

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1193/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/08/2022	<p>The appeal of Mr. Malik Muhammad Shabir resubmitted today by Dr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on . Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>

The appeal of Mr. Malik Muhammad Shabir, Assistant, O/o DC Abbottabad received today i.e. on 28.07.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Copies of page no. 07, 12, 13, 14 and 15 attached with the appeal are illegible which may be replaced by legible/better one.

No. 2303 /S.T,

Dt. 29/07 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

R sic

Re-submitted After Complerece.


1/8/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

MALIK MUHAMMAD SHABIR VERSUS SMBR: DEPT

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

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

SERVICE APPEAL WRIT NO. _____/2022

Malik Muhammad Shabbir, Assistant (BPS-16)
Office of the Deputy Commissioner, Abbottabad.

..... **APPELLANT**

VERSUS

- 1- The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 2- The Commissioner Hazara Division at Abbottabad.
- 3- The Deputy Commissioner Abbottabad at Abbottabad.

----- **RESPONDENTS**

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE INACTION OF THE RESPONDENTS BY NOT
CONSIDERING THE APPELLANT FOR PROMOTION TO THE
POST OF NAIB TEHSILDAR IN LIGHT OF THE MINUTES OF
THE DPC ISSUED IN THE YEAR 2000 W.E.F DPC
RECOMMENDATION I.E. 29/06/2000 AND AGAINST THE
APPELLATE ORDER DATED 28-06-2021 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN
REJECTED WITH NO GOOD GROUNDS.**

PRAYER:

**That on acceptance of the instant service appeal the
impugned appellate order 28-06-2022 may kindly be set
aside and the respondents may kindly be directed to consider
the appellant for promotion to the post of Naib Tehsildar
w.e.f 29-06-2000 with all back benefits and the respondents
may further be directed to consider the appellant for
subsequent promotion to the post of Tehsildar from the date
when appellant's colleagues were promoted. any other
remedy which this august service tribunal deems fit that may
also be awarded in favor of the appellant.**

R/SHEWETH:

**Brief facts giving rise to the instant service appeal are as
under:-**

- 1- That the appellant is law abiding citizen of Pakistan and being eligible
in all respects was inducted as Junior clerk in the office of DC
Abbottabad in 1990. copy of CNIC and appointment order are
attached as Annexure..... **A & B**

- 2- That appellant was subsequently i.e. on 11-03-1991 posted as Assistant District Revenue Accountant on revenue side and the appellant has continuously remained from 1991 to 2018 posted as such and performed duties with zest and zeal and to the entire satisfaction of the superiors . copy posting order is attached as annexure.....**C**
- 3- That it is pertinent to mention that at the time appointment in revenue Department the Services rules 1962 for Tehsildar and Naib Tehsildar was in vogue and appellant has sufficient experience on revenue side.
- 4- That time and again the Deputy Commissioner Abbottabad has recommended the appellant for promotion to the rank of Naib Tehsildar but in vain. Copy of recommendation letter dated 13-06-1996 is attached as Annexure.....**D**
- 5- That it is important to mention here that the on the applications of the appellant dated 13-08-1999 and 15-11-1999 in the year 2000 a DPC was constituted and the committee has recommended the appellant for promotion as Naib Tehsildar however, the same could not be materialized and the appellant got no promotion. Copy of the DPC recommendation dated is attached as Annexure.....**E**
- 6- That is too heartburning that the colleagues of the appellant namely Sardar Murtaza who was recommended for promotion alogwith the appellant by the DPC has been promoted as Naib Tehsildar and now working as Tehsildar/PMS officer.
- 7- That another colleagues of the appellant namely M/s Sardar Ghulam Murtaza and Qaisar Naz Junior clerk of DC Kohat office have been promoted and posted as Naib Tehsildar on acting charge basis under the rules ibid. Copies of the orders are attached as Annexures.....**F & G.**
- 8- That feeling aggrieved from the inaction of the department the appellant preferred a departmental appeal before the appellate authority however, the same has been dismissed on no good grounds vide order dated 28.6.2022. Copies of the Departmental appeal and rejection order are attached as annexure **H & I.**
- 9- That being highly aggrieved from the inaction of the respondent department, the appellant filed the instant service appeal in this Hon'ble Tribunal on the grounds interalia as under:-

GROUND:

- A- That the impugned appellate order dated 28.6.2022 issued by the respondent No.1 is against the law, facts, norms of natural justice

and materials on the record hence not tenable and liable to be set aside.

- B- That appellant has not been treated in accordance with law and rules by the respondent department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the inaction of the respondent department by not considering the appellant for promotion to the posts of Naib Tehsildar and Tehsildar is based on discrimination, favoritism and nepotism, hence not tenable in the eye of law.
- D- That despite recommendation of DPC the respondents acted in arbitrary and mala fide manner which is not tenable and liable to be set aside.
- E- That the impugned inaction and action of the respondents by not considering the appellant for promotion and issuing the impugned appellate order dated 28.6.2022 is against the law, facts and materials on the record hence not tenable and liable to be set aside.
- F- That non promotion of the appellant and promotion of the colleagues of the appellant is tantamount to disparity and discrimination under the Constitution of the Islamic Republic of Pakistan, 1973.
- G- That petitioner seeks permission to advance other grounds and proofs at the time of hearing.

APPELLANT

MALIK MUHAMMAD SHABIR

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

**KAMRAN KHAN
UMAR FAROOQ**

**&
KHANZAD GUL
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

MALIK MUHAMMAD SHABIR VERSUS SMBR: DEPT

AFFIDAVIT

I, Malik Muhammad Shabir, Assistant (BPS-16) Office of the deputy commissioner, abbotabad, do hereby solemnly affirm that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT

MALIK MUHAMMAD SHABIR

B-6

OFFICE OF THE DEPUTY COMMISSIONER ABBOTTABAD.

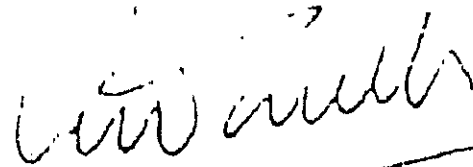
ORDER.

Due to the retirement of Mr. Muhammad Sadiq, Reader to AC Waripur, one Mr. Mohammad Shabir a/o Mohammad Younis, resident of House No. 480 near Siddiqui Mosque, Khabal Abbottabad a senior most candidate approved by the Departmental Selection/ Promotion Committee in its meeting held on 20.5.1990 is hereby appointed as Junior Clerk (B-5) w.e.f 17.7.90 in the office of the Deputy Commissioner Abbottabad, on usual terms & conditions subject to good conduct & behaviour and production of Health & age certificate. His services are purely temporary and can be terminated at any time without assigning any notice.

(ATTULLAH KHAN)
Deputy Commissioner,
Abbottabad.

No. 99/19(5) Rev: 6286-02/KE dated A'Abad the 14/7/90
Copy forwarded to the:-

1. Secretary Board of Revenue WFP Peshawar for information in continuation of this office order bearing no: No. 99/19(5) Rev: 6031-40 dt: 23.6.90.
2. Person concerned for compliance (Registered Copy).
3. Accounts Branch (local).


(ATTULLAH KHAN)
Deputy Commissioner,
Abbottabad.

OFFICE OF THE DEPUTY COMMISSIONER ABBOTTABAD.

ORDER.

The following posting/transfers amongst the Junior Clerks and ^{Naib} Naib Assistants of District Office Establishment are hereby ordered in interest of public service with immediate effect:-

No.	Name.	From	to	Vice.
1.	Mr. Noor Hassan.	H.Q. E.O.	To perform Telephone duty at Distt. Control Room in his own pay & scale.	2
2.	Mr. Ughir Ahmed.	Telephone duty Clark.	Nonpatcher E.O.	3
3.	Mr. Mohammed Shabbir.	Despatcher E.O.	[Redacted]	4
4.	Mr. Mohammed Ghorab.	[Redacted]	J.C. Acq. Cell.	again- st va- cant post.
5.	Mr. Muqbool ur Rehman.	H.Q. DC's Derglow.	H. E.O with Despatcher.	6
6.	Mr. Iqbal Zaidi.	[Redacted] with Despatcher.	H. Tehsil.	-

By Order of
Deputy Commissioner,
Abbottabad.

No. 93/19(5) Govt. 1882-1902/AA Dated A'Abad the 11-3-191.

Copy forwarded to the:-

1. H.V.C. DC's Office Abbottabad.
2. The Tehsildar Acq. Abbottabad.
3. The Tehsildar Abbottabad.
4. I.A. to DC Abbottabad.
5. File No. 32/19(6) Govt.

[Signature]
Deputy Commissioner,
Abbottabad.

(2) 152

8

9

5/11/80

(8)

GOVERNMENT OF N.W.F. PROVINCE.
REVENUE DEPARTMENT,

Peshawar, dated the /10/1980.

R. O R D E R .

No. 4955/231-SNE. Sanction of the Provincial Government is hereby accorded to the creation of the following additional posts with immediate effect in the Revenue Department, at a total cost of Rs.53,750/- (Rs. Fifty-three Thousand, Seven Hundred & Fifty only):-

DISTRICT	ASSTT: DISTT: REV: ACCOUNTANT IN N.P.S. NO. 5.	ADDITIONAL/ASSISTANT WASIL BAQI NAWISES IN N.P.S. NO.5.
Manshehra. ✓	One	Two (One for Manshehra & the other for Batagram Tehsils).
Abbottabad. ✓	One	Two (one for A/Abad and the other for Haripur Tehsils).
Peshawar. ✓	-	Three (one each for Peshawar, Nowshera & Charsadda Tehsils).
Kohat. ✓	One	One (for Kohat Tehsil).
Bannu. ✓	One	Two (One for Bannu & the other for Lakki Tehsils).
D.I.Khan. ✓	-	One (for DIKhan Tehsil).

The Provincial Government are further pleased to sanction the up-gradation of the five posts of District Revenue Accountants in Manshehra, Abbottabad, Mardan, Bannu and DIKhan Districts from National Pay Scale No.6 to National Pay Scale No.11.

The district-wise break-up of the extra expenditure involved is as under :-

<u>MANSEHRA DISTRICT:</u>	
018-000 - ESTABLISHMENT CHARGES.	11,030
018-010 - BASIC SALARY.	7,920
018-012 - Other Staff.	2,960
Difference in Pay of D.R.A.	
One Asstt: Distt: R.A. in NPS No.5.	2,320
Two Adsl: Wasil Baqi Nawis in-30-	4,640
018-020 - REGULAR ALLOWANCES.	3,110
018-022 - House Rent Allowance.	1,190
018-025 - Dearness Allowance.	1,920
<u>ABBOTTABAD DISTRICT:</u>	
018-000 - ESTABLISHMENT CHARGES.	10,740
018-010 - BASIC SALARY.	7,790
018-012 - Other Staff.	830
Difference in Pay of D.R.A.	
One Asstt: D.R.A. in NPS No.5.	2,320
Two Adsl: Wasil Baqi Nawis.	4,640

CONTINUED ON PAGE (2)

018-020 - REGULAR ALLOWANCES.	2,850
018-022 - House Rent Allowance.	930
018-025 - Dearness Allowance.	1,920

MARDAN DISTRICT.

018-000 - ESTABLISHMENT CHARGES.	410
018-010 - BASIC SALARY.	30
018-012 - Other Staff.	
Difference in Pay of D.R.A.	30
018-020 - REGULAR ALLOWANCES.	380
018-022 - House Rent Allowance.	140
018-025 - Dearness Allowance @ Rs.30/- P.M.	240

PESHAWAR DISTRICT.

018-000 - ESTABLISHMENT CHARGES.	10,250
018-010 - BASIC SALARY.	6,960
018-012 - Other Staff.	
Three Asstt: Wasil Bqqi Nowisea.	6,960
018-020 - REGULAR ALLOWANCES.	3,290
018-022 - House Rent Allowance.	1,050
018-023 - Conveyance Allowance.	440
018-025 - Dearness Allowance.	1,680
018-027 - Local Compensatory Allowance.	120

KOHAT DISTRICT.

018-000 - ESTABLISHMENT CHARGES.	6,460
018-010 - BASIC SALARY.	4,640
018-012 - Other Staff.	
One Asstt: D.R.A. in NPS No.5.	2,320
One Adtl: Wasil Bqqi Nowis.	2,320
018-020 - REGULAR ALLOWANCES.	1,820
018-022 - House Rent Allowance.	700
018-025 - Dearness Allowance.	1,120

BAHAWALPUR DISTRICT.

018-000 - ESTABLISHMENT CHARGES.	10,860
018-010 - BASIC SALARY.	7,690
018-012 - Other Staff.	
Difference in Pay of D.R.A.	730
One Asstt: D.R.A. in NPS No.5.	2,320
Two Adtl: Wasil Bqqi Nowisea.	4,640
018-020 - REGULAR ALLOWANCES.	3,170
018-022 - House Rent Allowance.	11,250
018-025 - Dearness Allowance.	1,920

D. I. KHAN DISTRICT.

018-000 - ESTABLISHMENT CHARGES.	4,100
018-010 - BASIC SALARY.	2,870
018-012 - Other Staff.	
Difference in Pay of D.R.A.	550
One Asstt: Wasil Bqqi Nowis.	2,320
018-020 - REGULAR ALLOWANCES.	1,230
018-022 - House Rent Allowance.	430
018-025 - Dearness Allowance.	800

GRAND TOTAL :- Rs.53,750/-

(10) (S) (E)

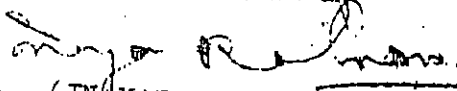
The expenditure involved will be debitable to the function "000-General Administration-010-Organs of State-018-Divisional & District Administration" under the respective districts as shown above and will be met out of the overall savings of the current financial year (1980-81).

Sd/- (ZAFAR ALI)
Secretary to Government NWFP,
REVENUE DEPARTMENT.

No. 4956-63/231-SNE.

Copy forwarded for information and necessary action to the :-

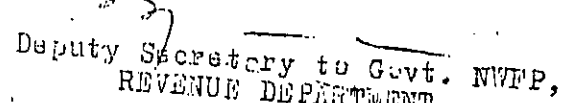
1. Accountant General, N.W.P. Province, Peshawar.
- 2-8. District Accounts Officers, Mansehra/Abbottabad/Mardan/Peshawar/Kohat/Bannu & D.I. Khan.


(INAYAT UR REHMAN)
BUDGET OFFICER - IV,
Finance Department, NWFP.

No. 4964-76/231-SNE.

Copy forwarded for information and necessary action to the :-

- 1-3. Commissioners, Hazara/Peshawar/DIKhan Divisions
- 4-10. Deputy Commissioners, Mansehra/Abbottabad/Mardan/Peshawar/Kohat/Bannu & D.I. Khan.
11. Budget Officer-IV, Finance Department with reference to his letter No. B. IV/1(32)/FD/79-80, dated 23.9.1980.
12. Superintendent Revenue, Board of Revenue for information.
13. Budget Assistant, Board of Revenue for record.


Deputy Secretary to Govt. NWFP,
REVENUE DEPARTMENT.

(M. Shafiq)

D-11

No. 4041 /AE Dated Abbottabad the 13/06/1996.

From:-

The Deputy Commissioner,
Abbottabad.

To:-

The Commissioner,
Hazara Division, Abbottabad.

SUBJECT: PROMOTION AS D.R.A. /NT

Memo:-

An application submitted by Muhammad Shabbir Asstt:D.R.A alongwith the report of HVC is sent herewith.

In the application the applicant requested that he has rendered his service as Asstt, D.R.A for more than five years, therefore, he may be promoted as D.R.A.

As per record of this office Mr. Muhammad Shabbir vide this office order bearing No.93/19(5)Rev:/1892-1902/AA dated 11.3.1991 (copy enclosed) was transferred as Asstt: D.R.A in the HVC Branch and in light of West Pakistan Tehsildari & Naib Tehsildari Service Rules, 1962 as laid down in Para-13(1)(iv) (Copy enclosed), the applicant deserves the right to be promoted as D.R.A.

Therefore, it is requested that the application of the applicant ~~is~~ under the rules, may kindly be considered sympathetically.

Deputy Commissioner,
Abbottabad.

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION/SELECTION COMMITTEE HELD IN THE OFFICE OF COMMISSIONER, HAZARA DIV.

A meeting of the Departmental Promotion/Selection Committee was held in the Commissioner's Office, Hazara Division on 29.5.2000 under the Chairmanship of Commissioner, Hazara Division, with the following attendance:-

- 1- Asstt. Secretary (Stamps) Member
Representative of Secretary,
Board of Revenue, HWFB.
- 2- Assistant-to-Commissioner (Rev/GA) Member
Hazara Division, Abbottabad.

The Agenda before the meeting was to consider the selection/promotion against the posts of Naib Tehsildars/HVCs/DRAs & Reader to Commissioner falling under promotion quota in terms of rule 5(1) (b) from amongst the eligible cadres specified in rules 43(a)(i), (ii), (iv) of the Tehsildari/Naib Tehsildari Service Rules, 1962.

There are 20 posts of Naib Tehsildars/HVCs/DRAs and Reader to Commissioner in the Division. At the ratio of 40% reserved for promotion from the eligible cadres, there were 8 posts required to be filled up. The Departmental Promotion/Selection Committee, therefore proceeded to fill the posts on regular basis from amongst the eligible officials belonging to the subordinate services as specified in the rules-ibid.

The cases of the following officials of different cadres in order of their seniority position were placed before the DPC for consideration:-

KANUNGOS.

- 1- Mr. Mohd Ashraf, (Presently NT on Stop gap)
- 2- Mr. Naad mullah, (-do- *Abdangam*)
- 3- Mr. M. I. Khan, (-do- *Abdangam*)
- 4- Mr. M. I. Khan, (-do- *Abdangam*)
- 5- Mr. Akhtar Zeb, (-do- *Abdangam*)
- 6- Mr. Ghin Mohd, (-do- *Abdangam*)
- 7- Mr. Kasherman, (-do- *Abdangam*)
- 8- Mr. Mohd Ashraf, (-do- *Abdangam*)
- 9- Mr. Ghad Mohd, Kanungo.
- 10- Mr. Abdul Jabbar, Kanungo.
- 11- Mr. Munir-uz-Zaman, Kanungo.
- 12- Mr. Mohd Bashir, Kanungo.

DISTT. REVENUE ACCOUNTANTS.

- 1- Mr. Shamlat Hussain (Presently NT on Stop)
- 2- Mr. Ataur Rahman (-do- *Abdangam*)

TEHSIL REVENUE ACCOUNTANT.

- 1- Mr. Sikandar Khan, (Presently NT on stop gap)
- 2- Mr. Abdul Karim, (-do- *Abdangam*)
- 3- Mr. Abdurazab, (-do- *Abdangam*)
- 4- Mr. D. Aziz, (-do- *Abdangam*)
- 5- Mr. Mohd Zahoor, (-do- *Abdangam*)
- 6- Mr. Sajid Hussain, (-do- *Abdangam*)
- 7- Mr. M. I. Khan, (-do- *Abdangam*)
- 8- Mr. Qudus Murtaza, TNA
- 9- Mr. Abdul Wahed, TNA.



J

Official concerned
Personal file
File copy

- 2- Mr. Javed Hussain, Asstt. Commissioner's Office. → Promoted
- 3- Mr. Hazrat Youssif, Asstt. DC's Office, Batagram. → Promoted
- 4- Mr. Ali Asghar Shah, Asstt. Board of Revenue. → Retired
- 5- Mr. Jehanzeb, Steno to AGR, Hazara Divn. → Retired
- 6- Mr. Iqbal, S/Clerk, DC's Office, Mansehra. → Promoted as Acc Officer
- 7- S. Tayyab Hussain, Shah, Sr. Clerk, Commr's Office. → Retired
- 8- Mr. Aurangzeb, J/C, DC's Office, Abbottabad. → Retired
- 9- Mr. Akhtar Rehman, J/C, DC's Office, Mansehra. → Retired
- 10- Mr. Taimur Khan, J/C, DC's Office, Mansehra. → Died
- 11- S. Aftab Hussain Shah, J/C, Commr's Office. → Retired
- 12- Mr. Ashfaq, J/C, DC's Office, Abbottabad. → Transferred in other Dept
- 13- Mr. Shabir, J/C, DC's Office, Abbottabad. → Appellant
- 14- Mr. Munir Akhtar, J/C, Commr's Office. → Appellant

Before proceeding further into promotion/selection process, the DPC after lengthy discussion reached to the conclusion to follow the rules strictly and thus the case of the following officials was dropped in view of their being overage.

- 1- Mr. Mohammad Ashraf
- 2- Mr. Nasirullah
- 3- Mr. Mohammad Rustom
- 4- Mr. Akhtar Zeb
- 5- Mr. Sain Mohammad
- 6- Mr. Mohammad Ashraf
- 7- Mr. Abdul Jalil

The following two were dropped being junior most.

- 1- Mr. Munir-uz-Zaman, Kgo, Abbottabad.
- 2- Mr. Mohd Bashir, Kgo, Haripur.

The DPC also decided that the Officials noted at S.No. 1 to 5 above who are presently performing as NT on stop gap will continue till the recruitment of new incumbents by the PSC or next DPC as the case may be.

The DPC after careful perusal of the service record of the eligible candidates in all the cadres recommended their promotion as NT on regular basis which includes;

- 1- Mr. Gul Nawaz, Kgo (Present NT on stop gap arrangement)
- 2- Mr. Noshervan, Kgo

However the promotion of Mr. Noshervan (S.No.2) was subjected to the production of his missing ACR for the year 1994).

- 3- Mr. Shad Mohammad, Kanungo, Batagram.
- 4- Mr. Mohd Ghaffar, Kanungo, Batagram.

(As the Official at S.No.4 (Mohammad Ghaffar) was not included in the panel (working paper) thus keeping in view the seniority position, the DPC recommended his promotion after requisitioning his service record. This promotion was on the recommendation of Rep. of Board of Revenue who stressed to give sufficient representation to the cadre of Kanungos).

J

Mr. Husqain, DRA (Presently NT on stop gap)
Mr. Rehman, DRA (do- arrangements)

The reasons for their regular promotion was also that they were holding the posts of DRAs on regular basis, thus they were recommended for selection as Naib Tehsildar.

Mr. Mohd Zahoor, TRA (Presently NT on stop gap)

The service record of the Official was examined minutely but his case was decided to be deferred. In the ACR for the year 1998, he was found not suitable yet for promotion and his ACR for the year 1999 was not available. It was decided that he might get good ACR for the year 1999 may be considered in the next DPC.

It was also decided that the following Rev: Accountants temporarily promoted as NT on stop gap posts shall continue till the recruitment of new incumbents PSC or next DPC as the case may be;

- 1- Mr. Sikander Khan, TRA
 - 2- Mr. Abdul Karim, TRA
 - 3- Mr. Aurangzeb, TRA
 - 4- Mr. Dilpazir, TRA
 - 5- Mr. Sajid Hussain, TRA
- } Presently working as NT on stop gap arrangements.

8- Mr. Mohammad Pervez, Asstt: Commissioner's Office.

(There were 14 candidates in the list. The senibility list was prepared. The Rep: of Board of Rqvt was of the opinion that since Mr. Iqbal, Sr. Clerk of DC's Office, Manshera was also a candidate is senior one on the basis of joining service earlier, so he may be considered for promotion but the Chairman as well as the second member of the DPC did not agree for the reasons that although Mr. Iqbal, Sr. Clerk is senior on the basis of length of service yet belongs to a junior cadre and that in the presence of an official of jr. cadre, consideration of an official of sr. cadre will not be proper. Thus finally the DPC recommended Mr. Mohd Pervez, Asstt: Commr's Office for promotion as NT against the seat meant for Ministerial employees.

the recommendations for promotion against promotion quota, the meeting ended with

(Signature)
COMMISSIONER,
Hazara Division, Abbottabad.
(Chairman.)

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(Handwritten mark)

E 15

No. 6759-60 /DU. Abbottabad the 13 /7/2000.

Copy forwarded to :-

- 1- The Secretary, Board of Revenue, NWFP, Peshawar.
- 2- The Assistant to Commissioner (Rev/GA) - Hazara Divn. Abbottabad.

For Commissioner,
Hazara Division, Abbottabad.

9-11-2000
 13-7-2000
 13-7-2000
 13-7-2000

[Handwritten signature]

F

F-16

16

No. 3/19(4)Rev./ 382 /AE, Dated Atd the 15 JANUARY, 1997.

From, The Deputy Commissioner, Abbottabad.

To, The Commissioner, Hazara Division, Abbottabad.

Subject:- RECOMMENDATIONS FOR THE POST OF NAIB TEHSILDAR.

Memo:-

Please refer to your letter No.E/2(17)/95/26022-26 dated 28.12.1996.

As desired categorywise recommendations for the post of Naib Tehsildar, on regular basis is as under:-

- i). Nil
- ii) Ghulam Murtaza, Tehsil Revenue Accountant, Abbottabad. → Promoted as NTA now working as DK Atd.
- iii) 1. Aurangzeb Khan, (J.C.) Reader to Revenue EAC Abbottabad. → Retired from Service.
- 2. Muhammad Shabbir, (J.C.) Assistant, District Revenue Accountant (H.V.C. Branch.)

Neither any disciplinary action / Judicial / Anti-corruption case is pending against them nor they have been penalized during the last five years.

Their Service Record i.e. Character Rolls and Service Books are also enclosed.

ES: S. J. K. + ACNS.

DEPUTY COMMISSIONER ABBOTTABAD

208

F
BETTER COPY

17

No. 3/19(4)Rev./382/AE Dated At the 15/JANUARY, 1997.

From:-

The Deputy Commissioner,
Abbottabad.

To:-

The Commissioner,
Hazara Division, Abbottabad.

Subject:

RECOMMENDATIONS FOR THE POST OF NAIB TEHSILDAR.

Memo:-

Please refer to your letter No. E/2(17)/95/26022-26 dated 28.12.1996.

As desired categorywise recommendations for the post of Naib Tehsildar, on regular basis is as under:-

- i) Nil
- ii) Gulam Murtaza,
Tehsil Revenue Accountant, Abbottabad. Promoted as NT
- iii) 1. Aurangzeb Khan,
(J.C.) Reader to Revenue EAC Abbottabad. Retired from service.
2. Muhammad Shabbir,
(J.C) Assistant, District Revenue Accountant
H.V.C. Branch.)

Neither any disciplinary action / Judicial / Anti-corruption case is pending against them nor they have been penalized during the last five years.

Their Service Record i.e. Character Rolls and Service Books are also enclosed.

Deputy Commissioner,
Abbottabad.

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M/S. Javed Khan and Qaiser Naz Naib Tehsildars (BPS - 14) on Acting charge basis will be considered for promotion as Naib Tehsildar on regular basis as and when vacancy occur in Ministerial employees quota in Kohat Division.

By Order of
Senior Member
Board of Revenue NWFP

No. 6446-69 / Admn: V/PE/(II)

Copy to:-

1. Commissioner Peshawar Division Peshawar.
2. Commissioner Kohat Division Kohat.
3. Political Agent Khyber Agency.
4. District Coordination Officer, Kohat.
5. District Officer (Revenue & Estate)/Collector; Kohat, Nowshera, Karak, and Hangu.
6. Agency Accounts Officer Khyber Agency.
7. Accounts Officers Nowshera, Kohat, Karak and Hangu.
8. Official concerned.
9. Office Order File

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Secretary
Board of Revenue NWFP

(Handwritten signature)

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(19)

The Secretary to Govt. of NWFP,
Finance Department.

To

The Secretary to Govt. of NWFP,
Revenue Department, Board of Revenue,
Peshawar.

Subject:-

AUTHORISATION OF EXPENDITURE (BUDGET ESTIMATES
1998-99 UNDER DETAIL FUNCTION/CLASSIFICATION
"6-00000-G.A.-01000-Organ of State-01801-Division
District Adm:(Deputy Commissioner Abbottabad)"

Sir,

I am directed to refer to the subject noted above and to state that a sum of Rs 5,709,120 /- as Voted expenditure is hereby placed at your disposal under the head cited above shown in attached statement for expenditure during the fiscal year 1998-99 with-holding the following amounts:-

i.	00000-Establishment Charges	<u>1,739,300</u>
ii.	10000-Purchase of D/Goods	<u>47,600</u>
iii.	40000-Repair of D/Goods	<u>1,424,540</u>
iv.	50000-Commodities & Services	<u>750</u>
v.	Lumpsum Provision	
vi.	60000-Transfer Payments	
vii.	90000-Other Misc: Expenditure	
Total:-		<u>3,212,280/-</u>

2. It is requested that the expenditure should be restricted to the extent of funds released by Finance Department and 50% cut other than pay & allowances should be strictly observed. No funds over and above would be released by Finance Department during the course of the year OR during Revised Estimates, 1998-99.

3. The details of the amounts withheld may please be intimated to this Department as well as to the Accountant General NWFP/District/Agency Accounts Officers concerned immediately.

4. I am to request that the distribution of funds placed at your disposal among offices subordinate to you may kindly be carried out as quickly as possible under intimation to Finance Department/Accountant General, NWFP/District/Agency Account Officers concerned.

Your Obedient Servant,

(MUHAMMAD ARSHAD)
BUDGET OFFICER-XI

ENDST. NO & DATE EVEN.

Copy alongwith a statement is forwarded to the:-

1. The Accountant General, NWFP, Peshawar.
2. The Deputy Commissioner Abbottabad.
3. The District Accounts Officer Abbottabad.

(MUHAMMAD ARSHAD)
BUDGET OFFICER-XI

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6-01001-DIVISIONAL AND DISTRICT ADMINISTRATION		NUMBER OF POSTS		Budget Estimates 1997-98	Revised Estimates 1997-98	Budget Estimates 1998-99
		1997-98	1998-99	Rs	Rs	Rs
6-0000-GENERAL ADMINISTRATION						
6-01000-ORGANS OF STATE						
6-01001-DIVISIONAL AND DISTRICT ADMINISTRATION						
300 District Office Establishment Abbottabad District.						
6-01801-0000-TOTAL ESTABLISHMENT CHARGES				6,989,910	6,164,170	6,957,550
6-01801-01000-TOTAL PAY		172	172	5,107,280	4,497,890	5,082,420
6-01801-01100-TOTAL PAY OF OFFICERS				906,560	778,890	978,420
6-01801-01101-TOTAL BASIC PAY OF OFFICERS		11	12	902,600	774,930	974,460
Deputy Commissioner (BPS-18)		1	1			
Assistant Commissioner (BPS-17)		1	1	127,650	774,930	127,650
Extra Assistant Commissioner (BPS-17)		6	6	62,270		79,620
Special Traffic Magistrate (BPS-17)		1	1	510,830		507,020
Tehsildar (BPS-16)		2	2	83,100		86,500
Superintendent (BPS-16)			1	110,800		96,650
01103-Special Pay of Officers				3,960	1,960	76,140
6-01801-01200-TOTAL PAY OF OTHER STAFF				4,200,720	3,718,000	4,104,000
6-01801-01201-TOTAL BASIC PAY OF OTHER STAFF		161	160	4,299,820	3,713,100	4,203,100
Superintendent (BPS-16)		1				
Stenographer (BPS-15)		1	1	44,320		
District Revenue Accountant (BPS-14)		1	1	48,500	3,711,100	50,700
Head Vernacular Clerk (BPS-14)		1	1	39,270		41,200
Naib Tehsildar (BPS-14)		1	1	41,200		41,130
Junior Scale Stenographer (BPS-12)		1	1	50,860		52,700
Assistant Kamungo (BPS-11)		0	0	56,260		56,260
Senior Clerk (BPS-9)		1	1	342,400		370,600
Junior Clerk (BPS-7)		11	11	36,860		37,360
Patwar (BPS-5)		56	56	393,740		379,060
Typist (BPS-5)		2	2	1,574,130		1,611,700
Additional Wasil Haqi Hawis (BPS-5)		3	3	53,130		58,150
Assistant D.B.A (BPS-5)		1	1	68,970		70,450
Driver (BPS-4)		1	1	20,360		21,940
Daffari (BPS-2)		4	4	25,120		25,910
Chowkidar (BPS-1)		1	1	109,350		104,000
Naib Qasid (BPS-1)		3	3	27,110		27,110
Khalasi (BPS-1)		56	56	46,900		49,170
Khangama (BPS-1)		2	2	1,143,060		994,100
Hali (BPS-1)		1	1	40,380		41,270
Sweeper (BPS-1)		2	2	15,090		16,710
		4	4	36,600		42,060
				85,730		87,730

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OFFICE OF THE
ADDL ASSISTANT COMMISSIONER (REV)
ABBOTTABAD

(5)
(21)

ORDER:

The post of DRA of this office has become vacant due to retirement of Mr. Muhammad Riaz, DRA since 20-04-2014. Mr. Muhammad Shabir is already working as ADRA since long. Therefore, he is hereby ordered to look after the duties of DRA in addition to his own duty till the regular posting of DRA by the Board of Revenue.

This has the approval of competent authority.

ADDL ASSISTANT COMMISSIONER (REV)
ABBOTTABAD

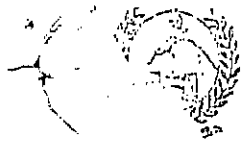
Endost No: 1176-78

Dated: 13/05/2014

Copy forwarded to the:

1. Secretary Board of Revenue, Khyber Pakhtunkhwa Peshawar for favour of information please.
2. Commissioner Hazara Division Abbottabad for favour of information please.
3. Additional Deputy Commissioner Abbottabad.

ADDL ASSISTANT COMMISSIONER (REV)
ABBOTTABAD



FAX

OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD

6

No. 62 /AE(Rev)
Dated: 20/08/2017

22

To:

The Secretary
Board of Revenue
Government of KPK
Peshawar

Subject:

POSTING OF DISTRICT REVENUE ACCOUNTANT

Memo:

It is brought to your kind notice that the post of District Revenue Accountant (BPS-14) in this office is lying vacant since long and work is badly suffering.

Therefore requested that an experienced official may be posted at the earliest in the larger public interest, please.

20/08/17
DRA

Deputy Commissioner
Abbottabad

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CITICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD.

No. 33 /AE (Rev)
Dated 21/3 /2017

23


To:

The Assistant Secretary (Estt)
Govt. of Khyber Pakhtunkhwa
Board of Revenue, Revenue & Estate Deptt:
Peshawar.

Subject: POSTING OF DISTRICT REVENUE ACCOUNTANT.
Memo:

Reference your letter No.Estt/V/PF/Muhammad, Shabir, Hazara/2617 dated 28.3.2017 on the subject noted above.

As per existing Service Rules the criteria for filling of the post of Tehsil Accountant is "by transfer from amongst the patwaries". The post of Patwari carries BPS-09 while the post of Tehsil Accountant is of BPS-07 i.e lower scale due to which no regular Tehsil Accountant are posted against these posts. The Patwaries are working/detailed in their own pay & scale against the posts of Tehsil Accountant thus there is no regular appointment was made against the post of TRA who could look after the work of DRA as desired in your letter under reference.


Deputy Commissioner
Abbottabad.



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GOVERNMENT OF PUNJAB
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt: V/PE/M. Shabbir Hazara/ 3273
Dated the 22/04/2017.

To

The Deputy Commissioner
Abbottabad.

SUBJECT: POSTING OF DISTRICT REVENUE ACCOUNTANT.

I am directed to refer to your letter No. 3599/AE(Rev) dated 31.03.2017 on the subject and to state that Mr. Malik Muhammad Shabbir Ahmad Junior Clerk who is working as ADRA is hereby authorized to look after the work of District Revenue Accountant Abbottabad till promotion of regular District Revenue Accountant please.

Sd/-
Assistant Secretary (Estt.)

Attended
[Signature]

[Signature]

f

Mr. M. M. Muhammad Sabbar
Azerbaijan & Azerbaijan District Revenue

Accountant Abdolmoham

Subject: POSTING 0
STRICT ADMINISTRATIVE INTANT

To,

GOVERNMENT OF ABERDEEN
BOARD OF GENERAL
ESTABLISHMENT
1837/8

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H-(26)

To

The Senior Member,
Board of Revenue,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

**Sub:- AMEMDED DEPARTMENTAL APPEAL FOR PROMOTION AS
NAIB TEHSILDAR (BPS-14) AND THEN TEHSILDAR (BPS-16)
AGAINST QUOTA RESERVED FOR MINISTERIAL STAFF UNDER
TEHSILDARI AND NAIB TEHSILDARE SERVICES RULES 1962.**

Respected Sir,

With most reverence and humble submission the following few lines are laid down before your Highness for kind consideration and favourable action:-

1. That applicant was inducted as Junior Clerk in the office of Deputy Commissioner Abbottabad in the year 1990. Subsequently on 11-03-1991 he was posted as Asstt. District Revenue Accountant on revenue side. From 1991 to 2018 the appellant continuously remained posted and performed the duties of an Asstt. District Revenue Accountant and District Revenue Accountant to the entire satisfaction of his superior and he never provided a chance of reprimand to his officers. Appellant has meritorious rather exemplary service record at his credit. **(Copies of the orders in this respect are Annexed as "A&B")**.
2. That when appellant was appointment in Revenue Department, Tehsildari and Naib Tehsildari Services Rules 1962 were in vogue. During the period from 1990 to 2018 the appellant had gained sufficient experience on Revenue side.
3. That on 13-06-1996 as well as time and again the then Deputy Commissioner Abbottabad recommended the appellant for his promotion to the rank of Naib Tehsildar but of no use. **(Copies of recommendation letter are attached as Annexure "C, D & E")**.
4. That appellant has been incessantly trying for his promotion as Naib Tehsildar and submitted applications dated 13-08-1999 and 15-11-1999 in this respect whereupon a Departmental Promotion Committee was constituted in the year 2000 wherein

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he was recommended for promotion as Naib Tehsildar but due to lethargic attitude of the departmental authorities the appellant could not be promoted. **(Copy of the DPC recommendations is attached as Annexure "F").**

5. That for the years together the appellant is being deprived of his legitimate promotion as Naib Tehsildar illegally, unlawfully, without any reason and justification though the appellant had all requisite qualifications and promotion requirements on his side. Appellant has unblemished service record and excellent ACRs at his credit. There is nothing adverse on his record to become as an impediment in his way of promotion still appellant has been deprived of his promotion to the rank of Naib Tehsildar/Tehsildar.
6. That appellant's colleagues like "Sardar Murtaza" who alongwith appellant was considered in the DPC held in the year 2000 had been given promotion as Naib Tehsildar and now working as Tehsildars/PMS officers.
7. That not to speak that of Sardar Ghulam Murtaza even another colleague of appellant like "Qaisar Naz Junior Clerk of DC Office Kohat" was promoted as Naib Tehsildar on Acting Charge basis vide order No.6446-69/Admn:V/PF/(H) dated 14-03-2009 under the said Tehsildari & Naib Tehsildari Services Rules 1962 and then he retired from service as PMS Officer Kohat. Similarly one Assistant Zardad Khan of DC's office Peshwar was posted as Tehsildar vide order No.13334-40 dated 04-11-2021 under the said rules. **(Copies of the orders are attached annexed as "G & H").**
8. That because of his education, knowledge, experience and seniority, appellant was capable and deserving to have been promoted as Naib Tehsildar in the year 2000 as recommended by the then DPC and then as Tehsildar on completion of stipulated period of Naib Tehsildar as he had performed his duties against the post of District Revenue Accountant from 1991 to 2000 and thereafter till 2018 as well. Despite his time and again recommendations by departmental competent authorities and DPC and availability of post appellant has been deprived of his legitimate right of promotion as Naib Tehsildar and then as Tehsildar without any reason and justification. Appellant's colleagues and juniors as stated above

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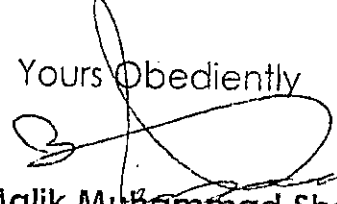
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have been working as Tehsildar or have been retired as PMS officers on attaining the age of superannuation. Appellant also deserves similar treatment as he has rendered more than 32 years service in the Department on revenue side. Now there is left a short period of time towards his retirement from service on attaining the age superannuation.

9. That at present the appellant has been serving as Assistant (BPS-16) in the Revenue Department promoted in the year 2020. Appellant made an appeal dated 14-03-2022 for promotion which has been filed vide order dated 27-04-2022 and copy delivered to him on 09-05-2022 hence instant revised departmental appeal is well in time.

In view of the aforementioned facts and circumstance it is requested that on acceptance this amended departmental appeal the appellant may kindly be promoted Naib Tehsildar since 2000 as was recommended by the then DPC then as Tehsildar on completion of required period for promotion. The appellant shall be thankful to your Highness for this act of kindness and pray for your good health and long life.

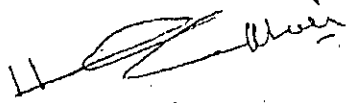
Yours Obediently



Malik Muhammad Shabbir
Assistant DC Office Abbottabad
Cell No.0317-1594382


6/6/22

Dated: 6/06/2022

Witness 
Hamayun Khan Advocate
High Court Abbottabad
Cell No. 0312-0881681



I

	GOVERNMENT OF KHYBER PAKHTUNKHWA BOARD OF REVENUE REVENUE & ESTATE DEPARTMENT. (Establishment Section)	
091-9213989	Estt: V/M. Shabir/Hazara/ Peshawar Dated the 28/06/2022 18003	091-9214208

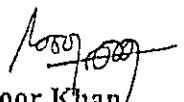
To

I - (29)

Malik Muhammad Shabir,
Assistant Deputy Commissioner Office,
Abbottabad

Subject: AMEMDED DEPARTMENTAL APPEAL FOR PROMOTION AS NAIB TEHSILDAR (BPS-14) AND THEN TEHSILDAR (BPS-16) AGAINST QUOTA RESERVED FOR MINISTERIAL STAFF UNDER TEHSILDARI AND NAIB THE SILDARI SERVICES RULES 1962.

Your application dated 06.06.2022 has been examined in the department and filed by the Competent Authority.


Noor Khan/
Assistant Secretary (Estt)



VAKALATNAMA

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

APPEAL NO: _____ OF 2022

Malik M. Shebis

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS


SMBR

(RESPONDENT)
(DEFENDANT)

I/We Malik Mohammed Shebis

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2022


CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK
(BC-10-0853)
15401-0705985-5


KAMRAN KHAN

&
UMAR FAROOQ


MUHAMMAD MAAZ MADNI
ADVOCATES

OFFICE:

Flat No.(TF) 291-292 3rd floor
Deans trade centre Peshawar cantt:
Mobile No. 0334-5277323