	36.	Muhanmad Akram	To the state of game as a second seco
ľ	37.	Mr. Ghulam Qasim	
	38.	Mr. Attauflah	
	59.	Mr. Tila Muhammad	

No.Estt:1/26/1984-2061.

By order of Secretary

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.

2. All Commissioners, in Khyber Pakhtunkhwa.

All Deputy Commissioners, in Khyber Pakhtunkliwa.
 All Political Agents in Khyber Pakhtunkhwa!

5. Deputy Secretary (Law & Order) FATA Secretariat Khyber Pakhtunkhwa. 6. Official concerned.

Secretary 4

GOVERBAIENT OF KHYBER PAKHTUNKHWA BOARD OF REVENUE REVENUE & ESTATE DEPARTMENT

Peshawar dated the 24/01/2014.

(44)

No.Estt;1/26/
On issuance of Notifaction No.Estt;1/26/1983, dated 23.01.2014 the Competent Authority is pleased to post the following Naib Tehsildars. District Kanungos. District Revenue Accountants, Sub-Registrars and Superintendents as Tehsildar on Current Charge Basis with immediate effect and in public interest:

S.No.	i	DESIGNATION & PRESENT POSTING	TO .
		Tehsildar Lahor District Swabi	Retained on the same post (On current Charge basis)
2.	Mr. Bashir Ahmad	Tehsildar Swabi	Retained on the same post (On current Charge basis)
3.	Mr. Abdul Halcem	Tehsildar Battagram	Retained on the same post (Or. current Charge basis)
4.	Mr. Asghar Shah	Tehsildar Mardan	Retained on the same post (On current Charge basis)
5.	Mr. Muhammad Taj	Tehsildar Manselyra	(On current Charge basis)
6.	Mr. Said Rebman	Tehsildar Anti-Corruption	Retained on the same post (On current Charge basis)
7.	Mr. Muhammad Hayat	Tehsildar Tangi District Charsadda	Tehsildar Tangi District Charsadda (C. C. P.)
8.	Mr. Waheed Ahmad	Tehsildar Haripur	Retained on the same post (On current Charge basis)
9.	Mr. Muhammad Hamayun	Tehsildar Upper Dir	Retained on the same post (On current Charge basis)
10.	Mr. Sarir Ahmad	Tehsildar Nowshera	Tehsildar Nowshera(coens
11.	Mr. Muhammad Riaz	Telisildar Pabbi	Retained on the same post (On current Charge basis)
12.	Muhammad Nawaz	Tehsildar Charsailda	Retained on the same post (On current Charge basis)
13.	Mr. Mir Laiq	Tehsildar-Peshawar	Retained on the same post (On current Charge basis)
14.	Mr. Ghulam Sarwar	Tchsildar Behrain	Retained on the same post (On current Charge basis)
15.	Mr. Farzand Ali	Tehsildar Mandar	Retained on the same post (On current Charge basis)
16.	Mr. Said Rahim	Tehsildar Timergara	Retained on the same post (On current Charge basis)
17.	Mr. Fazli Raziq	Tehsildar Gagra	Retained on the same post (On current Charge basis)
18.	Mr. Asmat Ullah	Tehsildar Bannu	Retained on the same post (On current Charge basis)
19.	Mr. Hussian Bakhsh	Tehsildar Land Acquisition DI	(On current Charge basis)
20.	Mr. Abdur Rashid	Tehsildar Kulachi	Retained on the same post (On current Charge basis)
2:.	Mr. Fatch Ullah	Political Tehsildar Dossali (NWA)	Retained on the same post (On current Charge basis)
22.	Mr. Mulazim Hussain	Tehsildar Paharpur	Retained on the same post (On current Charge basis)
23.	Mr. Afzal Khan	Tehsildar Khadu Khel	Retained on the same post (On current Charge basis)

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24.	Mr. Kutab Khan	Tehsildar Havelian	Retained on the same post (On current Charge basis)
25.	Mr. Gul Ghazi Khan	Tehsildar/RO Khyber Bank Peshawan	Retained on the same post
,26.	Mr. Mukhtiar Ali	Tehsildar Inspector Stamp	(On current Charge basis) Retained on the same post
27.	Mr. Mushtaq Ahmad	Tehsildar/Reader to SMBR	(On current Charge basis) Retained on the same post
28.	Mr. Lingat Ali	Tehsildar Razzar	(On current Charge basis) Retained on the same post
29.	Mr.,Naz Amin	Tehsildar Kalkot	(On current Charge basis) Retained on the same post
30.	Mr. Attaullah	Tehsildar/RO PESCO Peshawar Circle	(On current Charge basis) Retained on the same post
31.	Mr. Musadiq Hussain	Tehsildar Thall	(On current Charge basis) Retained on the same post
32.	Muḥanımad Bashir	Tehsildar Katlang	On current Charge basis) Retained on the same post On current Charge basis
33.	Mr. Ittikhar Ahmad	Tebsildar/LAC NHA Hazara	(On corrent Charge basis) Retained on the same post
34.	Muhammad Akram	Tehsildar Babuzai Swat	(On current Charge basis) Retained on the same post (On current Charge basis)
35.	Mr. Ghulam Qasim	Tehsildar Irrigation DIK	(On current Charge basis) Retained on the same post
36.	Mr. Attaullah	Tehsildar Daggar	(On current Charge basis) Retained on the same post
37.	Mr. Tila Muhammad	Tehsildal /RO PESCO Khyber Circle	(On current Charge basis) Retained on the same post (On current Charge basis)

By order of Secretary

No.Estt:1/26/2271-79.

Copy to the:-

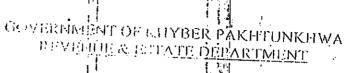
Accountant General, Khyber Pakhtunkhwa, Peshawar.
 All Commissioners in Khyber Pakhtunkhwa.
 All Deputy Commissioners in Khyber Pakhtunkhwa.

4. All Political Agents in Khyber Pakhtunkhwa.

5. Official Concerned.

6. Personal Files.

Secretary-I



Dated Peshawar the 110/2010 127



NOTIFICATION

Departmental Promotion Committee is pleased to orde, the appointment of the following Naib Tehsildars (BPS - 14) as Tehsildar (BPS - 16) on Acting Charge Dasis with immediate effect.

S	No Name of official	
· T	Mr. Ghulam Farooq.	Remarks IIII
i	Naib Tehsildar	Promoted as Tchsildar (BPS - 16)
2	Mr. Naz Amin, Naib Tehsildae	on Acting Charge Basis
Ì	tano (caistidhe	Deferred for want of ACRs for the year 2005,
3.	Mr. Shamas Girl, Naio	1,2000, 2007, 2008 and 2000
- 1	Tehsildar Gul, Naio	Deterred for want of ACEs for the west 2007
1.		8 -000 and 2009 11 all
	Tehsildar Hussam, Haip	Promoted as Tehsildar (BPS - 16)
5.		on Acting Charge Basis
, ,	Mr. Syed Asghar Shah, Naib Tehsildar	! { Ditto
6.		
'''	Mr. Ali Sher Khan, Naib) Tehsildar	Ditto
77.		
''	Mr. 13 Tariq Salcem, March	g'Ditto
1-8	Tehsildar	
1 '''	Mr. Abdul Ghaffar, Naib	Ditto
9.	Tehsildar.	
1	Mr. Said Rehman, Baio	1 Ditto
10.	Tehsildar,	
10.	Mr. Kiramatullah Nain	Ditto
11.	Tehsildar	
; !!.	Akbar Iftikhar Ahmad	Ditto
12.	Naib Tehsildar	
14.	Mr. Qaiser khan, Naib	Ditto .
j-, -	Tehsildar) into
13.	Mr. Najcebullah, Nach	1. Ditto
14.	Tehsildar	
14.	Mr. Muhammad Ayub ishan,	Ditto
15.	[Naio Tchsildar	
'3.	Mr. Abdur Rehman Shah, Naib Tehsildar	Ditto
16.		
1	Mr. Sarir Ahmad, Naits Tehsildar	Ditto
17.		
	Mr. Hasham Gut, Naih	: Ditto
18.	Mr. Muhammad Riaz.	
j	Naib Tehsildar	Ditto
19.	Mr. Attaullah, Naib Tehnildar	
20.	Mr. Musadiq Hussain,	Ditto
	Naib Telisildar	li Ditto
21.	Mr. Abdul Qayum, Naib	
	Tehsildar	Ditto
(27/)	Mr. Muhammad Nawaz.	
_1 F Z	Naib Tehsildar	Dillo
230	Mr Mir Laig, Naib Tehsildar	
24.	Mr. Nauman Ali Shal	A Dito die
	Naib Tehsildar	Dilto
25.	Mr. Muhammad Bashir,	- Calles
	Naib Tehsildar	Ditto
	40:	11.1

The above appointment will not confer on them any right of regular appointment.

No._____/Admn:1/26/Vol:11

By Orderof,
Senior Member
Board of Revenue Khyper Pakhtunkhwa

(46)

Copy to:-

- 1. All Commissioners in Khyber Pakhtunkhwa
- 2. Accountant General Khyber Pakhtunkhwa
- 3. Assistant Secretary (Admin) Board of Revenue Khyber Pakhtunkhwa.
- 4. Private Secretary to School Member Board of Revenue Khyber Pakhtunkhwa.
- 5. P.A to Secretary Board of Revenue Khyber Pakhankhwa.
- 6. Officer concerned
- 7. Office Order File
- 8. Personal File

Assistant Secretary (Estt) Board of Revenue Khyber Pakhtunkhwa

AFTENED

	W	ARALAT	<u>NAM</u>	1	•
IN THE CO	URT OF	Wp	V	Ken	'll
M	ilim	uced K) PA3		
			A _j	ppellant(s)/Pe	etitioner(s)
(Sou	VER U	S		
				Dan.	nondontos.
		. ,		Kes _i	pondent(s)
/We Mr. Khaled my of the fol	Rehman, Adv	vocate in the a	bove mer	do here	by appoint to do all or
this C	ourt/Tribunal	plead for me/u in which the gs arising out	same ma	y be tried or	heard and
appeal or for docum	s, affidavits a submission nents, as may	d file or with and application to arbitration be deemed ne ation or defenc	ns for con of the s cessary o	apromise or vaid case, or advisable b	withdrawal any other y them for
3. To receive be or proceed	become due	of, and issue e and payabl	receipts for	or, all money during the	s that may course of
ND hereby	agree:-			•	. ,
a.	the prose	Advocate(s) slecution of the streed fee remain	said case:	if the whole o	draw from or any part
hereun	ider, the con	of I/We have tents of whic erstood by me/	h have b	this Waka	lat Nama plained to
Attest	ed & Accepte	d by		Her.	
)	Śi	gnature of E	xecutants
Khal	dehman	,		Of GIA	?
Adve	colta Docha	T110 10		-	•

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 272 / 2014

VERSUS

BARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2 ARE AS UNDER: -

PRELIMINARY OBJECTIONS

- 1. That the appellant has got no cause of action.
- 2. That the appellant is estopped by his own conduct to institute the appeal.
- 3. That the appeal is not maintainable in its present form.
- 4. That the appellant has no grounds in support of his Appeal.
- 5. That the appeal is not maintainable and bad for mis-joinder & non-joinder of necessary parties.
- 6. That the appeal is badly time barred.

RESPECTFULLY SHEWETH.

ON FACTS.

- No comments. Relates to record.
- No comments. Relates to record.
- 3 Correct.
- Correct to the extent that further amendment were proposed in the rules and approved on the recommendation of SSRC however, at the time of notifying the rules "qualification column" for appointment by promotion was inadvertently not deleted.
- 5 Correct.
- Correct to the extent that writ petition of respondent No.3 and others was remanded by Peshawar High Court which was accepted in favour of respondent No.3 and others, on the basis of which the appellant was reverted to lower post.
- Correct to the extent that writ petition of respondent No.3 and others was remanded by Peshawar High Court which was processed and a note was moved to Chief Secretary being next authority which was accepted in favour of respondent No.3 and others, on the basis of which the appellant was reverted to lower post.
- 8. No comments.

ON GROUNDS

- A. Incorrect. The appellant has been treated in accordance with law.
- B. Incorrect. The writ petition was converted into appeal by Peshawar High Court was rightly processed and on the basis of approval of the Competent Authority, the appellant was reverted to lower post of Naib Tehsildar.
- C. Incorrect. At the time of their promotion as Tehsildar, the condition of Graduation was intact.
- D. Incorrect. The respondents have acted in accordance with law and rules on the subject.
- E. Incorrect. Hearing of the appellant was not necessary before the Competent Authority.
- F. Incorrect. The appellant was treated according to law.
- G. The respondent will also seek permission to advance additional grounds at the time of arguments.

Keeping in view of the above facts, the appeal may please be dismissed with costs.

Respondent No. 1&2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 272 / 2014

VERSUS

BARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2 ARE AS UNDER: -

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- 3. That the appeal is not maintainable in its present form.
- 4. That the appellant has no grounds in support of his Appeal.
- 5. That the appeal is not maintainable and bad for mis-joinder & non-joinder of necessary parties.
- 6. That the appeal is badly time barred.

RESPECTFULLY SHEWETH.

ON FACTS.

- No comments. Relates to record.
- No comments. Relates to record.
- 3 Correct.
- 4 Correct to the extent that further amendment were proposed in the rules and approved on the recommendation of SSRC however, at the time of notifying the rules "qualification column" for appointment by promotion was inadvertently not deleted.
- 5 Correct.
- 6. Correct to the extent that writ petition of respondent No.3 and others was remanded by Peshawar High Court which was accepted in favour of respondent No.3 and others, on the basis of which the appellant was reverted to lower post.
- 7. Correct to the extent that writ petition of respondent No.3 and others was remanded by Peshawar High Court which was processed and a note was moved to Chief Secretary being next authority which was accepted in favour of respondent No.3 and others, on the basis of which the appellant was reverted to lower post.
- 8. No comments.

ON GROUNDS

- A. Incorrect. The appellant has been treated in accordance with law.
- B. Incorrect. The writ petition was converted into appeal by Peshawar High Court was rightly processed and on the basis of approval of the Competent Authority, the appellant was reverted to lower post of Naib Tehsildar.
- C. Incorrect. At the time of their promotion as Tehsildar, the condition of Graduation was intact.
- D. Incorrect. The respondents have acted in accordance with law and rules on the subject.
- E. Incorrect. Hearing of the appellant was not necessary before the Competent Authority.
- F. Incorrect. The appellant was treated according to law.
- G. The respondent will also seek permission to advance additional grounds at the time of arguments.

Keeping in view of the above facts, the appeal may please be dismissed with costs.

Respondent No. 1&2

Service Appeal No. 272/2014

Muhammad Riaz	Applicant/Appellant
Vers	sus
The Govt. of KPK and others	Respondents

APPLICATION FOR PLACING ON RECORD THE CORRECT ADDRESSES OF RESPONDENTS NO.3, 5, 14, 25, 42 & 45.

Respectfully Sheweth,

Respondent No.45

- 1. That the above titled Service Appeal is scheduled for hearing before the Hon'ble Tribunal on 10.11.2015.
- 2. That on previous date the Hon'ble Tribunal had directed the appellant to submit the correct addresses of Respondents No.3, 5, 14, 25, 42 & 45, which are as under:

(Shakirullah S/o Khan Mir) Tehsildar, Babuzai, Swat
(Rahamdullah Khan s/o Ahmad Khan) <i>FCR, Lakki Marwat</i>
(Ishtiaq Ahmad Khan s/o Ala-ud-Din) Naib Tehsildar, Darosh, Chitral
(Muhammad Yar S/o Waqif Khan) Tehsildar, CCB Takht Bhai, Mardan
(Fayaz Ahmad S/o Pir Khan) National Highways Authority, Abbottabad

(Ijaz Ahmad S/o Muhammad Riaz)

Naib Tehsildar, Mansehra

It is therefore, humbly prayed that on acceptance of this application the above mentioned correct addresses of Respondents No. 3, 5, 14, 25, 42 & 45 may graciously entered against their names.

Through

Khaled Rahman, Advocate, Peshawar

ppella/nt

Dated: _____/0_/10/2015

<u>Affidavit</u>

I, Muhammad Riaz, Tehsildar Pabbi, District Nowshera, Circle, Peshawar, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge.

Deponent