

18.07.2017

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

  
(Gul Zeb Khan)  
Member

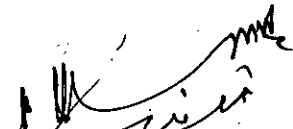
  
(Muhammad Amin Khan Kundi)  
Member

14.11.2017

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

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

  
Member

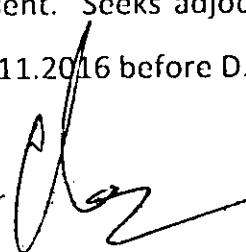
  
Chairman

ANNOUNCED  
14.11.2017

24.08.2016

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

Member



Chairman



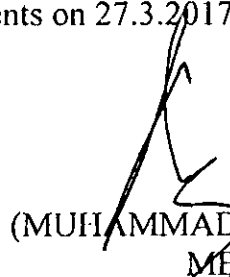
24.11.2016

Appellant with counsel and Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Jan. GP for respondents present. Rejoinder not submitted. Counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 27.3.2017.



(ABDUL LATIF)  
MEMBER

(MUHAMMAD AAMIR NAZIR)  
MEMBER



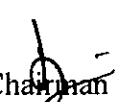
27.03.2017

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

Member



Chairman



10.11.2015

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

  
Chairman

26.1.2016

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

  
Chairman

10.5.2016

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

  
Member

  
Chairman

24.02.2015

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

  
Chairman

26.05.2015

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

  
Chairman

13.08.2015

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

  
Chairman

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

**Service Appeal No. 27/2014**

Attaullah .....Applicant/Appellant

Versus

The Govt. of KPK and others.....Respondents

---

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

---

Respectfully Sheweth,

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

<b>Respondent No.3</b>	(Shakirullah S/o Khan Mir) <b><i>Tehsildar, Babuzai, Swat</i></b>
<b>Respondent No.5</b>	(Rahamdullah Khan s/o Ahmad Khan) <b><i>FCR, Lakki Marwat</i></b>
<b>Respondent No.14</b>	(Ishtiaq Ahmad Khan s/o Ala-ud-Din) <b><i>Naib Tehsildar, Darosh, Chitral</i></b>
<b>Respondent No.25</b>	(Muhammad Yar S/o Waqif Khan) <b><i>Tehsildar, CCB Takht Bhai, Mardan</i></b>
<b>Respondent No.42</b>	(Fayaz Ahmad S/o Pir Khan) <b><i>National Highways Authority, Abbottabad</i></b>
<b>Respondent No.45</b>	(Ijaz Ahmad S/o Muhammad Riaz) <b><i>Naib Tehsildar, Mansehra</i></b>

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

Appellant

Through

Khaled Rahman,  
Advocate, Peshawar

Dated: 10 /10/2015

**Affidavit**

I, Attaullah, Tehsildar, presently posted as Recovery Officer, PESCO, Peshawar Circle, Peshawar, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge.

*h*  
*W/10/15*  
Deponent

ATTESTED



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

**Service Appeal No. \_\_\_\_\_/2014**

Attaullah .....Applicant/Appellant

Versus

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Through

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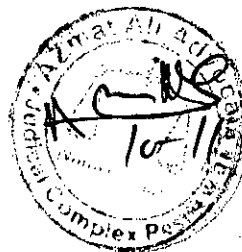
Dated: 08 /10/2015

Affidavit

I, Attaullah, Tehsildar, presently posted as Recovery Officer, PESCO, Peshawar Circle, Peshawar, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge.


*h*  
*WBCS*  
Deponent

ATTESTED



06.08.2014

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

  
MEMBER

25.09.2014

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

  
MEMBER

9.12.2014

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

  
READER


Appeal No. 271/2014  
Mr. Attacullah:-

5. 13.05.2014

Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. He further contended that the order dated 23.01.2014 as received to the appellant on 21.02.2014, passed by the Board of Revenue, Revenue & Estate Department is the final order and there is no need to file separate appeals in support he filed copy of unreported judgment of Supreme Court of Pakistan in Civil Petitions No. 500 & 501-P/2003 dated 27.04.2005. Counsel for the appellant stated that similar nature cases of Mr. Abdul Waheed in Service Appeal No. 252/2014, Mr. Abdul Haleem, 253/2014 and Muhammad Taj, 254/2014 have already been admitted and pending before the learned Bench-II for regular hearing, therefore the same may also be club with the said appeal.

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

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments. Appellant has also filed an application for suspending the operation of order dated 23.01.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal as well as reply/arguments on application on 06.08.2014 before the learned Bench-II.

  
Member

Appellant deposited  
Process fee & Security  
Rs 4160/- (Four thousand one hundred and sixty rupees)  
Attached with file.  
(in A. No. 271 to 274/14)  
of

3.

27.03.2014

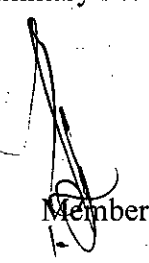
Counsel for the appellant present. Preliminary arguments partly heard. The learned counsel for the appellant stated that similar nature of appeals No. 252/2014 titled. Abdul Waheed, No. 254/2014 titled. Muhammad Taj and Appeal No. 253/2014, titled Abdul Haleem have already been admitted for regular hearing.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

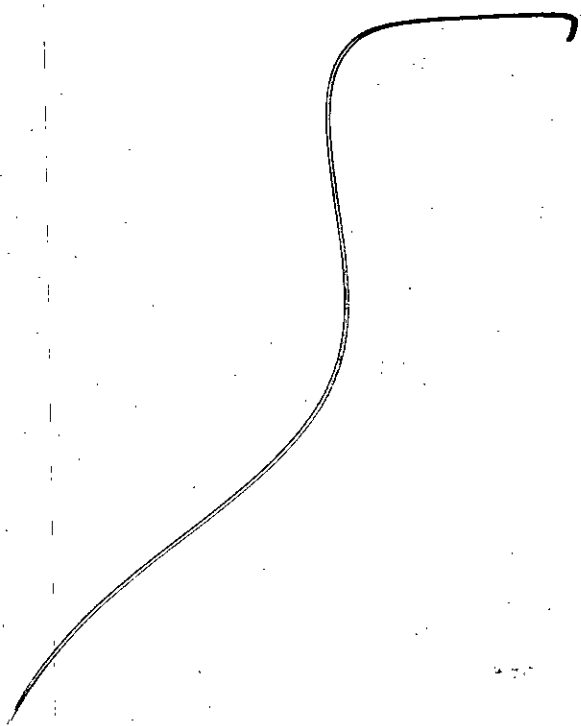
  
Member

4.

14.04.2014

Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requested for adjournment. To come up for preliminary hearing as per order sheet dated 27.03.2014 on 13.05.2014.



  
Member



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 271/2014

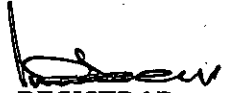
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/02/2014	<p>The appeal of Mr. Attaullah resubmitted today by Mr. Khaled Rahman Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>27-3-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Attaullah Recovery Officer PESCO Peshawar received today i.e. on 21.02.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal/review application against the impugned order is not attached with the appeal which may be placed on it.
- 2- Addresses of respondents No. 3 to 46 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 284 /S.T.

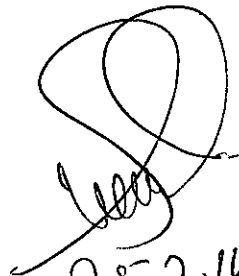
Dt. 24/02 /2014.

  
REGISTRAR 24/2/14.  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Khaled Rehman Adv. Pesh.

25-2-14

Resubmitted with clarification that objection is not correct because the impugned order dt 23-1-14 is already appellate order and the writ Petition has been treated as appeal is amended as F-3 Motion, for the objection No-2. Respt No-3, 40 all are Tehsildars places of Posting are amended with Respt No-1

  
25-2-14.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 271 /2014

Ataullah, Tehsildar  
.....Appellant

Versus

The Govt. of KP and others  
.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-11
2.	Stay Application with Affidavit			0-12
3.	Notification	04.02.2009	A	13-17
4.	Comparative Statement		B	18-20
5.	Notification whereby amendments in rules were notified	02.12.2011	C	0-21
6.	Notification of promotion of appellant and others	18.06.2013	D	22-23
7.	W.P.No.1720-P/2013		E	24-35
8.	Judgment in W.P.No.1720-P/2013	05.11.2013	F	36-38
9.	Impugned Notification	23.01.2014	G	0-39
10.	Notification of acting charge promotion	24.01.2014	H	0-40-41
11.	Notification of acting charge promotion	04.10.2010	I	41-42 42-43
12.	Wakalat Nama			

Through

*[Signature]*  
Appellant

**Khaled Rahman**  
Advocate, Peshawar  
3-D, Haroon Mansion,  
Khyber Bazar, Peshawar.  
Off: Tel: 091-2592458  
Cell # 0345-9337312

Dated: 20 / 02/2014



## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 271 /2014

Ataullah, Tehsildar,  
Presently posted as Recovery Officer  
PESCO, Peshawar Circle, Peshawar .....Appellant

271  
21-2-2014

Versus

1. The Senior Member Board of Revenue,  
Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa  
Revenue & Estate Department,  
Civil Secretariat, Peshawar.
3. Shakirullah S/o Khan Mir,  
R/o Mohallah Sudan Khel, Village Pirokhel,  
Tehsil Landi Kotal, Khyber Agency.
- ④ Munir Ahmad S/o Jehangir Khan,  
R/o Outside Laghari Gate, Bagh Gali,  
Al-Noor Masjid, Street Sahib Jan Colony,  
House # 69, D.I.Khan
5. Rahamdullah Khan S/o Ahmad Khan,  
R/o village Dolat Khel, Ishaq Khel,  
Tehsil and District Lakki Marwat.
- ⑥ Imtiaz Ali Shah S/o Muhammad Ali Shah,  
R/o Village & P.O. Warana, Shah Abad,  
Tehsil Takhti Nasrati, District Karak.
- ⑦ Khalid Khan S/o Iftikhar Hussain,  
R/o Village & P.O. Khar Bajaur Agency.
8. Fazal Wadood S/o Fazli Mehmood,  
R/o Village Sadullah, Mohmand Agency.
- ⑨ Irshad Ali S/o Dost Muhammad,  
R/o Village & P.O. & Tehsil Tangi,  
District Charsadda.

Respected No. 4, 6, 7  
29 Feb 13, 15 Feb 24,  
24 Feb 41, 43, 44 & 46  
Readed against the  
Verdict order dt 24-2-15  
A

21/2/14.

re-submitted to  
and filed.

25/2/14.

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

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

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

ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 23.01.2014 PASSED BY RESPONDENT NO.2 VIDE WHICH ON ACCEPTANCE OF THE DEPARTMENTAL APPEAL OF RESPONDENT NO.3-46, THE NOTIFICATION DATED 18.06.2013 BY MEANS OF WHICH APPELLANT WAS PROMOTED TO THE POST OF TEHSILDAR (BPS-16) WAS WITHDRAWN AND APPELLANT WAS REVERTED BACK TO THE POST OF NAIB TEHSILDAR.

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**PRAYER:**

On acceptance of the instant appeal, the impugned Notification dated 23.01.2014 may graciously be set aside by restoring the Notification dated 18.06.2013 with all consequential back benefits.

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Respectfully Sheweth,

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

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

3. That vide Notification dated 04.02.2009 (*Annex:- A*), the Rules *ibid*, were replaced and the posts of Tehsildars as per the new Rules were to be filled in as follows:-

- a) *20% by initial recruitment;*
- b) *60% by promotion on the basis of joint seniority-cum-fitness from amongst the Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrars with at least five years service;*
- c) *20% by promotion on the basis of seniority-cum-fitness from the amongst the Superintendents of the office of the Board of Revenue (Revenue & Estate and Land Settlement and Consolidation Department), Commissioners, DORs and Political Agents and Senior Scale Stenographers of the offices of Board of Revenue, Commissioners, Additional Commissioners, DCOs and Political Agents, having five years service.*

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

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

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

5. That on the basis of seniority, eligibility, vide Notification dated 18.06.2013 (*Annex:-D*) appellant alongwith others were promoted to the posts of Tehsildar (BPS-16) on regular basis on the recommendations of Departmental Promotion Committee and in pursuance of the Notification *ibid*, appellant took-over the charge of the post of Tehsildar.
6. That some most junior Naib Tehsildars appointed directly in the year 2009 on the recommendations of the Khyber Pakhtunkhwa Public Service Commission filed W.P.No.1720-P/2013 (*Annex:-E*) before the Peshawar High Court, Peshawar challenging the promotion Notification of the appellant and others since the writ petition was not maintainable, therefore, the same was not entertained but was disposed of vide judgment dated 05.11.2013 (*Annex:-F*) wherein the petition was treated as Departmental appeal and sent to Respondent No.2 for decision strictly in accordance with the rules. The relevant part of the judgment is reproduced as under:-

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

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

7. That Respondent No.2, thereafter took up the writ petition as Departmental appeal/Representation and vide impugned Notification dated 23.01.2014 (*Annex:-G*) the same was accepted and consequently, the Notification dated 18.06.2013 by means of which appellant and others were promoted to the post of Tehsildar (BPS-16) was withdrawn and appellant and others were reverted to the posts held prior to the promotion and vide another Notification dated 24.01.2014 (*Annex:-H*) appellant and others were taken on acting charge basis against the same posts. It is pertinent to mention here that appellant was promoted to the post of Tehsildar on acting charge basis vide Notification dated 04.10.2010 (*Annex:-I*).



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

**Grounds:**

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

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

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

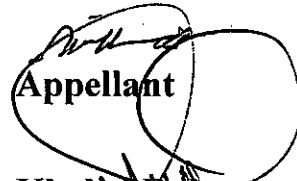

principle of promissory estoppel.

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

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

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

Through

  
Appellant  
  
Khaled Rahman,  
Advocate, Peshawar

Dated: 20 / 02 / 2014

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. \_\_\_\_\_/2014**

Attaullah.....Applicant

Versus

The SMBR and others.....Respondents

**Application for suspending the operation of the impugned Notification 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 applicant/ appellant.
3. That the balance of convenience also lies in favour of applicant/appellant and in case the impugned Notification is not suspended the applicant/appellant will suffer irreparable loss.

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

Through

*Khalid*  
Applicant

*Khalid Rahman*  
Khaled Rahman,  
Advocate Peshawar

Dated: \_\_\_\_\_ / 02/ 2014

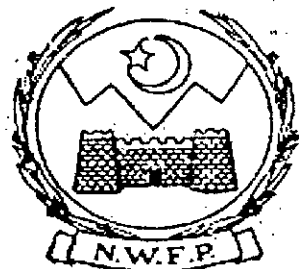
Affidavit

I, Attaullah, Tehsildar, Presently posted as Recovery Officer PESCO, Peshawar Circle, Peshawar, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



*Khalid*  
Deponent

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. P.III  
GAZETTE

(13) *Annex A*

# NORTH - WEST FRONTIER PROVINCE

ATTACHED

Published by Authority

PESHAWAR, WEDNESDAY, 4<sup>TH</sup> FEBRUARY, 2009.

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

## NOTIFICATION

Peshawar, dated 26<sup>th</sup> December, 2008

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

**N.W.F.P GOVERNMENT GAZETTE, EXTRAORDINARY, 4<sup>TH</sup> FEBRUARY, 2009.**

**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	<p>(a) Twenty percent by initial recruitment: and</p> <p>(a) 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>(b) Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Superintendents of the office of Board of Revenue (Revenue &amp; Estate and Land Settlement &amp; Consolidation Department) Commissioners, DOR and Political Agents and Senior Scale Stenographers of the offices of Board of Revenue, Commissioners, Additional Commissioner, DCOs and Political Agents having five years service.</p>

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1	2	3	4	5	6	7
2.	Naib Tehsildar (BPS 14)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher 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&amp;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

ATTESTED  
 [Signature]

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1	2	3	4	5	6	7
5.	District Revenue Accountant (BPS 14)	-	-	-	-	By transfer from amongst Naib Tehsildar
6.	Kanungo (BPS - 09)	District Officer (Revenue & Estate) /Collector,	-	-	-	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.
7.	Senior Tehsil Revenue Accountant (BPS 07) and Junior Tehsil Revenue Accountant Wasil Baqi Nawis / Additional Wasil Baqi Nawis (BPS - 05)	-	-	-	-	By transfer from amongst Patwaris
8.	Patwari (BPS - 05)	District Officer (Revenue & Estate) /Collector,	Intermediate or equivalent qualification, who have passed the Patwari Examination having one year diploma in information technology from any institution technology from any institution recognized	18 to 30	By initial recruitment	By initial appointment for amongst the Patwari passed candidates entered in Register maintained by the District Collector of the District Concerned having one year diploma in information technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

ATTESTED

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

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ATTESTED

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

**COMPARATIVE STATEMENT SHOWING EXISTING SERVICE RULES AND PROPOSED AMENDMENTS.**

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

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
	Tehsildar (BPS - 16)	At least 2 <sup>nd</sup> 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.

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Naib Tehsildar (BPS - 14) (Divisional Cadre)	At least 2 <sup>nd</sup> Division Graduation Degree from any University recognized by Higher Education Commission		24 - 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) 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&amp;P), Political Moharrirs of the office of Political Agents and Assistant Political Agents (FR), with at least five years services as such.</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 &amp; 55 of the West Pakistan Tehsildari and Naib Tehsildari Departmental Examination and Training Rules 1969 will remain intact.</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&amp;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) 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>	

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	District Kanungo (Saddar Kanungo)				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
	Assistant Clerk (Revenue) (Divisional cadre)				By transfer from amongst Naib Tehsildar	Assistant having dealt with revenue or acquisition matters for atleast 03 years.
5.	District Revenue Accountant				By transfer from amongst Naib Tehsildar	By promotion on the basis of selection on seniority from amongst Kanungos with at-least 03 years service.
6.	Kanungo				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.	Tehsil Revenue Accountant / Wasil Baqi Nawis / Addl. Wasil Baqi Nawis (EFS - 7)				By transfer from amongst Patwaris	No change.
8.	Patwari (EFS - 05)	FA or equivalent qualification having obtained certification / diploma in Computer literacy 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.	

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ATTACHED

*Nasir Aman*  
Nasir Aman

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

*Kharshid Alam*  
Kharshid Alam

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

*Hamsheeda Begum*  
Hamsheeda Begum

Assistant Legal Drafter - I  
Law Department  
(Member)

*Waqar Ayub*  
Waqar Ayub

Secretary Revenue & Estate Department  
(Chairman)



C

# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 000000000000, 00TH SEPTEMBER, 2012.

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

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### NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

No. Estt:1/296/Amendment/29174.—In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the 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 Amendment Notification No. 32102/Admn:1/135/SSRC, dated 26-12-2008 read with Notification No. 32102/Admn:1/296/Amendment, dated 20.03.2011, the following further amendments shall be made, namely:-

### AMENDMENTS

In the Appendix:-

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 &amp; Estate and Land Settlement &amp; 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>
Naib Tehsildar (BPS-14) (Divisional Cadre)	<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&amp;F), with at least five years service, Political Moharrirs of the office of Political Agent/Assistant Political Agents, with 10 years service.</p>

ED

		<p>(d) The official so appointed shall successfully complete Settlement/Revenue training and pass Kanungo Certificate Examination.</p> <p><b>EXPLANATION:-</b> 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 situated.</p> <p><b>Note:-</b> 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. 6, 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>

Sd/-x-x-x  
SECRETARY.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Amir D.

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Peshawar dated the 18/06/2013

NOTIFICATION

No. Estt/126/... 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. Gul Ghazi Khan
2.	Mr. Mukhtiar Ali
3.	Mr. Mushtaq Ahmad
4.	Mr. Liaqat Ali
5.	Mr. Ghulam Farooq
6.	Mr. Naz Amin
7.	Mr. Tariq Saleem
8.	Mr. Akbar Ifikhar Ahmad
9.	Muhammad Ayub Khan
10.	Mr. Shafi-ur-Rehman
11.	Mr. Attaullah
12.	Mr. Musadiq Hussain
13.	Mr. Abdul Qayum
14.	Muhammad Bashir
15.	Mr. Ifikhar Ahmad
16.	Muhammad Akram
17.	Mr. Ghulam Qasim

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. Gul Ghazi Khan	Tehsildar Takhti Nasrati (OPS)	Retained on the same station.
2.	Mr. Mukhtiar Ali	District Revenue Accountant Swabi	Services placed at the disposal of Commissioner Mardan Division for further posting.
3.	Mr. Mushtaq Ahmad	Sub-Registrar Karak	Services placed at the disposal of Commissioner Bannu Division for further posting.
4.	Mr. Liaqat Ali	Sub-Registrar Charsadda	Tehsildar / Recovery Officer Peshawar Circle
5.	Mr. Ghulam Farooq	Political Tehsildar (FR) Kohat	Retained on the same post.
6.	Mr. Naz Amin	PNT Barang Bajaur Agency	Services placed at the disposal of Commissioner, Malakand for further posting.
7.	Mr. Tariq Saleem	Tehsildar Domail	Retained on the same post.
8.	Mr. Akbar Ifikhar Ahmad	PT. Ali Zai Kurram Agency	Retained on the same post.
9.	Muhammad Ayub Khan	Tehsildar Bannu	Retained on the same post.

ACCEPTED

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S.NO.	NAME OF OFFICER	FROM	TO
10.	Mr. Shafi-ur-Rehman	District Kohungo Swat	Services placed at the disposal of Commissioner, Malakand for further posting.
11.	Mr. Attaullah Khan	Tehsildar Charsadda	Retained on the same post.
12.	Mr. Musadig Hussain	Tehsildar Thall	Retained on the same post.
13.	Mr. Abdul Qayum	Tehsildar Kohat	Retained on the same post.
14.	Muhammad Bashir	Tehsildar Chhazi	Retained on the same post.
15.	Mr. Ifikhar Ahmad	Naib Tehsildar Manshra	Services placed at the disposal of Commissioner, Hazara for further posting.
16.	Muhammad Akram	DRA DIKhan	Services placed at the disposal of Commissioner, DIKhan for further posting.
17.	Mr. Ghulam Qasim	Naib Tehsildar Paroha DIKhan	Services placed at the disposal of Commissioner, DIKhan for further posting.

By order of  
Secretary to Government of  
Revenue & Estate Department

No. Estt: 1/26/ 1131/13- 4/00

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. Deputy Secretary (Law & Order) FATA Secretariat Khyber Pakhtunkhwa.
7. Officers concerned.
8. Personal Files.

**ATTESTED**

Deputy Secretary to Government of  
Revenue & Estate Department.



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 1725 of 2013

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Army E

- 1) Shakir Ullah Son of Khan Mir R/o Mohallah Sodaan Khel, Village Piro Khel, Tehsil Landi Kotal, Khyber Agency.
- 2) Munir Ahmad Son of Jhangji Khan R/o Outside Lahgari Gate, Bagh Ghali Al-Noor Masjid, Street, Sahib Jan Colony House No. 69, D.I, Khan.
- 3) Rahmat 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 Fissan 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

ATTENDED

ATTACHED

19) Iqbal ud Din Son of Syed Badshah R/o Village Nawab  
Dhery, P.O. Takkar, Tehsil Thak Bhai District Mardan.

18) Amin Ullah Khan Son of Dost Muhammad Khan R/o  
Village Baggi Zamar P.O. Rehmani Khel, Tehsil  
Paharpur District D.I. Khan.

17) Ahmad Hashmi Son of Fazli Rabbi R/o Village  
Kaidghari, Tehsil & P.O. Lal Qilla, Mardan District Dir  
Lower.

16) Yaqub Ullah Khan Khattak Son of Mohibullah Khattak R/o  
Mohallah Peta Khel, P.O. Lund Khwar, Tehsil Thak Bhai  
District Mardan.

15) Asir Salmaan Kundi Son of Hamid Khan Kundi R/o  
Chowk Chashma Road, P.O. Sheikh Yousaf D.I. Khan.

14) Muhammad Ilyas Son of Shah Nasim Khan R/o Mohallah  
Khattak Khel, Village & P.O. Hazara Tehsil & District  
Swat.

13) Shams ul Islam Son of Faqir Gul R/o Village & P.O.  
Ghari Usmani Khel Tehsil Dargal, District Malakand.

12) Ishaq Ahmed Khan Son of Ala ud Din R/o Village &  
P.O. Old Sakhrakot Malakand Agency.

11) Sikandar Khan Son of Sar Zamin Khan R/o Village &  
P.O. Tehsil Charbagh, Mohallah Manri District Swat.

10) Shah Wazir Son of Abdullah Khan R/o Waziristan Hotel  
& Restaurant Wana Road, South Waziristan Agency.

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- 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 Dhiary 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) Muhammad Shah Son of Abdur Rashid R/o Village Selsadda 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, Shiekhabad No.3, District Peshawar.

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- 31) Akbar Ahmed Son of Javed Muhammad R/o Village & P.O Chaghar Mata Tehsil & District Peshawar.
- 32) Dil Nawaz Khan Son of Alam Zeb R/o Village & P.O Kala Khan, Tehsil & District Swabi.
- 33) Khatayab Ullah Son of Haji Akbar R/o Street Idreesabad Gulbaker No.3, Peshawar.
- 34) Faqr Hussain Son of Muhammad Younis R/o Karich Taza Dm P.O Pabhi 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 Kansman 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 Faiz Hashim Khan Tehsil & District Haripur.
- 39) Farukh Jadoon Son of Anwar Ahmed Khan R/o Village & P.O Langra Tehsil & District Abbottabad.
- 40) Faza 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.

AMTESHEB

13) Umved Shahzad Son of Muhammad Sahif R/o Badira  
Koch Mahallah Lahor Banda, Manshira.

15) Ejaz Ahmad Son of Muhammad Riaz R/o Tanda Mera,  
Village & P.O. Salhad Tehsil & District Abbottabad.

14) Muhammad Saif Son of Muhammad Saddique R/o  
Village Badhar, P.O. Nathia Ghali Tehsil & District  
Abbottabad.

..... Petitioners

Versus

- 1) Secretary Revenue and Estate Dept. Khyber  
Pakhtunkhwa Peshawar.
- 2) Departmental Promotion Committee Revenue and Estate  
Dept. Khyber Pakhtunkhwa Peshawar through  
Respondent No. 1.
- 3) Deputy Secretary Revenue and Estate Dept. 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) Hashir 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  
Battagram.
- 11) Ali Sher Khan Tehsildar on Special Duty Revenue  
Peshawar.
- 12) Abdul Ghaffar Tehsildar Sarai Nourang

ATTESTED  
[Signature]

- 13) Muhammad Taj C/o Commissioner Hazara.
- 14) Saïd 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) Noman 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) Saïd 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) Bannu.
- 39) Gul Saïd Recovery Officer NRSP, Matta Swat.
- 40) Jehanzeb C/o Commissioner Malakand.
- 41) Anwar ul Haq C/o Commissioner Malakand.

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- (30)
- 1) Kullab 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  
BREATHANT 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

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 2<sup>nd</sup> 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 Kullongos, District Revenue Accountants and Head Clerks (Revenue) were made eligible for the 60% Quota meant for the Naib 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.Estt: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 Naib 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

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ASSISTANT  
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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: 1/26-1/338 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. Estt: 1/1/7270 dated 02/03/2012, issued by respondent No.1 addressed to Director Land Record, wherein the designation of both these respondents was mentioned as District Kanungo. It is amazing that an official who was District Kanungo in the year of 2012, received three promotions i.e. as Naib Tehsildar, Tehsildar and EACs in one year. This could have happened only in the revenue Deptt. (Copy of the Letter is as Annexure "F").

ACCEPTED

accept  
by  
info. m/ro

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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 "C")

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  
[Signature]

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

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ATTENDED

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

(10)

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(35)

1) 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.

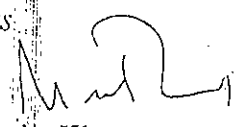
Interim Relief:

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

ATTENDED  


On the previous date learned counsel for the petitioners was confronted with the proposition 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

law and rules. On the previous date learned counsel for the petitioners was confronted with the proposition 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

entire case strictly in accordance with prayer for reconsideration of the illegal promotions and with further notification, thereby setting aside the cancellation of the impugned of appropriate writ directing the petitioners have prayed for issuance Through the instant petition, the

ROOH-UL-AMIN KHAN, J:-

Mr. Abdul Mann, Advocate, for the petitioners.

Present:

W.P. No. 1720-P/2013

05.11.2013

SERIAL NO. OF ORDER OR PROCEEDINGS	1	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL, WHERE NECESSARY
FORM OF ORDER SHEET	2	COURT OF CASE NO.

*Handwritten signature*

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*Handwritten signature*

ATTACHED

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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 courtroom, 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 amenable 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 then is pending adjudication for decision, in motion. He requested that the instant writ petition be transmitted to respondent No.1, as departmental

10/3/2013

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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~~

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~~JUDGE~~

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 23/01/2014

Amx 9' (39)

NOTIFICATION

No. Estt:1/26/

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:1/26/11338 dated 04.06.2013, No. Estt:1/26/12401 and No. Estt:1/26/12342 dated 18.06.2013 in respect of following officials as not having the prescribed qualification for the post of Tehsildars. Accordingly, the promotion orders of the officials listed below are withdrawn and they are reverted to the post held before prior to their promotion.

S.NO	NAME OF OFFICIAL
1.	Mr. Mian Khan
2.	Mr. Bashir Ahmad
3.	Mr. Abdul Halcent
4.	Mr. Asghar Shah
5.	Mr. Muhammad Taj
6.	Mr. Said Rehman
7.	Mr. Muhammad Hayat
8.	Mr. Walced 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. Hussain Baklish
20.	Mr. Abdur Rashid
21.	Mr. Fatch Ullah
22.	Mr. Mulazim Hussain
23.	Mr. Afzal Khan
24.	Mr. Kutub Khan
25.	Mr. Gul Ghazi Khan

ATTENDED



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

By order of  
Secretary

No. Estt: 11261-1984-2-061

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.

Secretary-I

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 24/01/2014.

*Ammy H* (40)

No.Estt;/26/\_\_\_\_\_ On issuance of Notification No.Estt;/126/1983, 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 Manshra	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 (C.C.B.)
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 (C.C.B.)
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. Fatch Ullah	Political Tehsildar Dossali (NWA)	Retained on the same post (On current Charge basis)
22.	Mr. Mulazim Hussain	Tehsildar Paharpur	Retained on the same post (On current Charge basis)
23.	Mr. Afzal Khan	Tehsildar Khadu Khel	Retained on the same post (On current Charge basis)

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24.	Mr. Kutab Khan	Tehsildar Havelian	Retained on the same post (On current Charge basis)
25.	Mr. Gul Ghazi Khan	Tehsildar/RO Khyber Bank 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. Bilikhar 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: I/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.

Secretary-I

GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT

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Annex I

Dated Peshawar the 10/10/2010

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NOTIFICATION

Not. No. 12345 / Admn. / 26 / Vol. II

The Competent Authority, in consultation with Departmental Promotion Committee is pleased to order the appointment of the following Naib Tehsildars (BPS - 14) as Tehsildar (BPS - 16) on Acting Charge Basis with immediate effect.

S.No	Name of official	Remarks
1.	Mr. Ghulam Parooq, Naib Tehsildar	Promoted as Tehsildar (BPS - 16) on Acting Charge Basis
2.	Mr. Naz Amin, Naib Tehsildar	Deferred for want of ACRs for the year 2005, 2006, 2007, 2008 and 2009
3.	Mr. Shamas Gul, Naib Tehsildar	Deferred for want of ACRs for the year 2007, 2008 and 2009
4.	Mr. Javed Hussain, Naib Tehsildar	Promoted as Tehsildar (BPS - 16) on Acting Charge Basis
5.	Mr. Syed Asghar Shah, Naib Tehsildar	Ditto
6.	Mr. Ali Sher Khan, Naib Tehsildar	Ditto
7.	Mr. Tariq Sabir, Naib Tehsildar	Ditto
8.	Mr. Abdul Ghaffar, Naib Tehsildar	Ditto
9.	Mr. Saif Rehman, Naib Tehsildar	Ditto
10.	Mr. Kiramatullah, Naib Tehsildar	Ditto
11.	Akbar Hkhtar Ahmad, Naib Tehsildar	Ditto
12.	Mr. Qaiser Khan, Naib Tehsildar	Ditto
13.	Mr. Najecebullah, Naib Tehsildar	Ditto
14.	Mr. Muhammad Ayub Khan, Naib Tehsildar	Ditto
15.	Mr. Abdul Rehman Shah, Naib Tehsildar	Ditto
16.	Mr. Saif Ahmad, Naib Tehsildar	Ditto
17.	Mr. Hasham Gul, Naib Tehsildar	Ditto
18.	Mr. Muhammad Riaz, Naib Tehsildar	Ditto
19.	Mr. Atiqullah, Naib Tehsildar	Ditto
20.	Mr. Musadiq Hussain, Naib Tehsildar	Ditto
21.	Mr. Abdul Qayum, Naib Tehsildar	Ditto
22.	Mr. Muhammad Nawaz, Naib Tehsildar	Ditto
23.	Mr. Mir Laiq, Naib Tehsildar	Ditto
24.	Mr. Nauman Ali Shah, Naib Tehsildar	Ditto
25.	Mr. Muhammad Bashir, Naib Tehsildar	Ditto

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

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By Order of,  
Senior Member  
Board of Revenue Khyber Pakhtunkhwa

No. \_\_\_\_\_ /Admn:1/26/Vol:11

Copy to:-

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

Assistant Secretary (Estt)  
Board of Revenue Khyber Pakhtunkhwa

ATTESTED

WAKALAT NAMA

IN THE COURT OF

S.P.12 Supreme Tribunal  
Pw.

Ahmedullah

Appellant(s)/Petitioner(s)

VERSUS

Gaut el

Respondent(s)

I/We \_\_\_\_\_ do hereby appoint  
**Mr. Khaled Rehman, Advocate** 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

Khaled Rehman,  
Advocate, Peshawar.

\_\_\_\_\_  
Signature of Executants

\_\_\_\_\_

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 271/2014

Attaullah, Tehsildar & others.....Appellant

VERSUS

Senior Member Board of Revenue .....Respondents

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

PRELIMINARY OBJECTIONS

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

RESPECTFULLY SHEWETH.

ON FACTS.

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

ON GROUNDS

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

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



Respondent No. 1&2