

25.10.2018

Due to retirement of Hon'ble Chairman, the tribunal is defunct. Therefore, the case is adjourned. To come up for same on 09.11.2018 before D.B



READER

09.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 23.11.2018.



Reader

23.11.2018

Due to rush of work further proceeding in the present case could not be conducted. Adjourn. To come up for further proceeding on 29.11.2018 before D.B.




Member



Member

29.11.2018

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Vide separate judgment of today of this Tribunal placed on file of Service Appeal No. 264/2014, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED
29.11.2018

02.07.2018


Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant sent an application through daily diary for adjournment. Adjourned. To come up for arguments on 16.08.2018 before D.B.

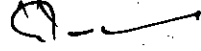

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

16.08.2018


Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Adjourned. To come up ~~for~~ on 10.10.2018 before D.B.



(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

10.10.2018

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney learned Deputy District Attorney present. Arguments heard. To come up for order on 19.10.2018 before D.B.


Member


Member

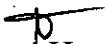
19.10.2018


Bench incomplete. To come up for order on 25.10.2018 before proper D.B.


Reader

03.01.2018

Appellant in person present. Asst: AG for respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 01.03.2018 before D.B.

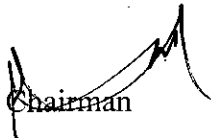

(Ahmad Hassan)
Member(E)


(M.Amin Khan Kundi)
Member (J)

01.03.2018

Clerk to counsel for the appellant and Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 07.05.2018 before D.B.


Member


Chairman

07.05.2018


Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for same on 02.07.2018 before D.B.


Reader

09.03.2017


Counsel for the appellant and Mr. Muhammad Ibrar Assistant Secretary alongwith Mr. Usman Ghani, Senior GP for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 20.06.2017 before D.B.

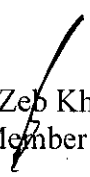

(MUHAMMAD AAMIR NAZIR)
MEMBER


(ASHFAQUE TAJ)
MEMBER

20.06.2017

Appellant in person present. Mr. Muhammad Adeel Butt, Additional AG for the respondents present. Appellant requested for adjournment. Adjourned. To come up for arguments on 23.10.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Gul Zeb Khan)
Member

23.10.2017

Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Granted. To come up for arguments on 03.01.2018 before D.B.



Member


Chairman

06.05.2016


Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Mr. Usman Ghani, Sr.GP for official respondents No. 1 to 3 present. Learned counsel for the appellant requested for adjournment. Adjourned for arguments to 18.7.16 before D.B.



Member


Member

18.07.2016

Appellant in person and Mr Mukhtiar Ali, Supdt alongwith Mr. Usman Ghani, Sr.GP for respondents present. Appellant requested for adjournment as his counsel was busy before the Hon'able Peshawar High Court, Peshawar. Adjournment granted. To come up for arguments on 09.11.2016.


Member


Member

09.11.2016

Appellant in person and Mr. Muhammad Jan, GP for respondents present. Appellant requested for adjournment as his counsel is busy before the Hon'ble Peshawar High Court, Peshawar. Adjournment granted. To come up for arguments on 9-3-17.


(Muhammad Amir Nazir)
Member


(Pir Balhsh Shah)
Member

17.08.2015

Counsel for the appellant, M/S Mukhtiar Ali, Supdt. and Naeem Khan, Assistant alongwith Addl: A.G for official respondents present. The learned Member (Executive) is on official tour to Abbottabad therefore, arguments could not be heard. File to come up for arguments on

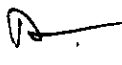
20-11-2015



Member

20.11.2015

Appellant in person and Mr. Mukhtiar Ali, Supdt. alongwith Mr. Muhammad Jan, GP for official respondents No. 1 to 3 present. Learned counsel for the appellant is not in attendance today therefore, case is adjourned to 14-3-16

for arguments.


Member


Member

14.03.2016

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl: A.G for official respondents No. 1 to 3 present. Learned counsel for the appellant requested for adjournment. Adjourned for arguments to

6/5/16 before D.B.


MEMBER


MEMBER

10.11.2014

Junior to counsel for the appellant and Mr. Mir Qasam, Assistant Secretary for the respondents present. The Tribunal is incomplete. To come up for the same on 22.12.2014.


READER

22.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the official respondents present. The Tribunal is incomplete. To come up for the same on 06.02.2015.


READER

6.2.2015

Appellant in person and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the official respondents present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned GP. To come up for arguments on 11.6.2015.


MEMBER

11.06.2015

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt alongwith Muhammad Jan, GP for official respondents present. Arguments could not be heard due to learned counsel for private respondents is not in attendance, therefore, the case is adjourned to 17.08.2018 for arguments.


Member


Member

6.6.2014

Appellant in person and Mr. Muhammad Jan, GP with Mir Qasam Assistant Secretary for respondents No. 1 to 3 present and requested for further time. None is available on behalf of private respondents. Fresh notices be issued to them through registered post. To come up for written reply on main appeal as well as reply/arguments on stay application on 3.7.2014.


MEMBER


MEMBER

3.7.2014.

Appellant with counsel and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for respondents No. 1 to 3 present and submitted before the court that written reply of respondents No. 1 & 2 may also be considered for respondent No.3. None is available on behalf of private respondents nor their written reply received, despite proper service, hence placed ex-parte. To come up for rejoinder on 15.09.2014.


MEMBER


MEMBER

15.09.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for respondents present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up as before on 10.11.2014.


READER

267/2014

24.4.2014

Appellant alongwith his counsel, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. For official respondents No. 1 to 3 present and requested for adjournment to file written reply on main appeal as well as reply on application for temporary injunction. Spare sets of appeal have not been provided. Counsel for the appellant is directed to provide spare sets of appeal for the private respondents, within 3 days. Thereafter, notices be issued to them.

The learned counsel for the appellant submitted before the court that despite providing opportunity to the respondents to file their written reply and reply to the application for temporary injunction they failed to comply the court order and are seeking adjournment without any plausible reason. Therefore, temporary injunction till the date be granted.

Since reply of the official respondents has not yet been submitted therefore, status quo be maintained till the date fixed. To come up for written reply on main appeal as well as reply/arguments on application for temporary injunctions on 12.05.2014.


MEMBER


MEMMBER

12.5.2014.

Appellant with counsel and AAG with Mir Qasam, Assistant Secretary for respondents No. 1 to 3 present. Spare sets of appeal submitted to-day. Copies handed over to representative of respondents No. 1 to 3. Fresh notices be issued to the private respondents through registered post. To come up for written reply on main appeal as well as reply/arguments on application for temporary injunction on 06.06.2014. ~~Till then status quo is extended.~~


MEMBER

Appeal No. 267/2014

Case file received from the learned Chairman order dated 21.3.2014 perused.

26.3.2014

Counsel for the appellant already submitted an application for adjournment due to engagement in august Supreme Court of Pakistan. To come up for preliminary hearing on 28.3.2014

MEMBER

28.3.2014

Counsel for the appellant present and preliminary arguments heard and record perused.

Through the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, the appellant has impugned order dated 23.1.2014 vide which the promotion order of the appellant dated 4.6.2013 to the post of Tehsildar BPS-16 was withdrawn and the appellant was reverted to his previous post of Naib Tehsildar.

The learned counsel for the appellant submitted that initially private respondents filed a Writ Petition No. 1720-P/2013 which was remitted to respondent No.3 with the direction to treat the same as departmental appeal and decide it in the prescribed limits of time strictly in accordance with the law. That the respondent No.3 instead of giving notice to the appellant and requiring his comments, passed the impugned order affecting seniority and promotion of the appellant, hence the impugned order is illegal and void.

Since the matter pertains to terms & conditions of service of the appellant and appeal filed by the appellant is will well within time, therefore, the appeal is admitted for regular hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days and thereafter notices be issued to the respondents for submission of written reply on 24.4.2014. Alongwith the appeal, the appellant also submitted an application for suspending the operation of impugned order dated 23.1.2014. Notice of application should also be issued to the respondents for reply/arguments on the date fixed.

28.3.2014

This case be put up before the Final Bench for further proceedings.

MEMBER

CHAIRMAN

19.03.2014

Counsel for the appellant present. Subject to order sheet dated 04.03.2014, arguments on the application heard. Counsel for the appellant contended that the instant Service Appeal was instituted on 20.02.2014 and returned to the counsel for the appellant on 21.02.2014. After reply to the observations raised by the Registrar, the appeal was re-submitted on 24.02.2014. He further contended that the applicant, Mr. Mir Laiq was promoted as Tehsildar vide order dated 04.06.2013 which was withdrawn vide order dated 23.01.2014. Against the withdrawal order, the appellant filed Writ Petition before the Peshawar High Court, Peshawar on 17.06.2013, which was decided on 05.11.2013 by treating the same as Departmental Appeal to be decided by the Secretary Revenue and Estate Department, Peshawar in prescribed time limit and in accordance with law.

Keeping in view the observations raised by the Registrar and reply of the counsel for the appellant and the fact that the appellant failed to show as to when the decision of Peshawar High Court, Peshawar was communicated to the respondent-depart: i.e respondent No.3, it was tentatively agreed to fix the instant appeal for preliminary hearing on 26.03.2014 with pre-admission notice to the learned AAG/GP to assist the Tribunal. During course of discussion, the counsel for the appellant insisted for grant of interim relief for which an application already filed by him alongwith appeal. Since today was the day fixed for discussion on the application for early hearing and not the original appeal, therefore, request of the appellant was over ruled. At this stage, counsel for the appellant while still in the court room, infuriated and started using derogatory language, away from the normal behavior of a lawyer. The attitude of the counsel for the appellant was incomplete disrespect to the Tribunal/Court thereby hampering proceedings of the Tribunal. Due to the unwarranted attitude and unnecessary interference of counsel for the appellant, the next date for preliminary hearing was fixed on 19.05.2014. To come up for further proceedings with pre-admission notice the AAG/GP on the date fixed. This order will also dispose off other connected appeals No. 265,266,267,268,269/2014 in similar way.

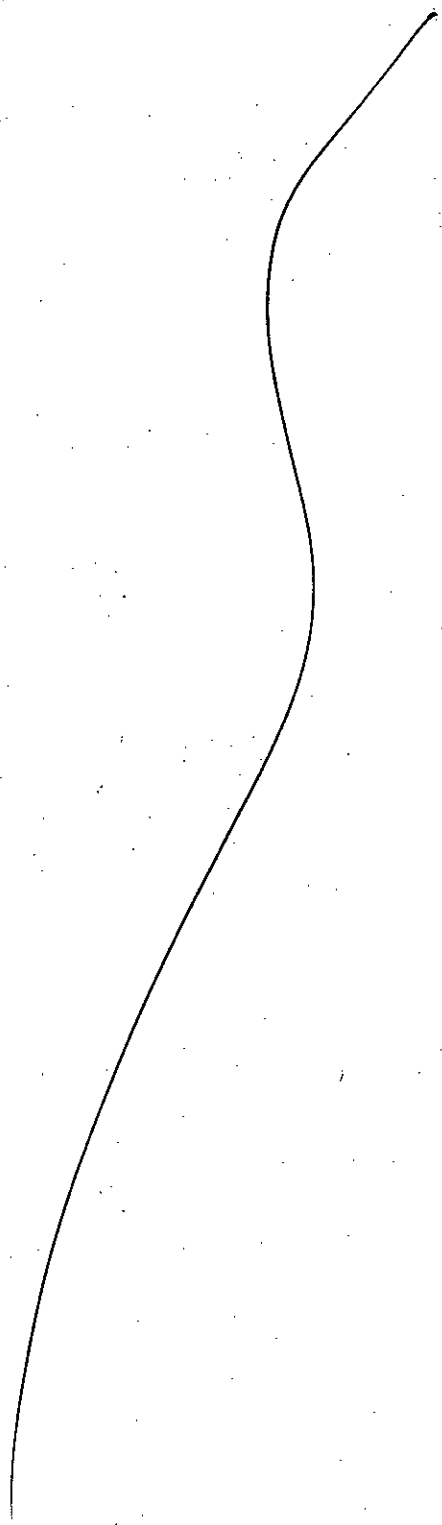

Member

04.03.2014

Counsel for the appellant present and submitted an application for early hearing. To come up for argument on early hearing application on 19.03.2014.


Member



~~10-321~~



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 267/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/02/2014	<p>The appeal of Mr. Ghulam Sarwar resubmitted today by Mr. Khush Dil Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	28-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>26-3-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Ghulam Sarwar Tehsildar Bahren Distt. Swat received today i.e. on 20.02.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal/application for review against the impugned order is not attached with the appeal which may be placed on it.
- 2- Wakalat nama is not signed by the counsel.
- 3- 47 more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 273 /S.T,

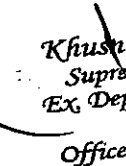
Dt. 21/02 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Khushdil Khan Adv. Pesh.

The reply to objections is submitted as under

- i. In this case the W.P. was filed by private respondent, which was converted into departmental appeal & transmitted to departmental authority for disposal. The same was decided and accepted. There is no provision of second appeal & review under the law/rules on subject. Further I relied on a judgement of Honble Supreme Court of Pakistan dt-27.4.2005 passed in CP No. 500 + 501-P/2003. Copy is attached
- ii The Wakalat Nama has been signed.
- iii The requisite copies would be filed on the admission of the appeal.
Resubmitted after ^{done} needed for your kind consideration


Khushdil Khan Advocate
Supreme Court of Pakistan
Ex. Deputy Speaker, Provincial
Assembly K.P.
Office: 9-B, Haroon Mension
Khyber Bazar Peshawar Ph: 2213445

PRESENT

Mr. Justice Fazlur Rahman Khan
Mr. Justice M. Javed Ali

Applications No. 500 & 501 of 2002
(in appeal from orders dated 14.6.2002 of
the NVTF Service Tribunal, Peshawar,
passed in Service Appeals No. 223 & 224 of 2002)
Public Hearing (in C.P. 500-170)
Lazari Khan (C.P. 501-170)

Versus

Responding Officer, Revenue Appellate Court
Nos. 5 and others

For the petitioners:

Mr. Khushdil Khan, ASC
Mr. Zahoor Qureshi, AOR

Respondent No. 3-4:

Mr. Jan Muhammad Khan, ASC/AOR

Shah Jehan (Isst. Assn.)

27.4.2005

ORDER

FAOIR MUHAMMAD KHOKHAR, J. - The petitioners seeks leave to

appeal from orders dated 14.6.2002, passed by the NVTF Service Tribunal,
Peshawar, (hereinafter referred to as the Tribunal) in Service Appeals No. 223 and
224 of 2002.

The petitioners felt aggrieved by order dated 25.2.2002 passed by
the appellate authority in respect of their place of seniority as *Peonies*. They

preferred Service Appeals No. 223 and 224 of 2002 there-against which were
dismissed by the Tribunal, by the separate impugned orders dated 14.6.2002.

The learned counsel for the petitioners submitted that the order
which was called in question in appeal before the Tribunal, was itself an appellate
order passed by the departmental authority. Therefore, the Tribunal had taken an
oblique view of the matter in dismissing the service appeals of the petitioners on
the ground that the departmental remedy had not been exhausted.

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Respondents.

Petitioners.

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A
D

The learned counsel for the respondents could not controvert the above position.

We have heard the learned counsel for the parties and have also perused the available record. We find that the respondents being aggrieved of the original order of the departmental authority in respect of their seniority had availed the remedy of appeal which was accepted by the appellate authority. It was against the order of the appellate authority that the petitioners had preferred the service appeals. In these circumstances, it could not be said that the departmental remedy had not been exhausted. The impugned orders of the Tribunal are not sustainable in law.

For the foregoing reasons, both these petitions are converted into appeals and the same are allowed. The impugned orders dated 14.6.2003 of the Tribunal are set aside. Consequently, the Service Appeals No.223 and 224 of 2002 the petitioners shall be disposed of by the Tribunal afresh in accordance with law. There shall be no order as to costs.

Sd/- Fayaz Mohammad Khan
Sd/- M. Javed Brothers

Certified to be true copy

[Signature]
4-5-05

[Signature]

AMABAD
2005

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IN SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Mr. Justice Faqir Muhammad Khokar
Mr. Justice M. Javed Buttar

Civil Petition No. 500 & 501-P/2003

(On appeal from order dated 14.06.2003 of
the NWFP Service Tribunal, Peshawar,
passed in Service Appeals No.223 & 224/2002)

Habib Ahmed (in C.P 500-P/03)
Fazal Raziq (C.P.501-P/03)

Petitioners.

Versus

Presiding Officer, Revenue Appellate Court
No.3 and others.

Respondents.

For the petitioners: Mr.Khushdil Khan, ASC.
Mr.Zahoor Qureshi, AOR.

For respondent No.3-4 Mr. Jan Muhammad Khan, ASC/AOR.

No.1-2: Shah Jehan (Estt. Asstt)

Date of hearing: 27.4.2005

ORDER

1. **FAQIR MUHAMMAD KHOKHAR, J.** – The petitioners seeks leave to appeal from orders dated 14.6.2003, passed by the NWFP Service Tribunal, Peshawar, (hereinafter referred to as the Tribunal) in Service Appeals No.223 and 224 of 2002.
2. The petitioners felt aggrieved by order dated 25.2.2002 passed by the appellate authority in respect of their place of seniority as *Patwaris*. They preferred Service Appeals No.223 and 224 of 2002 there-against which were dismissed by the Tribunal, by the separate impugned orders dated 14.6.2003.
3. The learned counsel for the petitioners submitted that the order which was called in question in appeal before the Tribunal, was itself an appellate order passed by the departmental authority. Therefore, the Tribunal had taken an erroneous view of the matter in dismissing the service appeals of the petitioners on the ground that the departmental remedy had not been exhausted.

ATTESTED

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The learned counsel for the respondents could not controvert the above petition.

4. We have heard the learned counsel for the parties and have also perused the available record. We find that the respondents being aggrieved of the original order of the departmental authority in respect of their seniority had availed the remedy of appeal which was accepted by the appellate authority. It was against the order of the appellate authority that the petitioners had preferred the service appeals. In these circumstances, it could not be said that the departmental remedy had not been exhausted. The impugned orders of the Tribunal are not sustainable in law.

5. For the foregoing reasons, both these petitions are converted into appeals and the same are allowed. The impugned order dated 14.6.2003 of the Tribunal are set aside. Consequently the Service Appeals No.223 and 224 of 2002 of the petitioners shall be disposed of by the Tribunal afresh in accordance with law. There shall be no order as to costs.

Sd/-

Faqir Muhammad Khokar

Sd/-

Mr. Justice M. Javed Buttar

ISLAMABAD

27.4.2005

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 267/2014

Ghulam Sarwar..... Appellant

Versus

The Govt. of KP
through Chief Secretary & others..... Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal with Affidavit			1-09
2.	Application for suspension of impugned order dated 23.01.2014 with Affidavit.			10-11
3.	Copy of the notification whereby appellant was promoted to the post of Tehsildar (BPS-16)	04.06.2013	A	12-13
4.	Copy of minutes of the meeting of DPC held on 24.05.2013	24.05.2013	B	14-17
5.	Copy of notification whereby Tehsildar, Naib Tehsildar/Subordinate Revenue Service Rules, 2008 was notified on 26.12.2008	26.12.2008	C	18-20
6.	Copy of notification whereby the Rules, 2008 was amended.	30.03.2011	D	21-23
7.	Copy of notification whereby the Rules, 2008 was further amended.	02.12.2011	E	0-24
8.	Copy of recommendation of SSR Committee		F	25-27
9.	Copy of the writ petition No. 1720-P/2013 filed by Respondents No.4 to 47 in the Hon'ble Peshawar High Court Peshawar		G	28-41
10.	Copy of the order passed by the Learned Division Bench of the Hon'ble Peshawar High Court Peshawar in writ petition No.1720-P/2013	05.11.2013	H	42-44
11.	Copy of the impugned order whereby the promotion order dated 04.06.2013 of the appellant was withdrawn and reverted to the position of Naib Tehsildar	23.01.2014	I	0-45
12.	Copy of the order whereby appellant was directed to hold the post of Tehsildar on current charge basis		J	0-46
13.	Wakalat Nama			

Through

Appellant

Khush Dil Khan
Advocate,
Supreme Court of Pakistan

Dated: 18 / 02/ 2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 267/2014

Ghulam Sarwar,
Tehsildar, Bahren,
District swat, Malakand.....Appellant

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary, Govt: of Khyber Pakhtunkhwa, Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
4. Shakir Ullah, Naib Tehsildar, Office of Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
5. Munir Ahmad Naib Tehsildar, Office of Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
6. Rahamd Ullah Khan Naib Tehsildar, Office of Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
7. Imtiaz Ali Shah Naib Tehsildar, Office of Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
8. Khalid Khan, Naib Tehsildar, Office of Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
9. Fazli Wadood Naib Tehsildar, Office of Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
10. Irshad Ali Naib Tehsildar, Office of Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
11. Noor-ul-Amin, Naib Tehsildar, Office of Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
12. Amir Nawaz, Naib Tehsildar, Office of Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, Peshawar.
13. Shah Wazir, Naib Tehsildar, Office of Secretary Revenue and

K.W.P. Peshawar
29/1/14
20/2/14

25/2/14

submitted to-
filed;

Registrar.

25/2/14

- Estate Department, Khyber Pakhtunkhwa, Peshawar.
14. Sikandar Khan,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 15. Ishtiaq Ahmad Khan,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 16. Shams-ul-Islam,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 17. Muhammad Ilyas,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 18. Yasir Salman Kundi,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 19. Yad Ullah Khan Khattak
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 20. Ahmad Hashmi,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 21. Amin Ullah Khan,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 22. Islah-ud-Din,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 23. Zahid Younis,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 24. Niamat Ullah,
Naib Tehsildar, Office of
Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 25. Muhammad Riaz,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 26. Muhammad Yar,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 27. Sher Ali Khan,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 28. Munawar Shah,
Naib Tehsildar, Office of Secretary Revenue and

- Estate Department, Khyber Pakhtunkhwa, Peshawar.
29. Iftikhar-ud-Din,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 30. Younis Khan,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 31. Mujahid Ali,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 32. Syed Abdul Akbar Shah,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 33. Syed Sultan Haider Shah,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 34. Aftab Ahmed,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 35. Dil Nawaz Khan,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 36. Kifayat Ullah,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 37. Faqir Hussain,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 38. Zulfiqar Khan,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 39. Waqar Ahmad,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 40. Muhammad Faraz Qureshi,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 41. Fazal-ur-Rehman,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 42. Farukh Jadoon,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
 43. Fayaz Ahmed,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.

44. Bilal Ahmad,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
45. Tanveer Shahzad,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
46. Ejaz Ahmad,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.
47. Muhammad Salim,
Naib Tehsildar, Office of Secretary Revenue and
Estate Department, Khyber Pakhtunkhwa, Peshawar.. **Respondents.**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 23.01.2014 THEREBY APPELLANT'S PROMOTION ORDER DATED 04.06.2013 TO THE POST OF TEHSILDAR BPS-16 WAS WITHDRAWN AND REVERTED TO THE POSITION OF NAIB TEHSILDAR ON THE BASIS OF WRIT PETITION NO.1720-P/2013 FILED BY RESPONDENTS NO.4 TO 47 WHICH WAS TRANSMITTED TO RESPONDENT NO.3 WITH THE DIRECTION TO TREAT THIS COPY OF WRIT PETITION AS DEPARTMENTAL APPEAL VIDE ORDER OF THE HON'BLE HIGH COURT PESHAWAR DATED 05.11.2013.

Respectfully Sheweth,

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

1. That appellant was initially inducted as Patwari in the respondent department and thereafter he was promoted from stage to stage on the basis of seniority-cum-fitness as per law and rules on subject, lastly he was promoted to the position of **Tehsildar (BPS-16)** along with other colleagues on the recommendation of Departmental Promotion Committee vide notification No. Estt:1/26/11388 dated 04.06.2013. Presently appellant is performing his duties as Tehsildar of sub division Gagra, District Buner. Copies of the notification and minutes of the meeting of DPC as **Annex: A & B.**
2. That the services of appellant are governed by the rules namely **Tehsildar, Naib Tehsildar/ Subordinate Revenue Service Rules, 2008 (hereinafter called Rules, 2008)** notified on 26.12.2008 which were amended from time to time, the relevant parts are reproduced as under for the convenience of this Hon'ble Tribunal. Copy of the Rules, 2008 as **Annex: C**

1	2	3	4	5	6	7
S. No	Nomenclature of the post	Appointing Authority	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum Qualification for appointment by promotion	Age limit	Method of recruitment
1.	Tehsildar (BPS-16)	-	-	Second Class Graduation from any University recognized by the HEC.	-	(a) Twenty percent by initial recruitment: and (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) Twenty percent by promotion, on the basis of Joint Seniority-cum-fitness from amongst the Graduate Assistants / Senior Scale Stenographer of Board of Revenue NWFP Director Land Record NWFP Revenue Appellate Court / Sub-Registrar with at least Five Years Service as such.

3. That the **Rules, 2008** was further amended by **notification** vide No. 12389/Admn:I/1/296 dated 30.03.2011 which is reproduced herewith as under:

In the appendix:-

(1) against S.No. 1, in column No. 7, for the existing entries, at clauses (b) and (c) the following shall be substituted, namely;

(b) By promotion on the basis of seniority-cum-fitness in the following manner:

(i) sixty percent from amongst the Naib Tehsildars, District Kanungos, District Revenue Accountants and Head Clerk (Revenue) with at least five year service as such.

Note: _____

(ii) _____

Note: _____

Copy of Notification dated 30.03.2011 as **Annex: D.**

4. That the **Rules, 2008** was once again amended by **notification** Estt:1/1/296/amendment/29174 dated 02.12.2011 on the recommendation of SSR Committee the relevant amendment is reproduced as under:

In the Appendix:-

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 seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanunos and Sub-Registrar with at least five years service.

(c) 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 Settlement & Consolidation Department) Commissioners, DOR 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.

Copies of **notification** dated 02.12.2011 and **recommendation** of SSR Committee as **Annex: E & F**.

5. That respondents No.4 to 47 have filed a writ petition No. 1720-P/2013 wherein they have challenged the order dated 04.06.2013 whereby appellant and others were promoted to the post of Tehsildar (BPS-16) on regular basis later on, on the request of Respondents/petitioners the petition was transmitted to Respondent department with the direction to treat the petition as departmental appeal and the same be decided in accordance with law and rules. Copy of the **writ petition** and **order dated 05.11.2013** as **Annex: G & H**.
6. That in the compliance of the order of the Learned Divisional Bench of Peshawar High Court Peshawar **dated 05.11.2013** the Respondent No.3 has treated the writ petition as **departmental appeal** of Respondents No.4

to 47 and the same was accepted and issued the **impugned notification dated 23.01.2014** thereby the earlier notification dated 04.06.2013 of the promotion of appellant and other Tehsildars was withdrawn and the appellant along with others were reverted to the post of Naib Tehsildar while by subsequent order dated 24.01.2014 all the reverted Tehsildars including appellant were directed to work on current charge basis as Tehsildar. Copy of the **notification dated 23.01.2014 and 24.01.2014** as **Annex: I & J**.

Hence the present appeal is submitted on the following amongst other grounds:-

Grounds:

- A. That the promotion of appellant was made in accordance with rules on subject based on seniority-cum-fitness. The rules as referred was later on amended by the competent authority and the condition of graduation was deleted therefrom. The Respondents No.4 to 47 have misconceived the case of appellant and malafidely challenged the same on flimsy grounds before the Peshawar High Court Peshawar.
- B. That the Learned Divisional Bench of Peshawar High Court Peshawar has acted in excess of its power and wrongly issued direction to Respondent No.3 to treat the petition of Respondents No.4 to 47 as departmental appeal and decide the same in accordance with law and rules. The Learned Divisional Bench has bypassed the law and rules on subject as according to relevant law and rules when the order of the competent authority affects more than one civil servant, every civil servant shall prefer the appeal separately within thirty days from the date of communication of the order to departmental appellate authority. Thus in such circumstances the order of the Hon'ble High Court is void and the Respondent No.3 has unlawfully acted upon and passed the impugned order which is not sustainable being violative of mandatory provisions of law and rules on subject.
- C. That neither the Learned Divisional Bench of the Peshawar High Court Peshawar has summoned the appellant along with others who were arrayed as Respondents in the said writ petition nor the Respondent No.3 has provided a fair opportunity of hearing to appellant to defend his case. Therefore appellant was condemn unheard and the impugned order dated 23.01.2014 passed at the back of appellant which is not sustainable being violative of the principle of natural justice and liable to be set aside.

- D. That the petition as treated departmental appeal by the Respondent No.3 on the direction of Learned Divisional Bench of Peshawar High Court was hopelessly time barred and was not sustainable under the law and rules on subject and unlawfully entertained the same by him and passed the impugned order of the reversion of appellant and others.
- E. That the impugned order dated 23.01.2014 has been passed by the Respondent No.3 who is not the appellate authority in the case of appellant. Therefore the impugned order is incompetent, coram non judicious, void ab-initio, of no legal effect and inoperative on the rights of appellant and liable to be set aside.
- F. That the appellant was fully qualified and eligible for the promotion to the post of Tehsildar (BPS-16) under the law and rules on subject which was made by the competent authority on the recommendation of Departmental Promotion Committee therefore in such circumstances the impugned order of his reversion has no legal justification, having no legal sanctity and liable to be set aside.
- G. That the order of promotion was acted upon which created vested rights in favour of appellant which can not be taken away under the principle of locus poenitentiae. Even by subsequent order dated 24.01.2014 he was directed to hold the same post on current charge basis.

It is, therefore, humbly prayed that on acceptance of this service appeal, the impugned order dated 23.01.2014 thereby appellant was reverted to the position of Naib Tehsildar may graciously be set aside and the order dated 04.06.2013 thereby appellant was promoted to the post of Tehsildar (BPS-16) on regular basis may kindly be restored with all back benefits.

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

Through

Appellant

Khush Dil Khan,
Advocate,
Supreme Court of Pakistan

Dated: 18 / 02/ 2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2014

Ghulam Sarwar..... Appellant

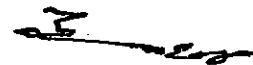
Versus

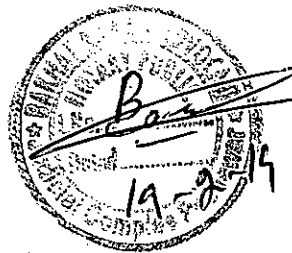
The Govt. of KP
through Chief Secretary & others..... Respondents

Affidavit

I, Ghulam Sarwar, Tehsildar, Bahren, District swat, Malakand, do hereby affirm and declare on oath 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 Hon'ble Tribunal.

ATTESTED


Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2014

Ghulam Sarwar..... Appellant

Versus

The Govt. of KP
through Chief Secretary & others..... Respondents

**APPLICATION FOR SUSPENDING THE OPERATION OF
THE IMPUGNED ORDER DATED 23.01.2014 TILL THE
FINAL DISPOSAL OF THE INSTANT 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 appellant.
3. That the balance of convenience also lies in favour of appellant and in case operation of the impugned order is not suspended the applicant/appellant will suffer irreparable loss.
4. That the applicant is still holding the post of Tehsildar (BPS-16) and not yet been relieved of his responsibilities. Moreover the applicant has good case on merit as neither joint departmental appeal is sustainable under the law nor the impugned order passed by the appellate authority as required under the law.

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 appeal.

Through

Applicant

Khush Dil Khan,
Advocate, Peshawar

Dated: 18 / 02 / 2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2014

Ghulam Sarwar..... Appellant

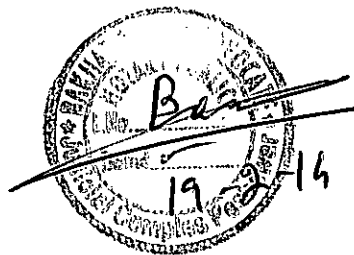
Versus

**The Govt. of KP
through Chief Secretary & others.....Respondents**

Affidavit

I, Ghulam Sarwar, Tehsildar, Bahren, District swat, Malakand, 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.

ATTESTED



[Handwritten signature]
Deponent

Annex-A 12



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated (i.e 04/06/2013)

NOTIFICATION

No.Est: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 (BPS - 14) to the post of Tehsildar (BPS - 16) on regular basis with immediate effect:-

S.NO	NAME OF OFFICER
1.	Mr. Hazrat Camar
2.	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. Muhammad Taj
11.	Mr. Said Rehman
12.	Mr. Qaisar Khan
13.	Mr. Najib Ullah
14.	Mr. Muhammad Ghulam
15.	Mr. Muhammad Hayat
16.	Mr. Waheed Ahmad
17.	Mr. Muhammad Hamayun
18.	Mr. Sarir Ahr iad
19.	Mr. Muhammad Riaz
20.	Muhammad Nawaz
21.	Mr. Mir Laiq
22.	Mr. Nauman Ali Shah
23.	Mr. Shourin Shah
24.	Mr. Hidayat Ullah
25.	Mr. Ghulam Sarwar
26.	Mr. Farzand Ali
27.	Mr. Said Rahim
28.	Mr. Fazli Raz q
29.	Mr. Asmat Ullah
30.	Mr. Hussian Eaklish
31.	Mr. Abdur Rashid
32.	Mr. Fateh Ullah
33.	Mr. Mulazim Hussain
34.	Mr. Muhammad Israr
35.	Mr. Afzal Khan
36.	Mr. Gul Said
37.	Mr. Jchanzeb
38.	Mr. Anwar-ul-Haq
39.	Mr. Kutab Khan

ATTESTED

2. On promotion the above officers will be on probation for a period of one year in terms of section-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	TO
1.	Mr. Hazrat Qamar	District Revenue Accountant Buner	Services placed at the disposal of Commissioner, Malakand for further posting.
2.	Mr. Muhammad Siddique	District 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 Fakht Bhai.
4.	Mr. Bashir Ahmad	Tehsildar Swabi	Retained on the same post.
5.	Mian Samiullah Jan	Tehsildar Tangi	Retained on the same post.
6.	Mr. Abdul Halcom	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. Abdul Ghaffar	Tehsildar Serai Naurang	Retained on the same post.
10.	Mr. Muhammad Taj	District Kanungo Haripur	Services 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 (PR) Bannu	Retained on the same post.
13.	Mr. Najeeb 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 Ahmad	Tehsildar (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	Tehsildar Nowshera	Retained on the same post.
19.	Mr. Muhammad 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 Shah	PT, Lower Orakzai	Retained on the same post.
23.	Mr. Shourin Shah	Tehsildar (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.

S. No.	NAME OF OFFICER	FROM	TO
27.	Mr. Said Rahim	Tehsildar / Recovery Officer (OPS) Swat	Services placed at the disposal of Commissioner, Malakand for posting as Tehsildar Timergara.
28.	Mr. Fazli Raziq	Naib Tehsildar (Revenue) DCO Office Swat	Services placed at the disposal of Commissioner, Malakand for further posting.
29.	Mr. Asmat Ullah	District Revenue Accountant Lakk	Services placed at the disposal of Commissioner, Bannu for further posting.
30.	Mr. Hussain Bakhsh	Head Clerk (Revenue) DI Khan	Services placed at the disposal of Commissioner, DI Khan for further posting.
31.	Mr. Abdur Rashid	District Revenue Accountant Tank	Services placed at the disposal of Commissioner, DI Khan for further posting.
32.	Mr. Fatch Ullah	At the disposal of FATA Secretariat	Retained on the same position
33.	Mr. Mulazim Hussain	Settlement Naib Tehsildar Panyala	Services placed at the disposal of Commissioner, DI Khan 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 Saif	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. Kutab Khan	Head Clerk (Revenue) Tank	Services placed at the disposal of Commissioner, DI Khan for further posting.

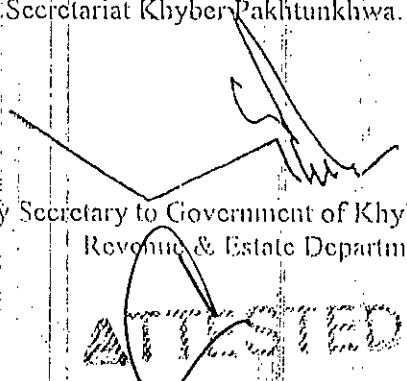
By order of
Secretary to Government of Khyber Pakhtunkhwa
Revenue & Estate Department

No. Estt: 1/26/11339-422

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. All Commissioners, in Khyber Pakhtunkhwa.
3. All Deputy Commissioners, in Khyber Pakhtunkhwa.
4. All Political Agents in Khyber Pakhtunkhwa.
5. Superintending Engineer (O) PESCO Peshawar Circle Peshawar.
6. Regional Operating Officer, National Rural Support Programme Khyber Pakhtunkhwa Nowshera.
7. Deputy Secretary (Law & Order) FATA Secretariat Khyber Pakhtunkhwa.
8. Officers concerned.

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


M. M. M. M.

Annex-

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.

- | | |
|------------------------------------------------------------------------------------|-----------|
| 1. Mr. Masood Khan
Deputy Secretary (Regulation - II)
Finance Department | Member |
| 2. Mr. Nasir Aman
Section Officer (Regulation - II)
Establishment Department | Member |
| 4. Mr. Ghulam Muhammad,
Secretary - I, Board of Revenue | Secretary |

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

S.No	Name of official	Recommendation
1.	Mr. Hazrat Qamar, DRA	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
2.	Mr. Muhammad Siddique, DRA	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
3.	Mr. Gul Ghazi Khan, DRA	His case was discussed and deferred on the basis of over writing / tempering Annual Confidential Reports for the period from 10.03.2011 to 05.10.2011.
4.	Mr. Abdul Qadeer, Naib Tehsildar	As per pervious decision of the Departmental Promotion Committee, he has already been superseded
5.	Mr. Misri Khan, Sub-Registrar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
6.	Mr. Mukhtiar Ali, District Kanungo	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the year 2009 & 2011.
7.	Mr. Muhammad Aslam, Sub-Registrar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports from 2001 to 2012

(Signature)

3.	Mr. Mushtaq Ahmad, Sub-Registrar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the entire service.
9.	Mr. Liaqat Ali, Sub-Registrar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2001 and clear Annual Confidential Report for the year 2009.
10.	Mr. Mujahid Ali, Sub-Registrar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2010, 2011 & 2012.
11.	Mr. Bashir Ahmad, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
12.	Mian Samiullah Jan, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
13.	Mr. Ghulam Farooq, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2012.
14.	Mr. Naz Amin, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2005, 2008 & tempering in the Annual Confidential Report for the period 18.05.2011 to 31.12.2011 and 01.01.2012 to 18.05.2012.
15.	Mr. Abdul Haleem, District Kanungo	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
16.	Mr. Asghar Shah, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
17.	Mr. Ali Sher Khan, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
18.	Mr. Tariq Saleem, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Report for the 2012.
19.	Mr. Abdul Ghaffar, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
20.	Mr. Muhammad Taj, District Kanungo	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
21.	Mr. Said Rehman, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
22.	Mr. Kiramat Ullah Kundi, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2010, 2011 & 2012.
23.	Mr. Akbar Htikhar Ahmad, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2012.
24.	Mr. Qaisar Khan, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
25.	Mr. Najib Ullah, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
26.	Mr. Muhammad Ayub Khan, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2012.
27.	Mr. Muhammad Ghulam, District Kanungo	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
28.	Mr. Abdur Rehman Shah, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2012.
29.	Mr. Muhammad Hayat, District Kanungo	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
30.	Mr. Waheed Ahmad, District Kanungo	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
31.	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.
32.	Mr. Muhammad Hamayun, SR	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.

33.	Mr. Sarir Ahmad, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
	Mr. Muhammad Riaz, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
35.	Mr. Attaullah, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2012.
36.	Mr. Musadiq Hussain, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2012.
37.	Mr. Abdul Qayum, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2012.
38.	Muhammad Nawaz, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
39.	Mr. Mir Laiq, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
40.	Mr. Nauman Ali Shah, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
41.	Mr. Shourin Shah, District Kanungo	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
42.	Muhammad Bashir, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2012.
43.	Mr. Hidayat Ullah, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
44.	Mr. Iftikhar Ahmad, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Original Annual Confidential Reports for the 2010, 2011 & 2012.
45.	Mr. Ghulam Sarwar, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
46.	Mr. Farzand Ali, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
47.	Mr. Said Rahim, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
48.	Mr. Fazli Raziq, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
49.	Mr. Shah Nawaz, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
50.	Mr. Asmat Ullah, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
51.	S. Mazhar Hussain Shah, Naib Tehsildar	Deferred as departmental enquiry is pending against the official.
52.	Mr. Hussian Bakhsh, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
53.	Mr. Abdur Rashid, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
54.	Mr. Fateh Ullah, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
55.	Muhammad Akram, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Original Annual Confidential Reports for the 2011.
56.	Mr. Mulazim Hussain, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
57.	Mr. Muhammad Israr, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
58.	Mr. Afzal Khan, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
59.	Mr. Gul Said, Sub-Registrar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.

ATTESTED

60.	Mr. Jehanzeb, Sub-Registrar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
61.	Mr. Anwar-ul-Haq, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
62.	Mr. Muhammad Farooq Anwar, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2008, 01.01.2009 to 27.09.2009 & 2012.
63.	Mr. Kutab Khan, Naib Tehsildar	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
64.	Mr. Ghulam Qasim, Naib Tehsildar	His case was discussed and deferred on the basis of non availability of Annual Confidential Reports for the 2010, 2011 & 2012.

The meeting was ended with a vote of thanks:

A. Q. SID

Annex-C P- 18

GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE REVENUE AND ESTATE DEPARTMENT

(Tehsildar, Naib Tehsildar / Subordinate Revenue Service Rules 2008)

Peshawar dated the 26/12/2008.

N. 32/09 /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 28th 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 borne on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

Appendix

1	2	3	4	5	6	7
S.No	Nomenclature of the post	Appointing Authority	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum Qualification for appointment by promotion	Age limit	Method of recruitment
1.	Tehsildar (BPS 16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission.	21 - 30 years For initial recruitment	(a) Twenty percent by initial recruitment; and (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) Twenty percent by Promotion, on the basis of Joint Seniority -cum - fitness from amongst the Graduate Assistants / Senior Scale Stenographer of Board of Revenue NWFP Director Land Record NWFP Revenue Appellate Court / Sub - Registrar with at least Five Years Service as such.

RESTRICTED

P-19

	2	3	4	5	6	7
	Naib Tehsildar (BPS 14)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission	21-30 years For initial recruitment ✓	<p>(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</p> <p>(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.</p> <p>(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.</p>
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
5.	District Revenue Accountant (BPS 14)	-	-	-	-	By transfer from amongst Naib Tehsildar

ATTESTED

P-20

No. 32103-61 /Admin/135/SSRC

Copy forwarded for information and necessary action :

1. Secretary to Government of NWFP Establishment Department
2. Secretary to Government of NWFP Finance Department
3. Secretary to Government of NWFP Law & Parliamentary Affairs Department
4. Secretary NWFP Public Service Commission
5. Secretary to Governor NWFP.
6. Registrar Peshawar High Court Peshawar
7. Advocate General, NWFP
8. Accountant General NWFP Peshawar
9. Private Secretary to Chief Secretary NWFP

10. All District Coordination Officer, in NWFP
11. All District Officer (Revenue & Estate) /Collector, in NWFP
12. Director Land Record NWFP
13. The Controller, Government Printing Press, NWFP Peshawar with the request that the notification may be published in the official gazette and to supply one hundred printed copies to the undersigned

ATTESTED

*Talib
FCC*

Deputy Secretary
Government of NWFP
Revenue & Estate Department

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
(REVENUE & ESTATE DEPARTMENT)

Peshawar dated the 30/03/2011

NOTIFICATION

No. 32102/Admn:I/296/Amendment. In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment and Finance Departments hereby directs that in this Departments Notification No. 32102/Admn:I/135/SSRC, dated 26.12.2008, the following further amendments shall be made, namely :-

AMENDMENTS

In the Appendix:-

(1) against S.No. 1, in column No. 7, for the existing entries, at clauses (b) and (c), the following shall be substituted, namely;

“(b) By promotion on the basis of seniority-cum-fitness in the following manner:

(i) sixty percent from amongst the Naib Tehsildars, District Kanungos, District Revenue Accountants and Head Clerk (Revenue) with at least five year service as such.

Note:- The seniority of existing District Kanungos, District Revenue Accountants and Head Clerks (Revenue) will be merged with Naib Tehsildars and further promotion to these cadres will not be made henceforth; and

(ii) twenty percent from amongst graduate Assistant, Senior Scale Stenographer of Board of Revenue, Director Land Record, Senior Scale Stenographer of the offices of Commissioners, Additional Commissioners, Political Agents and Sub-Registrar with at least five years service as such.

Note: The officials in sub-clause (ii), so promoted, shall undergo Settlement / Revenue Training and pass “Kanungo Certificate Examination.”;

ATTESTED

- (2). after serial No. 1, as so amended, the following new entries shall be inserted in the respective columns, namely;

1	2	3	4	5	6	7
"1-A	Reader to Senior Member / Members Board of Revenue	-	-	-	-	By transfer from amongst Tehsildars and;

- (3). against S.No. 2, in column No. 7, for the existing entries, the following shall be substituted, namely;

- "(a) Fifty percent, by initial recruitment; and
- (b) Fifty percent by promotion, on the basis of seniority-cum-fitness, in the following manner within the Division.
- (i) thirty percent, from amongst Kanungos of the Division concerned with at least five years service as such who have passed the Departmental Examination of Naib Tehsildar; and
- (ii) twenty percent from amongst graduate Assistants of the offices of Commissioners, Additional Commissioners District Coordination Officers, District Officer (R&E)/Collectors, and Executive District Officers (F&P), Political Moharrirs of the office of Political Agents and Assistant Political Agents (FR), with at least five years service as such.

Note: Age and qualification for initial recruitment of Naib Tehsildars, remain intact passing of Departmental Examination and prescribed training as per rules 52, 53, 54 and 55 of the West Pakistan Tehsildar and Naib Tehsildar Departmental Examination and Training Rules, 1969 shall remain intact;

ATTESTED

SECRETARY

No.

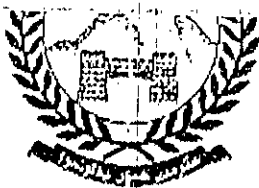
11/29
/Admn:I/I/296/Amendment

Copy forwarded for information and necessary action to the :-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
8. All District Officers (R&E)/Collectors, in Khyber Pakhtunkhwa.
9. Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
10. Controller, Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.

ATTESTED

*Jubir
Khalil*
DEPUTY SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT



Annex E - P 24

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 000000000000, 00TH SEPTEMBER, 2012.

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

NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

No. Estt:I/296/Amendment/29174.—In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North-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 Notification No. 32102/Admn:I/135/SSRC, dated 26-12-2008 read with Notification No. 12389/Admn:I/296/Amendment, dated 30.03.2011, the following further amendments shall be made, namely:-

AMENDMENTS

In the Appendix:-

1.	Tehsildar (BPS-16)	<p>Against S.No. 1, in column No. 7, for the existing entries, at clauses (a), (b) and (d), the following shall be substituted, namely:</p> <p>(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</p> <p>(b) Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrar with at least five years service.</p> <p>(c) 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 Settlement & Consolidation Department) Commissioners, DOR 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.</p>
2	<p>Naib Tehsildar (BPS-14) (Divisional Cadre)</p> <p>ATTESTED</p>	<p>Against S.No. 2, in column No. 7, for the existing entries, at clause (b), (c) and (d), the following shall be substituted, namely:</p> <p>(b) Twenty five percent by promotion, on the basis of seniority-cum-fitness from amongst Kanungos with at least five years service as such and have passed the departmental examination of Naib Tehsildar.</p> <p>(c) Twenty-five percent by promotion on the basis of joint seniority-cum-fitness 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 service, Political Moharrirs of the office of Political Agent/Assistant Political Agents, with 10 years service.</p>

		<p>(d) The official so appointed shall successfully complete Settlement/Revenue training and pass Kanungo Certificate Examination.</p> <p>EXPLANATION:- Ministerial employees of the Board of Revenue eligible for appointment to the post of Naib 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.</p> <p>Note:- Vacancy in a division will be filled on respective divisional basis.</p>
3	District Kanungo (BPS-14)	<p>Against S.No. 3, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By selection on seniority-cum-fitness with due regard to seniority from amongst Intermediate passed Kanungos with at least 03 years.</p>
4.	Head Clerk (Revenue) BPS-14 (Divisional cadre)	<p>Against S.No. 4, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>Assistant having dealt with revenue or acquisition matters for at least 03 years.</p>
5.	District Revenue Accountant (BPS-14)	<p>Against S.No. 5, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By promotion on the basis of selection on seniority from amongst Kanungos with at least 03 years service.</p>
6.	Kanungo (BPS-9)	<p>Against S.No. 8, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By promotion, on the basis of joint seniority-cum-fitness, on District level from amongst the patwaris/Tehsil Revenue Accountant who have passed the Departmental Examination of Kanungo.</p>
7.	Patwari (BPS-5)	<p>Against S.No. 8, in column No. 7, for the existing entries, at clause (a) and (b) the following shall be substituted, namely:</p> <p>(a) By initial appointment from amongst the Patwari 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.</p> <p>(b) Successfully completed 09 months Settlement training. This condition will be applicable w.e.f. January, 2014.</p>

ATTENDED

Sd/-x-x-x
SECRETARY.

COMPARATIVE STATEMENT SHOWING EXISTING SERVICE RULES AND PROPOSED AMENDMENTS.

Annex- E-Pg 5

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

S. No	Nomenclature of Post	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum Qualification for appointment by promotion	Age Limit	Method of Recruitment	
					Existing	Approved
1	2	3	4	5	6	7
1.	Tehsildar (BPS - 16)	At least 2 nd Division Graduation Degree from any University recognized by Higher Education Commission		21 - 30 Years for initial recruitment	(a) Twenty percent by initial recruitment; and (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. (e) The official so appointed shall successfully complete Settlement / Revenue training and pass Kanungo Certificate Examination.	(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 seniority - cum - fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrars with at least five years service. (c) No change (d) Twenty percent by promotion on the basis of Joint Seniority-cum-fitness from amongst Superintendents of the offices of Board of Revenue, Commissioners, DOR 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. (e) No change.

ANNEXED

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<p>Naib Tehsildar (BPS - 14) (Divisional Kaira)</p>	<p>At least 2nd Division Graduation Degree from any University recognized by Higher Education Commission</p>	<p>21-30 Years for initial recruitment</p>	<p>(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</p> <p>(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.</p> <p>(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 Officers (F&P), Political Moharrirs of the office of Political Agents and Assistant Political Agents (FR), with at least five years services as such.</p>	<p>(a) No change.</p> <p>(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.</p> <p>(c) 25 % by promotion on the basis of joint seniority-cum-fitness from amongst Assistants of the office of BOR (Revenue and Estate and Land Settlement and Consolidation Department) / Commissioners, Additional Commissioner, DCOs, DOR offices, and Executive District Officers (F&P), with at least five years service, Political Moharrirs of the office of Political Agents / Assistant Political Agents, with 10 years service.</p>
			<p>(d) Age and qualification for initial recruitment of 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 intact.</p>	<p>(d) The official so appointed shall successfully complete Settlement / Revenue training and pass Kanungo Certificate Examination.</p> <p>(e) As in (d) column - 6. (No change)</p> <p>EXPLANATION - Ministerial employees of the Board of Revenue eligible for appointment to the post of Naib 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</p> <p>Note:- Vacancy in a Division will be filled on respective divisional basis.</p>

ANNOUNCED


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	District Kanungo (Revenue) (Divisional cadre)				By transfer from amongst Naib Tehsildar	By selection on seniority-cum-fitness with due regard to seniority from amongst Intermediate passed Kanungos with atleast 03 years service
4.	District Revenue Accountant				By transfer from amongst Naib Tehsildar	Assistant having dealt with revenue or acquisition matters for atleast 03 years.
5.	Kanungo				By transfer from amongst Naib Tehsildar	By promotion on the basis of selection on seniority from amongst Kanungos with at-least 03 years service.
6.	Tehsil Revenue Accountant / Wasil Baqi Nawis/ Adtl: Wasil Baqi Nawis (BPS - 7)				By promotion, on the basis of joint Seniority - cum - fitness, on District level 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.	By promotion, on the basis of joint seniority - cum - fitness, on District level from amongst the Patwaris / Tehsil Revenue Accountant who have passed the Departmental Examination of Kanungo.
7.	Patwari (BPS - 05)	FA or equivalent qualification having obtained certification / deploma in Computer litracy especially in Microsoft and Urdu packages.		18 - 35 years for initial recruitment	(a) By initial appointment from 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 education. The condition of diploma will be applicable after three years from the date of issuance of Notification.	(a) By initial appointment from amongst the Patwari passed candidates entered in 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.

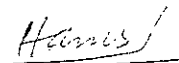

Nasir Aman

Section Officer (Regulation - II)
Establishment Department
(Member)

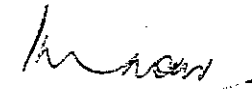
ATTESTED


Khurshid Alam

Section Officer (Regulation - I)
Finance Department
(Member)



Hamsheda Begum
Assistant Legal Drafter - I
Law Department
(Member)



Waqar Ayub
Secretary Revenue & Estate Department
(Chairman)

Annex-G¹P 28

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 1725-P of 2013

Shakir Ullah & others Petitioners

Versus

Secretary Revenue and Estate Deptt: Khyber Pakhtunkhwa
Peshawar & others Respondents

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S.No.	Description of documents	Annexure	Pages
1.	Memo of writ petition		1-12
2.	Affidavit		13
3.	Addresses of the parties		14-20
4.	Copy of appointments orders	"A"	21-25
5.	Copy of Tehsildar, Naib Tehsildar Rules, 2008	"B"	26-29
6.	Copy of Notification No.12390-12429/Admn: 1/1/296/ Amendment dated 30/03/2011.	"C"	30-32
7.	Copy of Notification No.Estt: 1/1/296/Amendment /29174 dated 02/12/2011	"D"	33
8.	Copy of Impugned order No.Esst: 1/ 26-11338 dated 04/06/2013	"E"	34-36
9.	Copy of Seniority List	"F"	37-45
10.	Copy of letter Estt: 1/1/7270 dated 21/03/2012	"G"	46
11.	Court Fee Stamp Rs.500/-		In original
12.	Wakalat Namas		In original

Dated 17/06/2013

Through

Petitioners

Abdul Matin Khan

Maaz Ullah Khan Khalil
Advocates, High Court,
Peshawar.

Cell # 0301-5921847

ATTESTED

URGENT FORM

IN THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. Y-2-Pof 2013

Shakir Ullah & others Petitioners

Versus

Secretary Revenue and Estate Deptt: Khyber Pakhtunkhwa
Peshawar & others Respondents

Will you kindly treat the accompanying Writ Petition as urgent and in accordance with the Provisions of Rules, I chapter 2-A, High Court Rules & Orders Volume I.

2) The Grounds of urgency are:

- A) That the respondents are bent upon issuing promoting orders almost on weekly basis favouring their blue eyed officials jeopardizing the career of those young Naib Tehsildars /petitioners who have qualified competitive examination conducted by Public Service Commission.
- B) That in order to keep a lid on their illegal orders, the petitioner are being denied access to the relevant documents.
- C) That if the matter is no heard urgently the petitioners are going to suffer multiple and irreparable loss to their career.

Dated 17/06/2013

Through Petitioners

Abdul Matin Khan
Abdul Matin Khan

Maaz Ullah Khan Khalil
Advocates, High Court,
Peshawar.
Cell # 0301-5921847

ATTESTED

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 1705 - P of 2013

- 1) Shakir Ullah Son of Khan Mir R/o Mohallah Sodan Khel, Village Piro Khel, Tehsil Landi Kotal Khyber Agency.
- 2) Munir Ahmad Son of Jhangi Khan R/o Outside Lahgari Gate, Bagh Ghali Al-Noor Masjid, Street Sahib Jan Colony House No.69, D.I, Khan.
- 3) Rahamd Ullah Khan Son of Ahmad Khan R/o Village Daulat Khel, Ishaq Khel, Tehsil & District Lakki Marwat.
- 4) Imtiaz Ali Shah Son of Muhammad Ali Shah R/o Village & P.O Warana Shahabad, Tehsil Takht Nasrati, District Karak.
- 5) Khalid Khan Son of Iftikhar Hussain R/o Village & P.O Khar Bajaur Agency.
- 6) Fazli Wadood Son of Fazli Mahmood R/o Village Saad Ullah, Mohmand Agency.
- 7) Irshad Ali Son of Dost Muhammad R/o Village, P.O and Tehsil Tangi District Charsadda.
- 8) Noor ul Amin Son of Zar Mueen R/o Hassan Abad Colony, P.O Zafarabad Colony, D.I. Khan.
- 9) Amir Nawaz Son of Gul Daraz R/o Main Panyala Tehsil Paharpur District D.I Khan

ACCEPTED




- 10) *Shah Wazir Son of Abdullah Khan R/o Wazirstan Hotel & Restaurant Wana Road, South Waziristan Agency.*
- 11) *Sikandar Khan Son of Sar Zamin Khan R/o Village & P.O Tehsil Charbagh, Mohallah Manri District Swat.*
- 12) *Ishtiaq Ahmed Khan Son of Ala ud Din R/o Village & P.O Old Sakhakot Malakand Agency.*
- 13) *Shams ul Islam Son of Faqir Gul R/o Village & P.O Ghari Usmani Khel Tehsil Dargai, District Malakand.*
- 14) *Muhammad Ilyas Son of Shah Nasim Khan R/o Mohallah Khattak Khel, Village & P.O Hazara Tehsil & District Swat.*
- 15) *Yasir Salman Kundi Son of Hamid Khan Kundi R/o Chowk Chashma Road, P.O Shiekh Yousaf D.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 R/o Village Raidghari, Tehsil & P.O Lal Qilla, Maidan District Dir Lower.*
- 18) *Amin Ullah Khan Son of Dost Muhammed Khan R/o Village Baggi Qamar P.O Rehmani Khel, 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.*

ATTESTED



- 20) Zahid Younis Son of Muhammad Younis R/o Village & P.O Latamber, Tehsil & District Karak.
- 21) Niamat Ullah Son of Khanim Ullah R/o Village & P.O Dhery Lakpani Tehsil & District Mardan.
- 22) Muhammad Riaz Son of Fazal Aziz R/o Village, P.O and Tehsil Monda District Dir Lower.
- 23) Muhammad Yar Son of Waqif Khan R/o Village & P.O Skhakot Bazaar Malakand Agency.
- 24) Sher Ali Khan Son of Sahibzar Gul R/o Landi Kass Mingora Swat.
- 25) Munawar Shah Son of Abdur Rashid R/o Village Shehadda P.O Chakdara Tehsil Adenzai, District Dir Lower.
- 26) Iftikhar ud Din Son of Zewar Din R/o Gulbahar Colony No.1 Mardan Road, GPO Charsadda.
- 27) Younis Khan Son of Waqif Khan R/o Village & P.O Akhagram Tehsil Wari District Dir Lower
- 28) Mujahid Ali Son of Khalil ur Rehman R/o Village Kand Tazadin P.O Pabbi District Nowshera.
- 29) Syed Abdul Akbar Shah Son of Syed Gul Chaman R/o Village Pirabad, P.O Bashkhalai, District Mardan.
- 30) Syed Sultan Haider Shah Son of Syed Gulzar Hussain Shah R/o House No.946/14-A, Shiekhbad No.3, District Peshawar.


ATTESTED



- 31) Aftab Ahmed Son of Javed Muhammad R/o Village & P.O Chaghar Matti Tehsil & District Peshawar.
- 32) Dil Nawaz Khan Son of Alam Zeb R/o Village & P.O Kalo Khan, Tehsil & District Swabi.
- 33) Kifayat Ullah Son of Haji Akbar R/o Street Idressabad Gulbahar No.3, Peshawar.
- 34) Faqir Hussain Son of Muhammad Younis R/o Kandi Taza Din P.O Pabbi District Nowshera.
- 35) Zulfiqar Khan Son of Arsala Khan R/o Village Hassan Ghari Shami Road, Peshawar.
- 36) Waqar Ahmad Son of Muhammad Irfan R/o Village & P.O Kanshian Tehsil Bala Kot District Mansehra.
- 37) Muhammad Faraz Qureshi Son of Muhammad Riaz Qureshi R/o Street No.1 Al-Mansoor Town, Ayub Medical Complex Abbottabad.
- 38) Fazal ur Rehman Son of Habib ur Rehman R/o Village & P.O Paind Hashim Khan Tehsil & District Haripur.
- 39) Farukh Jadoon Son of Anwar Ahmed Khan R/o Village & P.O Langra Tehsil & District Abbottabad.
- 40) Fayaz Ahmed Son of Pir Khan R/o Village & P.O Beeran Ghali, Tehsil & District Abbottabad.
- 41) Bilal Ahmad Son of Farid ud Din R/o Village Kalis P.O Tehsil & District Haripur.

ATTESTED




- 42) *Tanveer Shahzad Son of Muhammad Sahif R/o Badira Road Mohallah Lahor Banda, Manshehra.*
- 43) *Ejaz Ahmad Son of Muhammad Riaz R/o Tanda Mera, Village & P.O Salhad Tehsil & District Abbottabad.*
- 44) *Muhammad Salim Son of Muhammad Saddique R/o Village Badhair, P.O Nathia Ghali Tehsil & District Abbottabad.*

..... *Petitioners*

Versus

- 1) *Secretary Revenue and Estate Deptt: Khyber Pakhtunkhwa Peshawar.*
- 2) *Departmental Promotion Committee Revenue and Estate Deptt: Khyber Pakhtunkhwa Peshawar through Respondent No. 1.*
- 3) *Deputy Secretary Revenue and Estate Deptt: Khyber Pakhtunkhwa Peshawar.*
- 4) *Hazrat Qamar C/o Commissioner Malakand Division.*
- 5) *Muhammad Siddique Reader to Member -II Board of Revenue.*
- 6) *Misri Khan Tehsildar Chota Lahor District Swabi.*
- 7) *Bashir Ahmed Tehsildar Swabi.*
- 8) *Mian Sami Ullah Tehsildar Tangi.*
- 9) *Abdul Haleem C/o Commissioner Hazara.*
- 10) *Asghar Shah C/o Commissioner Hazara posted at Battgram.*
- 11) *Ali Sher Khan Tehsildar on Special Duty Revenue Peshawar.*
- 12) *Abdul Ghaffar Tehsildar Sarai Nourang.*


ATTESTED



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- 13) Muhammad Taj C/o Commissioner Hazara.
- 14) Said Rehman Tehsildar Anti Corruption Peshawar.
- 15) Qaiser Khan Tehsildar FR Bannu.
- 16) Najeeb Ullah Tehsildar Irrigation (Rod Kohi) D.I.Khan
- 17) Muhammad Ghulam C/o Commissioner Kohat.
- 18) Muhammad Hayat Tehsildar (OPS) National
Accountability Bureau.
- 19) Waheed Ahmed (OPS) Allai.
- 20) Muhammad Hamayun C/o Commissioner Malakand
Division.
- 21) Surir Ahmed Tehsildar Nowshera.
- 22) Muhammad Riaz Tehsildar Pabbi.
- 23) Muhammad Nawaz Tehsildar Battagram
- 24) Mir Laiq Tehsildar Mardan
- 25) Nouman Ali Shah PT Lower Orakzai, Kurram Agency.
- 26) Shourin Shah Tehsildar (OPS) Shabqadar.
- 27) Hidayat Ullah Tehsildar (OPS) Behrain.
- 28) Ghulam Sarwar C/o Commissioner Malakand Division.
- 29) Farzand Ali C/o Commissioner Malakand Division.
- 30) Said Rahim C/o Commissioner Malakand Division.
- 31) Fazli Raziq C/o Commissioner Malakand Division.
- 32) Asmat Ullah C/o Commissioner Bannu.
- 33) Hussain Bakhsh C/o Commissioner D.I.Khan
- 34) Abdur Rashid C/o Commissioner D.I.Khan
- 35) Fateh Ullah FATA Secretariat.
- 36) Mulazim Hussain C/o Commissioner D.I.Khan Division.
- 37) Muhammad Israr C/o Commissioner Bannu.
- 38) Afzal Khan Tehsildar Khadu Khel (OPS) Bunner.
- 39) Gul Said Recovery Officer NRSP, Matta Swat.
- 40) Jehanzeb C/o Commissioner Malakand.
- 41) Anwar ul Haq C/o Commissioner Malakand.

ATTESTED



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- 42) Kutab Khan C/o Commissioner D.I Khan.
- 43) Qaiser Khan
- 44) Latif Khan Sons of Ismail Khan R/o Bajkatta District Buner.

..... Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973, AGAINST THE ORDER OF RESPONDENTS NO.1 TO 3 WHEREBY RESPONDENT NO.4 TO WERE PROMOTED VIDE NOTIFICATION NO. ESTT: 1/26/11333 DATED 04/06/20013 ISSUED IN BLATANT VIOLATION OF THE TEHSILDARI 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 entire case strictly in accordance with the Rules in vogue.

Respectfully Sheweth:

The petitioners submit as under:

- 1) That the petitioners were recruited as Naib Tehsildars through 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".
- 2) 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 filled in under clause-(c) to the extent

ATTESTED

of 20% by initial recruitment, under clause (b) to the extent of 60% by promotion from Naib Tehsildars 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 graduation 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")

- 3) That these Rules were further amended vide Notification No.12390 - 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 Head 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").
- 4) That yet another amendment was made in the said rules vide Notification No.Est: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 eligible officials. (Copy of this Notification is at Annexure "D").
- 5) That it will be easy to conclude that the minimum qualification for recruitment to the post of Tehsildar is

ATTESTED

Second class Graduation as throughout these amendments, the entries in column No.5 have neither been deleted nor changed and the non-application of the condition of graduation for five years was also deleted.

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 mala fide intention of the authorities.

7) 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.6,7,9,10,13,14,18,19,20,21,22,23,24,28,29,30,32,33,35,36,38 &42 have been promoted despite the fact that they are not graduates. (Copy of the impugned order No.Esst:1/26-11338 dated 04/06/2013 is at Annexure "E").

8) That respondent No.43&44 have been promoted clandestinely through administrative orders as both of them were Patwaris in the year 2007-08 but are now working as EACs in District Buner. According to Letter No.Esst: 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 the revenue Deptt. (Copy of the Letter is as Annexure "F").

Receipt
to be
informed

ATTESTED

- 9) 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.
- 10) That the so-called final seniority list issued vide Office 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 SMBR. 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 Secretary, 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 "G").
- 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) That the seniority list shows that promotions have been ordered every 2/3 days which tells upon the working of one of the most important department of the province.
- 13) That 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

ATTESTED

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petition would be brought to the notice of this Hon'ble Court with due permission.

14) That the attitude of the Respondents No. 1 to 3 is arbitrary, arrogant, motivated by favouritism, against the law and facts and liable to be stopped through interim order to save the career of the petitioners who are young and are likely to suffer irreparable loss.

15) That feeling aggrieved, 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:

- A) That the impugned order is against the law on the subject and the rules framed by the respondents themselves;
- B) That the respondents want to favour certain officials to the detriment of the petitioners who have joined the service through competitive examination and the respondents are bent upon destroying their career from the very start;
- C) That promoting some of the respondents as Naib Tehsildars through administrative orders, instead of the

ATTESTED

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(2) 14

normal route of DPC and then promoting them further as Tehsildars shows their favouritism and disregard for law.

D) That the orders of the respondents No.1 to 3 are illegal, arbitrary and against the fundamental rights and need interference by this Hon'ble Court.

It is, therefore, most humbly prayed that on acceptance of this writ petition 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

Through

Petitioners



Abdul Matin Khan
Advocate, High Court,
Peshawar.

Certificate:

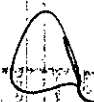
Certified that as per instruction of my client no such like writ petition on the subject has earlier been filed before this Hon'ble Court.

Advocate

List of Books:

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

Advocate


ATTESTED

Annex- H P.42

PESHAWAR HIGH COURT, PESHAWAR FROM 'A'		
FORM OF ORDER SHEET		
COURT OF CASE NO.		
SERIAL NO OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY.
1	2	3
	05.11.2013	<p><u>W.P No. 1720-P/2013.</u></p> <p>Present:</p> <p>Mr. Abdul Matin, Advocate, for the petitioners.</p> <p>*****</p> <p><u>ROOH-UL-AMIN KHAN, J:-</u></p> <p>Through the instant petition, the petitioners have prayed for issuance of appropriate writ directing the cancellation of the impugned notification, thereby setting aside the illegal promotions and with further prayer for reconsideration of the entire case strictly in accordance with law and rules.</p> <p>On the previous date learned counsel for the petitioners was confronted with the preposition that ultimately the Court would determine the question of rights of a civil servant under the Civil Servants Law which is beyond the jurisdiction of</p>

Rooh Amin

ATTESTED

Service Tribunal. On request of the learned counsel for the petitioners the case was adjourned for further study and preparation of the case. Today the learned counsel for the petitioners, when occupied the Rostrum, stated at the bar that through the instant Writ Petition he has challenged the impugned order on the grounds that he is eligible for promotion but the department has denied him to consider, wherein the jurisdiction of this Court is barred under Article 212. of Constitution of Pakistan and the same question is amendable to the jurisdiction of Service Tribunal constituted under the Article *ibid*. The learned counsel for the petitioner, however, submitted that the instant petition has been filed on 18/6/2013 and since than is pending adjudication for decision, in motion. He requested that the instant writ petition be transmitted to respondent No.1, as departmental

Zarshad

Zarshad

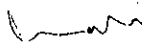
REGISTERED

appeal 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 decided in the prescribed limits of time strictly in accordance with Rules and Law.

With the above observations, this Writ Petition is disposed off accordingly.

Announced:
5th November, 2013.


JUDGE


JUDGE

ATTESTED

Annex-1-P45



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 23/01/2014

NOTIFICATION

No.Estt:I/26/_____ Upon acceptance of appeal filed by Mr. Shakirullah & others, the Competent Authority held the promotion order to post of Tehsildar issued vide this department Notifications No. Estt:I/26/11338 dated 04.06.2013, No. Estt:I/26/12401 and No. Estt:I/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.

S.NO	NAME OF OFFICIAL
1.	Mr. Misri Khan
2.	Mr. Bashir Ahmad
3.	Mr. Abdul Haleem
4.	Mr. Asghar Shah
5.	Mr. Muhammad Taj
6.	Mr. Said Rehman
7.	Mr. Muhammad Hayat
8.	Mr. Waheed Ahmad
9.	Mr. Muhammad Hamayun
10.	Mr. Sarir Ahmad
11.	Mr. Muhammad Riaz
12.	Muhammad Nawaz
13.	Mr. Mir Laiq
14.	Mr. Ghulam Sarwar
15.	Mr. Farzand Ali
16.	Mr. Said Rahim
17.	Mr. Fazli Raziq
18.	Mr. Asmat Ullah
19.	Mr. Hussian Bakhsh
20.	Mr. Abdur Rashid
21.	Mr. Fateh Ullah
22.	Mr. Mulazim Hussain
23.	Mr. Afzal Khan
24.	Mr. Kutab Khan
25.	Mr. Gul Ghazi Khan

ATTESTED

S.NO	NAME OF OFFICIAL
26.	Mr. Mukhtiar Ali
27.	Mr. Mushtaq Ahmad
28.	Mr. Liaqat Ali
29.	Mr. Naz Amin
30.	Mr. Shafi-ur-Rehman
31.	Mr. Attaullah
32.	Mr. Musadiq Hussain
33.	Mr. Abdul Qayum
34.	Muhammad Bashir
35.	Mr. Iftikhar Ahmad
36.	Muhammad Akram
37.	Mr. Ghulam Qasim
38.	Mr. Attaullah
39.	Mr. Tila Muhammad

No.Estt:1/261/1984-2061

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. All Commissioners, in Khyber Pakhtunkhwa.
3. All Deputy Commissioners, in Khyber Pakhtunkhwa.
4. All Political Agents in Khyber Pakhtunkhwa.
5. Deputy Secretary (Law & Order) FATA Secretariat Khyber Pakhtunkhwa.
6. Official concerned.

By order of
Secretary

Secretary -I

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 24 /01/2014.

No.Estt;I/26/ 2270 On issuance of Notifaction No.Estt;I/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.	NAME	DESIGNATION & PRESENT POSTING	TO
	Mr. Misri Khan	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 Haleem	Tehsildar Battagram	Retained on the same post (On current Charge basis)
4.	Mr. Asghar Shah	Tehsildar Mardan	Retained on the same post (On current Charge basis)
5.	Mr. Muhammad Taj	Tehsildar Mansehra	Retained on the same post (On current Charge basis)
6.	Mr. Said Rehman	Tehsildar Anti-Corruption	Retained on the same post (On current Charge basis)
7.	Mr. Muhammad Hayat	Tehsildar Tangi District Charsadda	Tehsildar Tangi District Charsadda (Current Charge basis)
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 (CCB)
11.	Mr. Muhammad Riaz	Tehsildar Pabbi	Retained on the same post (On current Charge basis)
12.	Muhammad Nawaz	Tehsildar Charsadda	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	Tehsildar 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 DIK	Retained on the same post (On current Charge basis)
20.	Mr. Abdur Rashid	Tehsildar Kulachi	Retained on the same post (On current Charge basis)
21.	Mr. Fateh 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)

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


By order of
Secretary

No.Estt:1/26/ 2271-79

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. All Commissioners in Khyber Pakhtunkhwa.
3. All Deputy Commissioners in Khyber Pakhtunkhwa.
4. All Political Agents in Khyber Pakhtunkhwa.
5. Official Concerned.
6. Personal Files.

ATTACHED


Secretary-I

WAKALAT NAMA

IN THE COURT OF K-P Services Tribunal Peshawar

Gulam Sarwar Tehsildar

To _____ Appellant(s)/Petitioner(s)

VERSUS

Chief Secretary K.P.

and Others _____ Respondent(s)

I/We Gulam Sarwar do hereby appoint **Mr. Khush Dil Khan, Advocate** Supreme Court of Pakistan in the above mentioned case, to do all or any of the following acts, deeds and things.

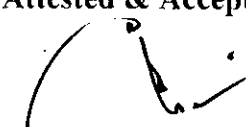
1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

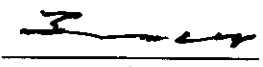
AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by


Khush Dil Khan,
Advocate,
Supreme Court of Pakistan


Signature of Executants

9-B, Haroon Mansion
Khyber Bazar, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.267/2014

Ghulam Sarwar..... Appellant

Versus

The Govt. of KP
through Chief Secretary & others..... Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY
FILED BY RESPONDENTS NO. 1 & 2.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous, the detailed replies thereof are as under:-

- I. That the promotion order of appellant was unlawfully withdrawn and reverted him to lower position without legal justification of which he was aggrieved and rightly filed the present appeal.
- II. That since the impugned order is illegal, malafide and without lawful authority so appellant has rightly exercised his legal rights and filed the present appeal.
- III. That the answering respondents have misconceived and wrongly taken the issue of maintainability of the present appeal on the plea that no departmental appeal was filed by the appellant. In this case the answering respondents have treated the writ petition of Respondents as Departmental Appeal in view of directions of the Hon'ble High Court, Peshawar and accepted the same in favour of present respondents and withdrew the promotion order of present appellant without any notice. Thus there is no provision of second departmental appeal in the service law so the appellant has rightly approached to this Hon'ble Tribunal against the impugned order in question.

- IV. That the appeal of appellant is based on cogent and strong grounds while the reply/comments is erroneous and based on exaggeration.
- V. That the appeal is within time in all respect.
- VI. That the matter in question is pertaining to terms and conditions of service and this Hon'ble Tribunal has exclusive jurisdiction in the matter.

Rejoinder to Reply of Facts:

1. That the answering respondents furnished no comments meaning thereby they have accepted the contents of this para.
2. That the answering respondents furnished no comments in respect of para 2 meaning thereby they have accepted the contents thereof.
- 3-5 That the answering respondents have conceded the facts of these paras as correct so no needs of further elucidation.
6. That the answering respondents have conceded the facts of this para to some extent but the reason furnished for the reversion of appellant by answering respondents that he was not graduate, is totally incorrect and not sustainable because such condition is not applicable to appellant.


Rejoinder to Reply of Grounds:

- A. That the reply of ground A is incorrect. The laid down condition of graduate degree as mentioned in the reply was not applicable to appellant. His promotion was made on the basis of Seniority-cum-fitness by competent authority after observing codal formalities.
- B. Furnished no comments by the answering respondents in respect of ground B so no needs of further elucidation.
- C. That the reply is erroneous so denied.
- D. That the reply is incorrect so denied. The answering respondents are legally bound to comply with the legal and lawful order of the Hon'ble

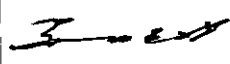
Peshawar High Court. In this case once the Hon'ble High Court has held that the matter in question is pertaining to terms and conditions of service and its jurisdiction ousted in view of Article 212 of the Constitution, 1973 then the Hon'ble High Court can not pass any direction/order. Moreover, in view of law on subject each and every aggrieved person shall have to file a separate departmental appeal which has not done in this case and thus the answering respondents committed a glaring mistake to treat the single petition as departmental appeal for each and every individual respondent and even on only illegality committed by the answering respondents, the impugned order is not sustainable and liable to be set aside.

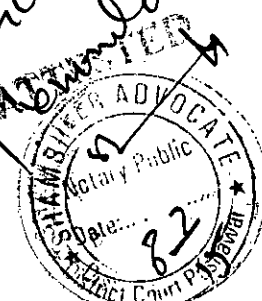
- E. That the reply is incorrect. The impugned order passed by Respondent No.3 who is neither the competent authority nor appellate authority and thus the impugned order is void ab initio.
- F. That the reply is incorrect. The graduation condition is not applicable to the case of appellant and this was misconceived by the answering respondents.
- G. That the order of promotion of appellant was passed by the competent authority on the recommendations of Departmental Promotion Committee in accordance with rules on subject.

It is, therefore, humbly prayed that the reply of answering respondents may graciously be rejected and the appeal as prayed for may kindly be accepted.

Through 
Appellant
Khushdil Khan
 Advocate,
 Supreme Court of Pakistan

Dated: 07 / 11/ 2014

 what is stated above is true
 of my knowledge



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 267 /2014

Ghulam Sarwar Applicant/Appellant

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4/3/14

Versus

The Govt. of KP
through Chief Secretary & others Respondents.

APPLICATION FOR EARLY HEARING

Respectfully Sheweth,

1. That titled appeal is pending before this Hon'ble Tribunal and is fixed for hearing on 26.3.2014.
2. That appellant/applicant was promoted to the post of Tehsildar (BPS-16) by an order dated 04.06.2013. Latter on the same was withdrawn by an order dated 23.01.2014 on the acceptance of petition which was treated as departmental appeal in view of direction of the Hon'ble Peshawar High Court, Peshawar dated 05.11.2013. Since the matter in question is of urgent nature and also the applicant applied for seeking interim relief in shape of suspension of the operation of the impugned order thereby the promotion order of appellant/applicant was withdrawn in arbitrary manner without any notice to applicant.

It is, therefore, humbly prayed that on acceptance of this application, the appeal may kindly be accelerated to an early date than the date already fixed.

Through **Applicant**
Khush Dil Khan,
Advocate,
Supreme Court of Pakistan.

Dated: 4 / 03/ 2014

Affidavit

I, Ghulam Sarwar, Tehsildar, Bahren, District Swat Malakand, 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.

Zameer
Deponent

