

28.08.2019

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Arif Superintendent for respondents No. 1 to 3 and Mr. Aminur Rahman, Advocate for private respondent No. 4 present and Wakalatnama submitted which is placed on record.

Parawise comments on behalf of official respondents submitted which are placed on record. Respondent No. 4 has not submitted written reply/comments despite last opportunity. The appeal is posted for arguments before D.B to 15.11.2019. The appellant may submit rejoinder to the written reply of official respondents, within a fortnight, if so advised.




Chairman

15.11.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah Deputy District Attorney present. Case called but neither the appellant nor his counsel turned up. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
15.11.2019

21.05.2019

Nemo for the appellant. Private respondent No.4 absent. On the previous date, respondent No.4 was put to notice however no copy of notice to private respondent No.4 found available on file. Muharrar concerned to explain. Private respondent No.4 be put to notice for submission of reply/comments on the next date. Adjourned to 02.07.2019 before S.B.


Member

02.07.2019

Appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Javed Assistant for the respondents present. Written reply on behalf of the respondents No. 1 to 3 submitted. None present on behalf of the private respondent No. 4 nor written reply submitted. Notice be issued to the private respondent No. 4 to attend the court and submitted written reply on the next date positively. Last opportunity is granted. Adjourned to come up for written reply/comments on 28.08.2019 before S.B.


Member

21.03.2019

Appellant in person present. Mr. Kabirullah Khattak learned Addl; AG for the respondents present. Written reply not submitted. Representative of the respondents department absent. He be summoned with the direction to furnish written reply/comments. Last opportunity is granted. Adjourn. To come up for written reply/comments on 12.04.2019 before S.B.


Member

12.04.2019

Counsel for the appellant and Addl. AG alongwith Muhammad Arif, Superintendent and Asmatullah, Naib Tehsildar for the official respondents present. Nemo for private respondent No. 4.

Comments on behalf of respondents No. 1 & 2 have been submitted. The representative of respondent No. 3 relies upon the comments already submitted. Notice be issued to respondent No. 4 for submission of written reply/comments on the next date.

Adjourned to 21.05.2019 before S.B.


Chairman

26.12.2018

Appellant with counsel present. Written reply not submitted. No one present on behalf of respondent department. Fresh notice be issued to the respondent department with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 08.01.2019 before S.B.

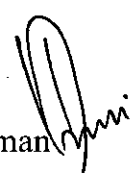


Member

08.1.2019

Nemo for the appellant. Addl. AG alongwith Muhammad Arif, Superintendent for respondents present.

The representative of the respondents, appearing in court in other cases against respondents, takes notice of instant appeal. To come up on 20.02.2019 for reply/comments by respondents before S.B.



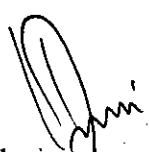
Chairman

20.02.2019

Nemo for the appellant. Mr. Kabirullah Khattak learned Addl; AG alongwith Mr. Javed Assistant for the respondents present.

Representative of respondents states that preparation of written reply is under process which has not yet been finalized. He, therefore, seek adjournment.

Adjourned to 21.03.2019 before S.B




Chairman

11.12.2018

Counsel for the appellant Jamal ud Din present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Settlement Operation Nowshera as Naib Tehsildar, he was repatriated to parent office Settlement Operation Chitral with immediate effect vide order dated 16.04.2018, the appellant filed Writ Petition which was converted into departmental appeal vide order dated 29.05.2018 and thereafter departmental authority rejected the departmental appeal of the appellant vide order dated 10.07.2018. It was further contended that the appellant again filed Writ Petition which was decided on 09.10.2018 and the petitioner was directed that if the petitioner is a civil servant, than he should approach the Service Tribunal for redrassal of his grievance and thereafter the appellant filed service appeal on 05.11.2018. It was further contended that the transfer order of the appellant is against the transfer posting policy and the appellant has not completed his normal tenure of this transfer, therefore, the impugned order is illegal and liable to be set-aside.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit of security and process fee, thereafter notice be issued to the respondents for written reply/comments for 26.12.2018 before S.B. Learned counsel for the appellant also submitted application for suspension of transfer order. Notice of the same be also issued to the respondents for the date fixed.

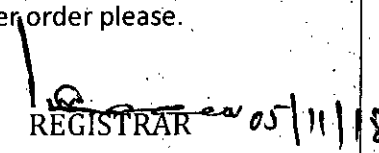

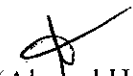
Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1365/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 05/11/2018 | <p>The appeal of Mr. Jamal-ud-Din presented today by Mr. Yaqub Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 05/11/18</p> |
| 2- | 17-11-2018 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30-11-18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |
| | 30.11.2018 | <p>Appellant with counsel present and seeks adjournment. Adjourned. Case to come up for preliminary hearing on 11.12.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p> |

Before the Hon'able Service Tribunal, KPK,
Peshawar

Appeal No. 1365 /2018

Jamal uddin SNT settlement Operation Nowshera
.....Appellant

V/s

Senior Member Board of Revenue etc
.....Respondents

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| S.No. | Descriptions of documents | Annex | Pages | |
|-------|--|-------|-------|----|
| | | | From | To |
| 1 | Appeal along with stay application | | 1 | 7 |
| 2 | Copy of service book & appointment order dated 16/07/2002 | "A" | 8 | 22 |
| 3 | Copy of order / judgment of Peshawar High Peshawar dated 19/04/2006 | "B" | 23 | 25 |
| 4 | Copy of order / judgment of SMBR dated 05/07/2006. | "C" | 26 | 27 |
| 5 | Copy of transfer order dated 12/04/2013. | "D" | - | 28 |
| 6 | Copy of transfer order dated 03/07/2014 | "E" | - | 29 |
| 7 | Copy of transfer order dated 12/01/2018 | "F" | - | 30 |
| 8 | Copy of order dated 19/02/2018 | "G" | - | 31 |
| 9 | Copy of order dated 16/04/2018 | "H" | 32 | 33 |
| 10 | Copy of order dated 17/04/2018 | "I" | - | 34 |
| 11 | Copy departmental appeal and order dated 10/07/2018 | "J" | 35 | 38 |
| 12 | Copy of order/ judgment of Peshawar High Court Peshawar dated 09/10/2018 | "K" | 39 | 44 |
| 13 | Copy of judgments & posting transfer policy | "L" | 45 | 72 |
| 14 | Wakalat Nama | | - | 73 |

Dated 22/10/2018

Jamaluddin
Appellant

Jamal Uddin (SNT)

Yaqoob Khan
Through
Yaqoob Khan advocate
High Court, Distt: Bar
Mardan.

Before the Hon'able Service Tribunal, KPK,
Peshawar

1

Appeal No. 1365 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 160L

05/11/2018

Jamal ud Din SNT (BPS-14) Settlement Operation
Nowshera R/o Village Baizo Tehsil and District
MardanAppellant

V/s

1. Senior Member Board of Revenue KPK at Peshawar
2. Director Land Record KPK, Peshawar.
3. Settlement Officer, Settlement Operation Nowshera.
4. Zahid Hussain settlement Qanungo. settlement
Operation NowsheraRespondents

Appeal Under Section-4 of ~~Service Tribunal~~

Act, 1974, against order/ judgment of

respondent No.1 dated 10/07/2018 and

order of respondent No.2 & 3 dated

17/04/2018, 16/04/2018 whereby.

appellant is retreated from settlement

operation Nowshera to settlement

Filed today

05/11/18

operation Chitral, which is illegal,

against law and facts.

2

Respected Sir

The appellant humbly submits as under

1. That appellant was appointed as a settlement patwari in settlement operation Mardan vide order dated 19/012/1985 on regular basis.
2. That appellant was appointed as settlement patwari in settlement operation Chitral by respondent No.2 vide order dated 16/07/2002 on contract basis. (Copy of service book is attached as Annex; "A").
3. That appellant approached before Peshawar High Court Peshawar in Writ Petition for regularization of his service, which was allowed vide order and judgment dated 19/04/2006. (Copy of the order is attached as Annex: "B").
4. That service of appellant was regularized by respondent NO.1 (SMBR) vide order and judgment dated 05/07/2006. (Copy of order and judgment is attached as Annex: "C")
5. That appellant has served as a SNT in settlement operation Chitral w-e-f 16/07/2002 to 12/01/2013.

- 3
6. That appellant was transferred from settlement operation Chitral to settlement operation ~~Chitral~~ Mansehra vide order dated 12/04/2013. (Copy of order is attached as Annex: "D").
 7. That appellant was transferred from settlement operation Mansehra to settlement operation Nowshera vide order dated 09/07/2014. (Copy of order is attached as Annex: "E").
 8. That appellant was transferred from SNT Nowshera to SNT Rashakai Nowshera vide order dated 12/01/2018, while respondent No.4 being un-qualified SNT was transferred against the post of appellant. (Copy of order dated 12/01/2018 is attached as Annex: "F").
 9. That respondent No.4 being un-qualified, posted against wrong post being fixed pay qanungo was retreated to his post of Qanungo circle Nowshera and appellant has given dual charges as reader settlement officer and SNT circle Nowshera vide order dated 19/02/2018. (Copy of order dated 19/02/2018 is attached as annex: "G").
 10. That appellant being a serious heart patient was once again transferred from SNT Nowshera vide order dated 16/04/2018 without any reason, which is

illegal, against law and facts during imposition of ban on transfer and appointment by Chief Election Commission. (Copy of order 16/04/2018 is attached as annex: "H").

11. That transfer order of appellant dated 19/02/2018 is hereby withdrawn vide order dated 17/04/2018 which is illegal, against law and facts. (Copy of order dated 17/04/2018 is attached as Annex: "I").
12. That appellant approached before the respondent No.1 through Departmental appeal which is dismissed vide order / judgment dated 10/07/2018 which is illegal, against law and facts. (Copy of the order & D-Appeal are attached as Annex: "J")
13. that feeling aggrieved, appellant approached before the Hon'able Peshawar High Court Peshawar through Writ Petition No.4063-P of 2018, which was dismissed with direction that if the appellant is civil servant then, he should approach the Service Tribunal for redressal of his grievance, because, under Article 212 of the Constitution 1973, the High Court lack jurisdiction to step in the matters pertaining to terms and conditions of service vide order/ judgment dated 09/10/2018. (Copy of W.P and order/ judgment are attached as Annex: "K")
14. That order of respondents dated 16/04/2018 and 17/04/2018 is illegal, against law and facts on the following grounds.

GROUND:-

5

- A. That appellant being a serious heart patient was once transferred from SNT Nowshera dated 16/04/2018 without any reason, which is illegal, against law and facts during imposition of ban on transfer and appointment by Chief Election Commission.
- B. That transfer order of appellant dated 19/02/2018 is hereby withdrawn vide order dated 17/04/2018 which is illegal, against law and facts.
- C. That order of respondent dated 16/04/2018 and 17/04/2018 are illegal, against law and facts on the following grounds.
- D. That impugned orders of respondents are passed during imposition of ban, which is imposed by the Chief Election Commission of Pakistan through letter dated 04/04/2018.
- E. That the tenure of the appellant has not been completed because appellant was transferred to the post of SNT Rashakai on 19/02/2018, similarly tenure of respondent No.4 is also not completed.
- F. That the provincial Govt has announced the local body election, for which ban on the transferring

of civil servants has been imposed. On this sole score impugned order is liable to be set aside.

6

- G. That the impugned order is illegal, against law and facts, hence non tenable and liable to be set aside.
- H. That appellant has been transferred four times within four months and as per the reported judgments of Apex Supreme Court of Pakistan, (PLJ 1995 sc. P-629) like this transfer Supreme Court has declared frequent transfer, which is depreciated like this practice of the department.
- I. That the impugned order has been passed on the basis of political influences, because, it is evident from the impugned order dated 16/04/2018 & 17/04/2018, hence the impugned transfer order and withdrawn are not tenable and liable to be set aside.
- J. That competent authority has not been used his independent mind for passing of the impugned transfer order, because, the impugned order has been passed on telephonically conversation with Chief Minister KPK Peshawar being Halqa C.M, KPK, hence the impugned transfer order is not speaking order and liable to be set aside.
- K. That as per notification of the SMBR of KPK Peshawar, revenue staff should not be transfer

that post where he was already served, hence the appellant has already served at the post where he is transferred by the impugned order. Therefore, the impugned order is liable to be set aside.

L. That any other grounds will be raised at the time of arguments with the permission of this Hon'able Tribunal.

It is therefore, humbly prayed that on acceptance of this appeal, the impugned transfer & withdrawn orders of appellant dated 16/04/2018 & 17/04/2018 may please be set aside and appellant may please be allowed to continue his service at his place -ie SNT Rashakai Circle Nowshera. Any other remedy according to law may also be graciously awarded to the appellant.

Dated 22/10/2018

Jamal Uddin

Affidavit

Appellant
Jamal Uddin (SNT)

I undersigned declare on oath that the contents of appeal of appellant are true and correct to the best of knowledge and belief.

Jamals
Through
Yaqoob Khan advocate
High Court, Distt: Bar
Mardan.

Deponent Jamal Uddin
Jamal Uddin
22/10/2018

Attested
Jamals

Before the Hon'able Service Tribunal, KPK,
Peshawar

8

Appeal No. _____/2018

Jamal uddin SNTAppellant

V/s

Senior Member Board of Revenue etc

.....Respondents

Subject:- Application for the suspension of the operation of the impugned orders dated 16/04/2018 and 17/04/2018 till the decision of the case

- i. That the above title suit is going to be filed before this Hon'able Court.
- ii. That the appellant is hope for the successes of his plaint.
- iii. That there is no loss to respondents due to the suspension of the orders in question.
- iv. That if the order has not been suspended, the appellant have got irreparable loss.

So it is therefore, humbly requested that by acceptance of the application, the orders impugned may please be suspended till the decision of the case.

Dated 22/10/2018.

Appellant

Jamal Uddin (SNT)

Through

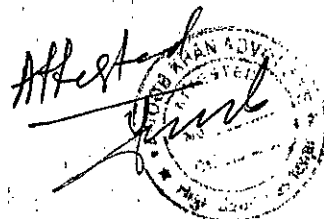
Yaqoob Khan advocate
High Court, Distt: Bar
Mardan.

Affidavit

I, do hereby solemnly affirm and declare on oath the contents of the above mentioned application are true and correct to the best of my knowledge and nothing has been concealed from this Hon'able court.

Deponent

Jamal uddin



Aux A

Note: The entries in this page should be renewed or re-attested at least every five years and the signature in lines 9 and 10 should be dated.

1. Name *Jamal-ud-Din*

(9) (6)

2. Race *Hygham*

3. Residence *village Kalu Shah (Chind Khwar) Tehsil and Distt; Mardan*

4. Father's name and residence *Shams-ud-Din*

5. Date of birth by Christian era nearly as can be ascertained *12-12-1965*

6. Exact height by measurement *5' 5"*

7. Personal marks for identification *A black mole on left side neck*

8. Left hand thumb and finger impression of (non-gazetted) officer

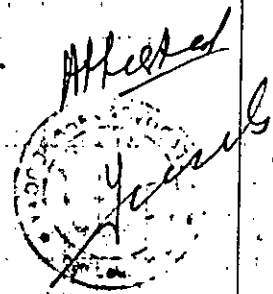
Little Finger

Ring Finger

Middle Finger

Fore Finger

Thumb



9. Signature of Government servant

Jamal-ud-Din

10. Signature and designation of the Head of the Office, or other Attesting Officer.

Jashmal
Assistant Officer
MARDAN

① ② ⑩

| 2 Whether substantive or officiating and whether permanent or temporary | 3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. II. | 4 Pay in substantive post | 5 Additional Pay for officiating | 6 Other emolument falling under the term "Pay" | 7 Date of appointment | 8 Signature of the Government servant attesting this to |
|--|---|------------------------------|-------------------------------------|---|--------------------------|--|
| Temporary | Temporary | 520/- | | | 1/86 | Shankar |
| do | do | 530/- | | | 1-12-85 | Shankar |
| do | do | 725/- | | | 1/87 | Shankar |
| do | do | 725/- | | | 5/87 | Shankar |
| do | do | 750/- | | | 11/87 | Shankar |
| do | do | 775/- | | | 1/88 | Shankar |

State of the Government of Madhya Pradesh
 No. 1000 of 1985
 Dated 12-12-85
 700 - 25 - 1200
 725/-
 17115 No. 1000 of 1985

Signature of the Government servant attesting this to

Patwari Maharaj
 Assst. Patwari
 vill.
 Assst. Patwari
 Maharaj
 Salt - Patwari
 Jangri Dhas
 Patwari Jangri Dhas

Shankar
 Shankar
 Shankar
 Shankar
 Shankar
 Shankar

(11) (12) (13)

| Signature and position of the authority in the office or Government attesting the same in accordance with Rules 1 to 8 | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc). | Signature of the head of the office or other attesting officer | Date and place of leave taken | Leave: Amount of period of leave on average pay upto four months for which leave salary is debitable to another Government | Signature of the head of the office or other attesting officer | Reference to any recorded punishment or censure, or reward or praise of the Government servant |
|--|------------------------------------|--|--|-------------------------------|--|--|---|
| Jashwanth Settlement Officer Mardoa | 30/11/86 | Promotion | Jashwanth Settlement Officer Mardoa | | Period Government to which debitable | Jashwanth Settlement Officer Mardoa | Appointed as Pal./ Muharrir vide No. 5923-24/SOM/E-23 order No. 19-11-85. |
| Jashwanth Settlement Officer Mardoa | 30-6-87 | Revision of pay | Jashwanth Settlement Officer Mardoa | | Period Government to which debitable | Jashwanth Settlement Officer Mardoa | Suspended from service with full absence from duty w.o.p. 1-3-87 vide S.O. order No- 2118-22/SOM/E-23 Dated 29-6-87 |
| Jashwanth Settlement Officer Mardoa | 4/10/87 | Promotion | Jashwanth Settlement Officer Mardoa | | Period Government to which debitable | Jashwanth Settlement Officer Mardoa | Reinstated in service vide S.O. order No-2535-39/SOM/E-23 Dated 20-7-1987 |
| Jashwanth Settlement Officer Mardoa | 30/11/87 | Promotion | Jashwanth Settlement Officer Mardoa | | Period Government to which debitable | Jashwanth Settlement Officer Mardoa | Service vacated from 1-11-86 to 30-11-86 vide S.O. order No-23-11-86 |
| Jashwanth Settlement Officer Mardoa | 30/11/88 | Promotion | Jashwanth Settlement Officer Mardoa | | Period Government to which debitable | Jashwanth Settlement Officer Mardoa | Sanction 3(Three) days leave with out pay. w.o.p. 17-9-87 to 19-9-87. vide S.O. order No- 33-9-13/SOM/E-42 Dated 22-9-87 |

12

| 1 Name of post | 2 Whether substantive or officiating and whether permanent or temporary | 3 If officiating, state (a) substantially appointed, or (b) whether depute counts for position under Art. 371 (2) S. 1 | 4 Pay in substantive post | 5 Additional Pay for officiating | 6 Other emolument falling under the term "Pay" | 7 Date of appointment | 8 Signature of Government servant |
|-------------------------------|--|--|------------------------------|-------------------------------------|---|--------------------------|--------------------------------------|
| Sd/- Patwar Jaggi Dher | L P T P | | 800/- | | | 1/12/89 | [Signature] |
| Mia Ka | L P | | 825/- | | | 1/10/90 | [Signature] |
| Miangama Kille | L P | | 825/- | | | 1/8/91 | [Signature] |
| Sd/- Patwar Miangama Kille | L P | Office of the Assistant District Officer N.W.P. Peshwar. Pay fixed in the Revised Pay Scales 1991 of Rs 1225-49-1770 (5) (a) Rs 1225/- P.M. S.F. 1-6-1991 and next increment on 1-12-1991 | 1280/- | [Signature] | | 1/6/91 | [Signature] |
| Sd/- Patwar Miangama Kille | L P | | 280/- | | | 15/10/91 | [Signature] |

Account Officer
Assistant District Officer
N.W.P. Peshwar.

(13) (14) (15)

| 9 Name and position of the Government servant (lines 1 to 6) | 10 Date of termination of appointment | 11 Reason of termination (such as promotion, transfer, dismissal, etc.) | 12 Signature of the head of the office or other attesting officer | 13 Nature and duration of leave taken Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government Period Government to which debitable | 14 Signature of the head of the office or other attesting officer | 15 Reference to any recorded punishment or censure, or reward or praise of the Government servant. |
|---|--|--|--|---|--|---|
| Settlement Officer Mardan | 31/12/88 | 31/12/88 (AN) | [Signature] | 14 (forty) days medical leave w.e.t. 7/8/88 to 20/8/88 vide S.O. No. 2971-75/SON/E.26. Dated 5/9/1988. | [Signature] | |
| Settlement Officer Mardan | 21/3/89 | 21/3/89 (AN) | [Signature] | 20 (Twenty) days medical leave w.e.t. 9-4-1989 to 28-4-89 vide S.O. No. 1361-64/SON/12. Dated 27-4-1989. | [Signature] | |
| Settlement Officer Mardan | 30/11/89 | 30/11/89 | [Signature] | 5 (Five) days medical leave w.e.t. 14-5-89 to 18-5-89 vide S.O. No. 1675-78/SON/12. Dated 21-5-89. | [Signature] | |

Sanction 14 (forty) days medical leave w.e.t. 7/8/88 to 20/8/88 vide S.O. No. 2971-75/SON/E.26. Dated 5/9/1988.

Sanction 20 (Twenty) days medical leave w.e.t. 9-4-1989 to 28-4-89 vide S.O. No. 1361-64/SON/12. Dated 27-4-1989.

Sanction 5 (Five) days medical leave w.e.t. 14-5-89 to 18-5-89 vide S.O. No. 1675-78/SON/12. Dated 21-5-89.

14
 14

| | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|-------------------------|--------------------------------|---------------------------------|---------------------|----------------------|------------------------------------|
| | Whether substantive or officiating and whether permanent or temporary | How being made (a) substantive appointment, or (b) whether service counts for permanent under Art. 371 C.S.R. | Pay in substantive post | Additional pay for officiating | Other emolument under the "pay" | Date of appointment | Signature of Officer | Date of termination of appointment |
| 1015 47-1770 S.H. Patwari No. 2 Sardar K.L. | T | T | 1329/- | | | 11/12/91 | [Signature] | |
| S.H. Patwari Sarabi | T | T | 1329/- | | | 22/1/92 | [Signature] | |
| S.H. Patwari Sarabi | T | T | 1329/- | | | 25/5/92 | [Signature] | |
| S.H. Patwari do | do | do | 1370/- | | | 1/12/92 | [Signature] | |
| S.H. Patwari Pir Sadi | do | do | 1370/- | | | 13/5/93 | [Signature] | |
| | | 1280/- | 1329/- | | | 1/6/91 | | |
| | | 1329/- | 1370/- | | | 1/6/91 | | |
| | | 1370/- | 1427/- | | | 1/12/92 | | |

Received by of no amount
 1/6/91

Received
 attached

15 10 12

| No. of servant | Name and rank of the officer or servant | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting officer | Leave | | Signature of the head of the office or other attesting officer | Reference to recorded punishment or censure, or reward or praise of the Government Servant |
|----------------|---|------------------------------------|--|--|------------------------------------|---|--|--|
| | | | | | Nature and duration of leave taken | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | | |
| | | | | | Period | Government to which debitable | | |
| 10 | Settlement Officer, Mardan | 21/12/92 | Transferred to 1/22 | [Signature] | | | [Signature] | 1-12-88 30-11-94 |
| 11 | Settlement Officer, Mardan | 21/12/92 | Transferred to 1/22 | [Signature] | | | [Signature] | 1-12-89 31-5-90 |
| 12 | Settlement Officer, Mardan | 24/12/92 | Transferred to 1/22 | [Signature] | | | [Signature] | 1-12-89 31-5-90 |
| 13 | Settlement Officer, Mardan | 24/12/92 | Transferred to 1/22 | [Signature] | | | [Signature] | 1-12-89 31-5-90 |
| 14 | Settlement Officer, Mardan | 24/12/92 | Transferred to 1/22 | [Signature] | | | [Signature] | 1-12-89 31-5-90 |
| 15 | Settlement Officer, Mardan | 24/12/92 | Transferred to 1/22 | [Signature] | | | [Signature] | 1-12-89 31-5-90 |

10
2
5

no a normally 16/11

Revised entry affected

Transferred to 1/22

Have verified from 1/6/90 to 31/5/91 of your office copies of pay bills

Sanction thirty one days medical leave 1-7-1981 to 20-7-1981
All S.O. adn. No. 3094-91 (S.O. 1/22)
Dated. 21-7-1981

Controlled (one amended) presentation
No. 16/8/91 made on 20/1/92
1-1/91 dt 20/1/92

SETTLEMENT OFFICER
MARDAN
30/1/93

SETTLEMENT OFFICER
MARDAN

Settlement Officer, Mardan

Settlement Officer, Mardan

S. S. MARDAN

16

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------------|---|--|-------------------------|--------------------------------|--|---------------------|--|
| | Whether substantive or officiating and whether permanent or temporary | Officiating (i) sub (ii) who not service counts for pension under Art. 311 - 5 B | Pay in substantive post | Additional Pay for officiating | Other emolument falling under the term "Pay" | Date of appointment | Signature of the officiating Governmentation (para 1 to 5) |
| 1400-66-239 | | | 1476/- | 1471/- | | 1/12/93 | F.S.O. |
| 1400-66-239 | | | 1974/- | 1974/- | | 1/6/84 | F.S.O. |
| do | | | 2060/- | 1974/- | | 1/12/94 | F.S.O. |
| do | | | 2126/- | 2060/- | | 1/12/95 | F.S.O. |

The Accountant General,
 P. P. Peshwar
 1400-66-239 (1-5)
 1978/9 P.M.W.E.P. 1-6-1974
 Increment on 3-12-1974

Note
 The following
 of pay is made by the Government
 1471-2176/91 to 554 Rs 1764-
 1466/- 1476/5/- to 6/96 1476/50-
 Total Rs 3414-00

Noted
 A/Secy
 12/1

(17) (18) (19)

| 7 | 10 | 11 | 12 | 13 | Signature of the head of the office or other attesting officer | Reference to record of appointment or transfer or promotion of the Government servant |
|--|------------------------------------|---|--|-------------------------------------|---|---|
| Name and designation of the Government servant | Date of termination of appointment | Cause of termination (such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting officer | Name and designation of leave taken | Allocation of pay to be given a month or more before the date to which it is applicable in case of Government servant | Signature of the head of the office or other attesting officer |
| | | | | | Period | |
| 2 | 31/5/94 | Revision of pay scales | S.O. MDN | 2073 | 14/12 | 2073 |
| | 30/11/95 | Increment | S.O. MDN | 1378-1288 | 1378-1328 | 1378-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |
| | 30/11/95 | Increment | S.O. MDN | 1428-1328 | 1428-1328 | 1428-1328 |

Service Vertical 1-12-93
30-11-95
& other records of this office

Service Vertical 1-12-93
30-11-95
& other records of this office

Suspended from service with immediate effect vide S.O. order No. 959-62/SOMIE-23 Date: 19-4-95

Suspension order No. 959-62/SOMIE DE 19-4-95 is hereby withdrawn vide S.O. Order No. 1047-SO/SOMIE Dtd 12-5-1995

Service Vertical 1-12-93
30-11-95
& other records of this office

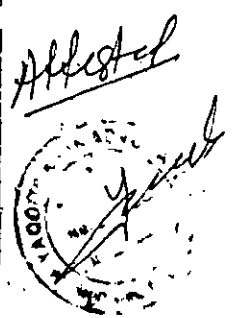
2
S.O. MDN

①
②
③ (18)

| 1 Name of person | 2 Whether substantive or officiating and whether permanent or temporary | 3 If officiating state (a) substantive appointment, or (b) whether service counts for pension under Art. 271 C. S. R. | 4 Pay or substantial post | 5 Additional pay for officiating | 6 Other emolument falling under the term "pay" | 7 Date of appointment | 8 Signature and title of the officer or Government official to whom referred to 2 | 9 Duration of service |
|---------------------------|--|--|------------------------------|-------------------------------------|---|--------------------------|--|--------------------------|
| <p>Robertson, William</p> | <p>Temp</p> | <p>Temp</p> | <p>2126/-</p> | | | <p>1/12/56</p> | <p>W. M. ...</p> | |

(19) (A) (B)

| 9 Name of the Signature of the Government Service No. 1 to 8 | 10 Date of termination of appoint- ment | 11 Reason of termination, (such as promotion, transfer, dismissal, etc.) | 12 Signature of the head of the office or other attesting officer | 13 Nature and duration of leave taken | 14 Leave Specification of period of leave up to three months for which leave has been granted or other leave taken | 15 Signature of the head of the office or other attesting officer | 16 Reference to any recorded document or order or award or orders of the Government Service |
|--|---|---|---|---|---|---|---|
| S.O. MDN 3/1/96 Terminated | 12/2/96 | S.O. MDN | [Signature] | | Terminated from Service due to abolition of Posts up to 31-5-96 vide S.O. order No. 1080-92/S.A. 10 Dated 16-5-1996 | [Signature] | |
| | | | | | Termination order no. 1080-93/S.A. 10 Dated 18-5-96 is hereby withdrawn vide S.O. order no. 2296-2408/18-11-96 Dated 14-11-96 | [Signature] | |
| | | | | | Terminated from Service on 31-12-96 due to abolition of Posts and rejection of Stay application vide S.O. order No. 402-09/S.A. 10 Dated 19-3-1997 | [Signature] | Alloted [Stamp] |



31-12-96

[Signature]
S.O. MDN

| 1 Name of post | 2 Whether substantive or officiating and whether permanent or temporary | 3 If officiating, (i) substantive appointment, (ii) whether service credit for pension under Art. 5, C. S. I. | 4 Pay in substantive post | 5 Additional Pay for officiating | 6 Other emolument falling under the term "Pay" | 7 Date of appointment | Signature of Govt. official |
|-------------------|--|--|------------------------------|-------------------------------------|---|--------------------------|-----------------------------|
| | | | | | | | |

BETTER Copy

Aux A

OFFICE OF THE DISTRICT COORDINATION OFFICER CHHITRAL

Dated Chitral the 16th July 2002

23
20

ORDER

No. 354/DCO/Settlement. After approval of the Governor, NWFP to the relaxation in upper age limit and educational qualification, the following patwaris are hereby appointed on contract basis for a period of one year with effect from the date of charge assumption. The services can be terminated any time without any notice:-

| S. No | Name and Father's Name | Resident of | Appointed as |
|-------|--|-----------------|---------------|
| 1 | Mr. Sher Zaman Khan S/o Essa Khan | District Swabi | Patwari BPS-5 |
| 2 | Mr. Imtiaz Ali S/o Subhanullah | District Madan | Patwari BPS |
| 3 | Mr. Amir Badshah S/o Said Rehman | ---do--- | Patwari BPS |
| 4 | Mr. Auragzeb S/o Amir Zada | ---do--- | Patwari BPS |
| 5 | Mr. Pir Mazher ali Shah S/o Anwar Ali Shah | ---do--- | Patwari BPS |
| 6 | Mr. Khalid S/o HAYat Khan | ---do--- | Patwari BPS |
| 7 | Mr. Ahmad Ali S/o BAHadar Khan | ---do--- | Patwari BPS |
| 8 | Mr. Gulab Khan S/o Ismail | ---do--- | Patwari BPS |
| 9 | Mr. Munawar Khan S/o Qamar Zaman | District Bannu | Patwari BPS |
| 10 | Mr. Habib Jan S/o Wali Jan | ---do--- | Patwari BPS |
| 11 | Mr. Janat Gul S/o Abdul Saman | District Mardan | Patwari BPS |
| 12 | Mr. RIaz Aam Shah S/o Aslam Shah | ---do--- | Patwari BPS |
| 13 | Mr. Arshad Khan S/o Aftabuddin | ---do--- | Patwari BPS |
| 14 | Mr/ Muhammad Arshad S/o Mir Ghazan | ---do--- | Patwari BPS |
| 15 | Mr. Shamsul Ariften S/o Rafiddin | ---do--- | Patwari BPS |
| 16 | Mr. Ali Akbar S/o Lal Zada | ---do--- | Patwari BPS |
| 17 | Mr. Abid Khan S/o Qinat Khan | ---do--- | Patwari BPS |
| 18 | Mr. Liaqat Ali S/o Mohammad Ali | ---do--- | Patwari BPS |
| 19 | Mr. Said Akbar S/o Mohammad Usman | ---do--- | Patwari BPS |
| 20 | Mr. Gohar Ali S/o Shah Ali | ---do--- | Patwari BPS |
| 21 | Mr. Jamshid Khan S/o BACHa Khan | ---do--- | Patwari BPS |
| 22 | Mr. Sabz Ali S/o Janas Khan | ---do--- | Patwari BPS |
| 23 | Mr. Mohd Iqbal S/o Abdul Malik | ---do--- | Patwari BPS |

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Attested
[Signature]

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(24)

| | | | |
|------|--|--------------------|-------------|
| 24 | Mr. Muhaminad Samin S/o Shahzada | ---do--- | Patwari BPS |
| 25 | Mr. Said Umar S/o Said Jamal | ---do--- | Patwari BPS |
| 26 | Mr. Azizur Rehman S/o Mohammad | ---do--- | Patwari BPS |
| 27 | Mr. Sardar Ali S/o Sher Ali | ---do--- | Patwari BPS |
| 28 | Mr. / Gul bahadar S/o Khan Bahadur | ---do--- | Patwari BPS |
| 29 | Mr. Jamaluddin S/o Shamsuddin | ---do--- | Patwari BPS |
| 30 | Mr. Tajul Islam S/o Fazlur Rehman | ---do--- | Patwari BPS |
| 31 | Mr. gulzar Khan S/o Innza Gul | ---do--- | Patwari BPS |
| 32 | Mr. Sher Bahadur S/o Gul Karim | ---do--- | Patwari BPS |
| 33 | Mr. Muhammad Islam S/o Gul Mohammad | ---do--- | Patwari BPS |
| 34 | Mr. Muhammad hazrat Ghulam S/o Said Ghulam | ---do--- | Patwari BPS |
| 35 | Mr. Sher Mohammad S/o Abdul Aziz | ---do--- | Patwari BPS |
| 36 | Mr. Umar Said S/o Jamruz Khan | ---do--- | Patwari BPS |
| 37 | Mr. Darwesh S/o Bahadur Khan | ---do--- | Patwari BPS |
| 38 | Mr. Farhad Ali S/o Zarat Khan | ---do--- | Patwari BPS |
| 39 | Mr. Gharib Nawaz S/o Mohammad Nawaz | District Bannu | Patwari BPS |
| 40 | Mr. Ghafar Ali S/o Muhammad Khan | ---do--- | Patwari BPS |
| 41 | Mr. Niaz Muhammad S/o Sultan Mohammad | District Mardan | Patwari BPS |
| 42 | Mr. Alam Zeb S/o Sardar | ---do--- | Patwari BPS |
| 43 | Mr. Attaullah S/o Mehrab Khan | District L/ Marwat | Patwari BPS |
| 44 | Mr. Abdul Aziz S/o Abdul Sattar | ---do--- | Patwari BPS |
| 45 | Mr. Ghulam Nabi S/o Khan Gul | District Mardan | Patwari BPS |
| 46 | Mr. Sher Nawaz S/o Zahir Gul | ---do--- | Patwari BPS |
| 47 | Mr. Muhammad Sadiq S/o Muhammad Isal | ---do--- | Patwari BPS |
| 47-A | Mr. Qamar Ali S/o Misal Khan | District Bannu | Patwari BPS |
| 48 | Mr. Muhammad Nabi S/o Mohammed Ghulam | District L/ marwat | Patwari BPS |
| 49 | Mr. Umar Khan S/o Abdur Rahim Khan | ---do--- | Patwari BPS |
| 50 | Mr. Javed Ali S/o Mohibullah | District Mardan | Patwari BPS |
| 51 | Mr. Aurangzeb Khan S/o Munjra Khan | ---do--- | Patwari BPS |
| 52 | Mr. Jehanzeb Khan S/o Gul Said | ---do--- | Patwari BPS |

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| | | | |
|----|---|-----------------------|-------------|
| 53 | Mr. Ghulam Mohammad S/o Gul Mohammad | --do-- | Patwari BPS |
| 54 | Mr. Mohammad Afsar Khan S/o Mohammad Aslam Khan | District Swabi | |
| 55 | Mr. Muhammad Yaqoob S/o Maaz Ullah | District L/Marwat | Patwari BPS |
| 56 | Mr. Dil Nawaz Khan S/o Amir Nawaz | District Bannu | Patwari BPS |
| 57 | Mr. Habibur Rehman S/o Gul Rehman | --do-- | Patwari BPS |
| 58 | Mr. Hazrat Umer S/o Toti Khan | District L/Marwat | Patwari BPS |
| 59 | Mr. Gul Umar Ayaz S/o Mohammad Din | District Bannu | Patwari BPS |
| 60 | Mr. Islam Qadir S/o Gul Alam | --do-- | Patwari BPS |
| 61 | Mr. Muhammad Khan S/o Sarwar Khan | District L/Marwat | Patwari BPS |
| 62 | Mr. Fazal Karim S/o Gu Rahim | District Mardan | Patwari BPS |
| 63 | Mr. Shukat Ali S/o Akbar Khan | --do-- District Karak | Patwari BPS |
| 64 | Mr. Muhammad Mussadiq Ahmad S/o Rasool Khan | N.W Agency | Patwari BPS |
| 65 | Mr. Rasool Nawaz S/o Muhammad Hashim | District Marwat | Patwari BPS |
| 66 | Mr. Sultan Bahadur S/o Nadir Khan | --do-- | Patwari BPS |
| 67 | Mr. Shafiq ur Rehman S/o Muhammad Rafiq | --do-- | |
| 68 | Mr. Farman Ali S/o Abdul Khaliq | --do-- | Patwari BPS |

Note:- All the appointees will produce Health Certificate from MS DHQ Hospital Chitral.

DISTRICT COORDINATION OFFICER CHITRAL

No. 355-429/DCO/Settlement

Copy forwarded to:-

1. The Secretary Board of Revenue NWFP, Peshawar.
2. The District Nazim, District Chitral.
3. The Director, Land Record, NWFP, Peshawar. He is requested to inform all the appointees.
4. The District Officer/Settlement Officer, Chitral.
5. The District Account Officer, Chitral.
6. All the Appointees for compliance.

DISTRICT COORDINATION OFFICER CHITRAL

Attested
Yusuf

Attested
Yusuf



~~Amir~~

20

3

OFFICE OF THE DISTRICT COORDINATION OFFICER, CHITRAL

Dated Chitral the 16th July 2002

ORDER

No. 354 / DCO/Settlement. After approval of the Governor, NWFP to the relaxation in upper-age limit and Educational qualification, the following Patwaris are hereby appointed on contract basis for a period of one year with effect from the date of charge assumption. The services can be terminated any time without any notice: -

07/2

| S.No | Name and Father's Name | Resident of | Appointed as |
|------|--|-----------------|---------------|
| 1 | Mr. Sher Zaman Khan S/O Essa Khan | District Swabi | Patwari BPS-5 |
| 2 | Mr. Imtiaz Ali S/O Subhanullah | District Mardan | Patwari BPS-5 |
| 3 ✓ | Mr. Amir Badshah S/O Said Rehman | --do-- | Patwari BPS-5 |
| 4 ✓ | Mr. Aurangzeb S/O Amir Zada | --do-- | Patwan BPS-5 |
| 5 ✓ | Mr. Pir Mazher Ali Shah S/O Anwar Ali Shah | --do-- | Patwan BPS-5 |
| 6 ✓ | Mr. Khalid Khan S/O Hayat Khan | --do-- | Patwari BPS-5 |
| 7 | Mr. Ahmad Ali S/O Bahadur Khan | --do-- | Patwari BPS-5 |
| 8 | Mr. Gulab Khan S/O Ismail | --do-- | Patwari BPS-5 |
| 9 | Mr. Munawar Khan S/O Qamar Zaman | District Bannu | Patwari BPS-5 |
| 10 | Mr. Habib Jan S/O Wali Jan | --do-- | Patwan BPS-5 |
| 11 | Mr. Janat Gul S/O Abdul Samad | District Mardan | Patwan BPS-5 |
| 12 | Mr. Riaz Aam Shah S/O Aslam Shah | --do-- | Patwan BPS-5 |
| 13 ✓ | Mr. Arshad Khan S/O Aftabuddin | --do-- | Patwan BPS-5 |
| 14 ✓ | Mr. Mohammad Arshad S/O Mir Ghazan | --do-- | Patwan BPS-5 |
| 15 ✓ | Mr. Shamsul Arifan S/O Rafiuddin | --do-- | Patwan BPS-5 |
| 16 | Mr. Ali Akbar S/O Lal Zada | --do-- | Patwan BPS-5 |
| 17 | Mr. Abid Khan S/O Qinat Khan | --do-- | Patwan BPS-5 |
| 18 | Mr. Liaqat Ali S/O Mohammad Ali | --do-- | Patwari BPS-5 |
| 19 | Mr. Said Akbar S/O Muhammad Usman | --do-- | Patwan BPS-5 |
| 20 | Mr. Gohar Ali S/O Shah Ali | --do-- | Patwari BPS-5 |
| 21 | Mr. Jamshid Khan S/O Bacha Khan | --do-- | Patwari BPS-5 |
| 22 ✓ | Mr. Sabz Ali S/O Janas Khan | --do-- | Patwan BPS-5 |
| 23 ✓ | Mr. Mohd Iqbal S/O Abdul Malik | --do-- | Patwari BPS-5 |

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The officials in uniformed force will assist collection

17/7

Yours

Accepted



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| | | | |
|------|--|-------------------|---------------|
| 24 | Mr. Mohammad Samin S/O Shahzad | --do-- | Patwari BPS-5 |
| 25 | Mr. Said Umar S/O Said Jamal | --do-- | Patwari BPS-5 |
| 26 | Mr. Azizur Rehman S/O Noor Mohammad | --do-- | Patwari BPS-5 |
| 27 | Mr. Sardar Ali S/O Sher Ali | --do-- | Patwari BPS-5 |
| 28 | Mr. Gul Bahadur S/O Khan Bahadur | --do-- | Patwari BPS-5 |
| 29 | Mr. Jamaluddin S/O Shamsuddin | --do-- | Patwari BPS-5 |
| 30 | Mr. Tajul Islam S/O Fazlur Rehman | --do-- | Patwari BPS-5 |
| 31 | Mr. Gulzar Khan S/O Inzar Gul | --do-- | Patwari BPS-5 |
| 32 | Mr. Sher Bahadur S/O Gul Karim | --do-- | Patwari BPS-5 |
| 33 | Mr. Muhammad Islam S/O Gul Mohammad | --do-- | Patwari BPS-5 |
| 34 | Mr. Hazrat Ghulam S/O Ghulam | --do-- | Patwari BPS-5 |
| 35 | Mr. Sher Mohammad S/O Abdul Aziz | --do-- | Patwari BPS-5 |
| 36 | Mr. Umar Said S/O Jamroz Khan | --do-- | Patwari BPS-5 |
| 37 | Mr. Darwesh S/O Bahadur Khan | --do-- | Patwari BPS-5 |
| 38 | Mr. Farhad Ali S/O Zarat Khan | --do-- | Patwari BPS-5 |
| 39 | Mr. Gharib Nawaz S/O Mohammad Nawaz | District Bannu | Patwari BPS-5 |
| 40 | Mr. Ghajar Ali S/O Muhammad Khan | --do-- | Patwari BPS-5 |
| 41 | Mr. Niaz Muhammad S/O Sultan Mohammad | District Mardan | Patwari BPS-5 |
| 42 | Mr. Alam Zeb S/O Sardar | --do-- | Patwari BPS-5 |
| 43 | Mr. Attaullah S/O Mehrab Khan | District L/Marwat | Patwari BPS-5 |
| 44 | Mr. Abdul Aziz S/O Abdul Sattar | --do-- | Patwari BPS-5 |
| 45 | Mr. Ghulam Nabi S/O Khan Gul | District Mardan | Patwari BPS-5 |
| 46 | Mr. Sher Nawaz S/O Zahir Gul | --do-- | Patwari BPS-5 |
| 47 | Mr. Muhammad Sadiq S/O Muhammad Isal | --do-- | Patwari BPS-5 |
| 47-A | Mr. Qamar Ali S/O Misal Khan | District Bannu | Patwari BPS-5 |
| 48 | Mr. Muhammad Iltaf S/O Muhammad Ghulam | District L/Marwat | Patwari BPS-5 |
| 49 | Mr. Umar Khan S/O Abdur Rahim Khan | --do-- | Patwari BPS-5 |
| 50 | Mr. Javeed Ali S/O Mohibullah | District Mardan | Patwari BPS-5 |
| 51 | Mr. Aurangzeb Khan S/O Munira Khan | --do-- | Patwari BPS-5 |
| 52 | Mr. Jehanzeb Khan S/O Gul Saif | --do-- | Patwari BPS-5 |

Attested

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22

SECRETARY BOARD OF REVENUE PESHAWAR (M.O. NO. 18701/31/2010-11) DATED 19/03/2011

CHD 18/01/11

| | | | |
|-----|---|-------------------|--------------|
| 53. | Mr. Ghulam Mohammad S/O Gul Mohammad | --do-- | Patwan BPS-5 |
| 54 | Mr. Mohammad Afzar Khan S/O Mohammad Aslam Khan | District Sawabi | Patwan BPS-5 |
| 55 | Mr. Muhammad Yaqoob S/O Maaz Ullah | District L/Marwat | Patwan BPS-5 |
| 56 | Mr. Dil Nawaz Khan S/O Amir Nawaz | District Bannu | Patwan BPS-5 |
| 57 | Mr. Habibur Rehman S/O Gul Rehman | --do-- | Patwan BPS-5 |
| 58 | Mr. Hazrat Umar S/O Tou Khan | District L/Marwat | Patwan BPS-5 |
| 59 | Mr. Gul Umar Ayaz S/O Mohammad Din | District Bannu | Patwan BPS-5 |
| 60 | Mr. Islam Qadir S/O Gul Alam | --do-- | Patwan BPS-5 |
| 61 | Mr. Muhammad Khan S/O Sarwar Khan | District L/Marwat | Patwan BPS-5 |
| 62 | Mr. Fazal Karim S/O Gul Rahim | District Mardan | Patwan BPS-5 |
| 63 | Mr. Shukat Ali S/O Akbar Khan | --do-- | Patwan BPS-5 |
| 64 | Mr. Muhammad Mussaeq Ahmad S/O Rasool Khan | District Karak | Patwan BPS-5 |
| 65 | Mr. Rasool Nawaz S/O Muhammad Hashim | N.W Agency | Patwan BPS-5 |
| 66 | Mr. Sultan Bahadur S/O Nadir Khan | District Mardan | Patwan BPS-5 |
| 67 | Mr. Shaukat Rehman S/O Mohammad Rafiq | --do-- | Patwan BPS-5 |
| 68 | Mr. Farman Ali S/O Abdul Khaliq | --do-- | Patwan BPS-5 |

Note: All the appointees will produce Health Certificate from MS DHO Hospital Chitral.

District Coordination Officer Chitral

No. 3335-429 / DCO/Settlement Copy forwarded to:-

- 1/ The Secretary, Board of Revenue, NWFP, Peshawar
- 2/ The District Nazim, District Chitral.
- 3/ The Director, Land Records, NWFP, Peshawar. He is requested to inform all the appointees.
- 4/ The District Officer/Settlement Officer, Chitral.
- 5/ The District Account Officer, Chitral.
- 6/ All the appointees for compliance.

District Coordination Officer Chitral.

Attestation

[Signature]

Attestation received



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L. Karak
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RECORDS, NWFP

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DIRECTOR,
RECORDS, NWFP

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Judgment sheet

Anx B
23

~~IN THE PESHAWAR HIGH COURT~~
PESHAWAR
JUDICIAL DEPARTMENT

WP No. 64 of 2004

Date of hearing 19/4/2006

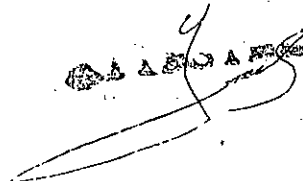
Appellant Mohd. Umer etc.

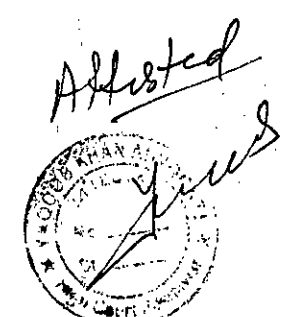
Respondent Secretary B.O.R etc.

TALAT QAYYUM QURESHI. J:- The Petitioners were initially appointed as Settlement patwaries for settlement operation at Mardan Division in the year 1985. On completion of the settlement operation, they were transferred to Swabi in their own pay scale in the year 1995-96 again for settlement operation. On completion of the settlement operation they were relieved from services on 31.5.2001.

2. It so happened that settlement operation at Chitral started for which the Petitioners were appointed on contract basis. The appointment letter of Petitioners No 1 to 4 differs with that of other Petitioners. The Petitioners through writ petition in hand, want that their appointment on contract basis be treated as on regular basis and a declaration to that affect be issued.

3. We have heard M/s Amjad Ali and Naveed Akhtar, Advocates, for the Petitioners and Mr. Muhammad Ayaz D.A.G for the Respondents



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4. No doubt for the absorption of the petitioners, Board of Revenue in its meeting held under the Chairman of the Settlement Officer Chitral recommended recruitment of 32 Qanoongos on contract basis for one year for settlement operation, Chitral on 20.03.2002. Petitioners No 1 and 4 were appointed as Naib Tehsildar on contract basis for settlement operation in Chitral District with immediate effect vide letter dated 16.07.2002 whereas the remaining Petitioners were appointed as Patwaries purely on contract basis for a period of 3 years with effect from 01.06.2004 vide letter dated 11.06.2004. Petitioners were made clear that their appointment was purely on temporary basis for exigency of settlement operation and was liable to be terminated without any notice or assigning any reason or on completion of settlement operation whichever is earlier.

5. the Petitioners have been performing their services in accordance with their appointment letters but it so happened that the Provincial Government on 23.07.2005 issued notification No. PA/NWFP/Legis-1/2005/20440, whereby Section 19 of the Civil Servants Act 1973 was amended. Amended Sub Section (2) is reproduced hereunder:-

"A person though selected for appointment in the in the prescribed manner to a service or post on or after the 1st day of July, 2001, till the commencement of the said act, but appointed on contract basis, shall with effect from the commencement of the said act, be deemed to have been appointed on regular basis. All such persons and the persons appointed on regular basis to a service or post in the prescribed manner after the commencement of the said Act shall, for all intents and purpose be civil

ATTACHED



BENCH COPY (24)

(25)

Servant, except for the purpose of pension or gratuity. Such a civil servant shall in lieu of pension and gratuity, be entitled to receive such amount contributed by him towards the contributory provident fund, along with the contributions made by Government to his account in the said Fund, in the prescribed manner:


Provided that in the event of death such a civil servant, whether before or after retirement, his family shall be entitled to receive the said amount, if it has already not been received by such deceased civil servant:

6. The Petitioners are entitled to avail benefit of said notification and on receipt of said notification they should have applied to the competent authority for considering them to be regular employees but it appears that due to pendency of the writ petition in hand, they did not apply to the competent authority for their regularization.

7. We, therefore, direct the Petitioners to apply to the competent authorities that under Section 19 Sub section 2 of amended section dated 23.7.2005 their service should be deemed to be on regular basis and a proper order in this regard to be issued and in case of their failure to obtain such an order they may approach the proper forum if aggrieved. The writ petition is disposed of in the above terms.

Announced.
Dt. 19.4.2006

ATTEST
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BETTER COPY

IN THE COURT OF MR. GUL ZAR KHAN, SENIOR MEMBER, BOARD OF *Amir E*
REVENUE NWFP

Case No. 7,71,72,73,74/2006
Date of Institution: 10.05.2006.
Date of Decision: 05.07.2006.

(20)
(26)

1. Muhammad Umar S/o jamdar Khan R/o Takht Bhai
2. Hazrat Ghulam S/o Said Ghulam R/o Kharkai Mardan
3. Khalid Khan S/o Hayat Khan R/o Shah Bag, Mardan.
4. Farman Ali S/o Abdul Khalid R/o Gujarghari Mardan
5. Ahmad Ali S/o BAhadar Khan R/o kandar, Mardan
6. Jamaludin S/o Shamsuddin R/o Lundkhwar, Tehsil Takht Bhai, Mardan.

..... PETITIONERS

VERSUS

1. Government of NWFP through Secretary Board of Revenue NWFP.
2. Senior Member, Board of Revenue NWFP
3. Chief Secretary NWFP
4. Settlement Officer, Chitral
5. District Coordination Officer, Chitral
6. Director Land Record, NWFP, Peshawar.
7. District Coordination Officer, Mardan,

..... RESPONDENTS

ORDER

05.07.2006.

My this single order will dispose off the above mentioned department representations filed by the Petitioners for implementation of order of judgment dated 19.04.2006 of Peshawar High Court, Peshawar, wherein writ petition of the Petitioners were disposed of with the direction to Petitioners to apply to the competent authorities under section 19(2) amended section dated 23.07.2005 of Civil Servant Act 1973 that their services should be deemed to be on regular basis and a proper order in this regard be issued and in case of failure to obtain such order they may approach the proper forum if aggrieved.

Facts of the case are that Petitioners were initially appointed as Settlement Patwaris for settlement Operation at Mardan in 1985. On completion of settlement operation, the Applicants were transferred to Swabi in their own pay scale in the year 1995-96 for settlement operation and on completion of settlement operation at Swabi they were relieved from service on 31.05.2001. Subsequently in the year 2002 S No. 1 & 4 were appointed as Naib Tehsildar on contract basis on the recommendation of Department Selection Committee, while S. No. 2, 3, 5 & 6 were also appointed as Patwari in Settlement Operation Chitral. The Applicants challenged the same in writ petition in Peshawar High Court, Peshawar, that keeping in view of their previous service in settlement operation their appointment on contract basis be treated as on regular basis and declaration to that effect be issued.

Parties with their counsel present.. arguments heard and record of the case

9
[Signature]

Abul Hasan
[Signature]


27

The counsel for the Applicants argued that Applicants have served from the 1985 and continued till 31.05.2001 in settlement operation, Mardan and received all benefits of regular employees and after rendering 16 years service against regular posts.

The counsel for the Applicants further argued that the Applicants were appointed on contract basis for settlement operation chitral vide order dated 20.03.2002, which is illegal against law and fact as well as section 19(2) of NWFP civil Servant Act 1973 and the writ petition of the Applicants was disposed of by the Peshawar High court Peshawar vide judgment / order dated 19.04.2006. Counsel for Petitioners stressed that the Applicants are entitled for appointment as regular employee and all benefits permissible to regular employees in the light of their past service in settlement operation.

In the light of the arguments and order / judgment of Peshawar High Court Peshawar dated 19.04.2006 appointment orders of the Applicants are modified on regular basis instead of contract basis and are entitled to all benefits as that of regular employees. Copy of the said judgment / order should be sent to Secretary, Board of Revenue / Director Land record, NWFP and District Officer (Revenue & Estate)/Collector, Mardan/Chitral for compliance.

Announced.
05.07.2006

(Gul Zar Khan)
Senior Member,
Board of Revenue, NWFP

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Attested
Gul Zar Khan

Attested
Gul Zar Khan



(Better Copy)
GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF LAND RECORD

Aux D
28

Peshawar dated the 12 /04/2013

OFFICE ORDER

No. 3233 /I-R-VP&T

With the approval of the competent

Authority the following posting / transfer amongst Settlement Naib Tehsildar is hereby ordered with immediate effect in the interest of general public.

| S.No | Name of Official | From | To | Remarks |
|------|-------------------|---|---|--|
| 1. | Mr. Jamal-Ud-Din | Settlement Naib Tehsildar, Chitral | Settlement Naib Tehsildar, Mansehra | Vice No. 2 |
| 2. | Mr. Mubarik Ahmad | Settlement Naib Tehsildar (own pay scale) | Repatriated to his original post of Qanungo | Report to Deputy Commissioner Mansehra for further posting |

By order of
Senior Member, Board of Revenue,
Khyber Pakhtunkhwa

Endost: No. 3234-48 /I-R-VP&T

Copy forwarded to the:-

1. Private Secretary to Senior Member Board of Revenue Khyber Pakhtukhwa with reference to his verbal direction please.
2. Commissioners Hazara and Malakan Divisions.
3. Settlement Officers, Chitral & Mansehra.
4. The Deputy Commissioners, Chitral & Mansehra.
5. The District Accounts Officers, Chitral & Mansehra.
6. Official Concerned.
7. Office order file.

Signature of
Director Land Record
Chief Settlement Officer
Khyber Pakhtunkhwa

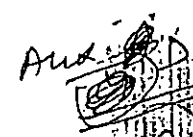
Seal of settlement officer Mansehra
D.No. 55 dated 17-4-2013

Attested
Yousaf

Attested
Yousaf



✓

And 

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF LAND RECORDS

Feshawar dated the 12th / 04/2013

Whereas the following posting of officers amongst Settlement Naib Tehsildars is hereby ordered with immediate effect in the interest of general public. With the approval of the Commission

| No. | Name of Official | From | To | Remarks |
|-----|-------------------|---|---|--|
| | Mr. Jamil-ud-Din | Settlement Naib Tehsildar, Chitral | Settlement Naib Tehsildar, Manshira | Vice No. 2 |
| | Mr. Mubarak Ahmad | Settlement Naib Tehsildar (own pay scale) | Reappointed to his original post of Kanongo | Report to Deputy Commissioner Manshira for further posting |

By order of
Senior Member, Board of Revenue,
Khyber Pakhtunkhwa

Indust. No. / ER-V/P&T

Copy forwarded to the:-

- Private Secretary to Senior Member Board of Revenue, Khyber Pakhtunkhwa
- reference to his verbal direction please
- Commissioners, Jirga and Mohal and Divisions
- Settlement Officers, Chitral & Manshira
- The Deputy Commissioners, Chitral & Manshira
- The District Accounts Officers, Chitral & Manshira
- Officials concerned
- Office order file


Director, Land Records
Chief Executive Officer
Khyber Pakhtunkhwa

E. Clerk


17-04-2013





Attested





(Better copy)

Aux ~~BE~~
(50)

29

**DIRECTORATE OF LAND RECORD
BOARD OF REVENUE
KHYBER PAKHTUNKHWA**

Peshawar dated the 03 /07/2014

OFFICE ORDER

No. _____ /I-R-V/SNR/ With the approval of the competent Authority Mr. Jamal-Ud-Din Settlement Naib Tehsildar Mansehra is hereby transferred and posted as Settlement Naib Tehsildar Nowshera against the vacant post with immediate effect.

Sd.
Secretary

No. 1666-7 /I-R-V/SNR

Copy forwarded to the:-

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioners, Mansehra & Nowshera.
3. Settlement Officers, Mansehra & Nowshera.
4. District Accounts Officers, Mansehra & Nowshera.
5. Office ~~Concerned.~~
6. Office order file.

Sd x x x

Signature of
Director Land Records,
Khyber Pakhtunkhwa

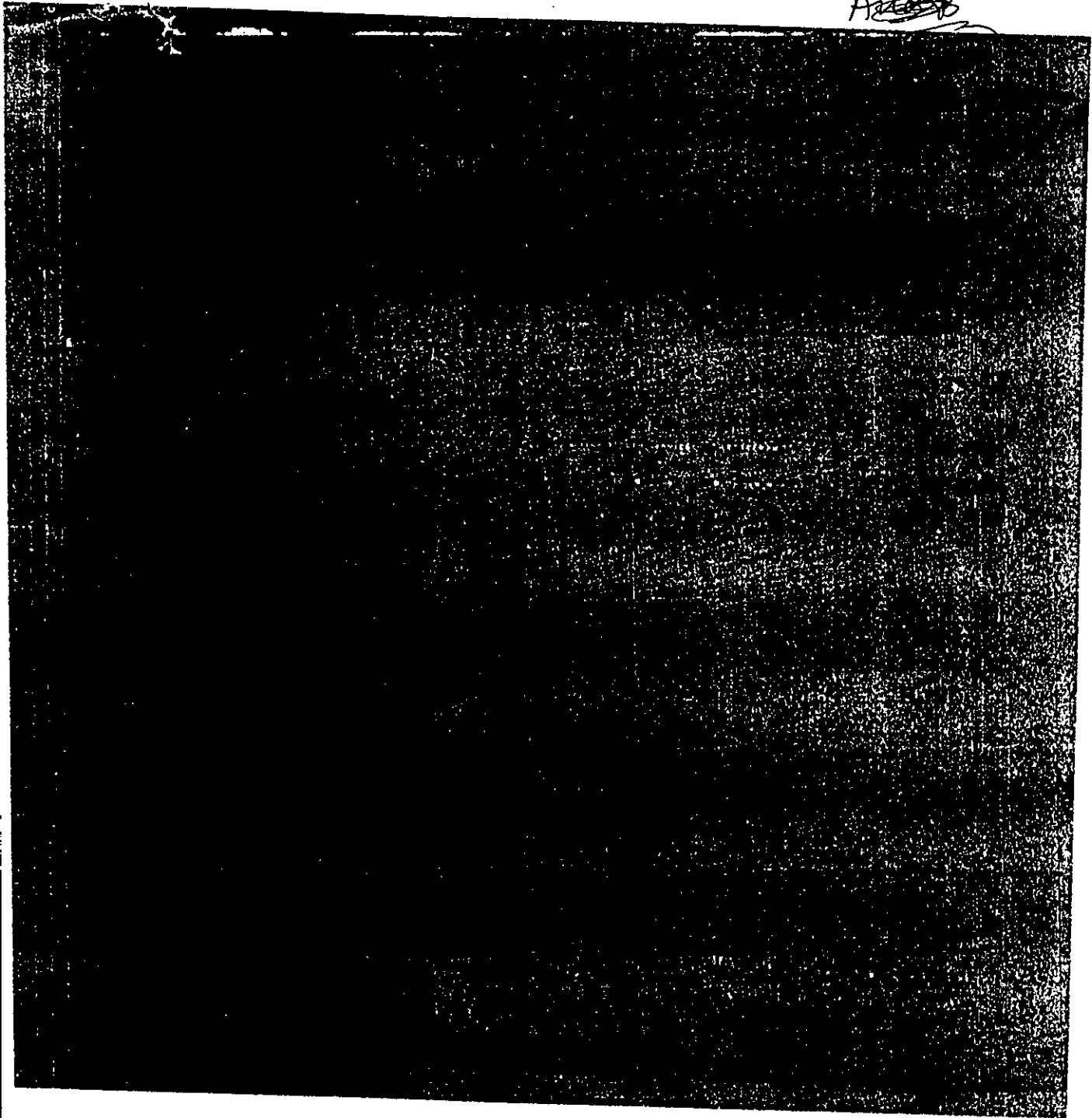
Attested

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✓

~~Alfred~~



~~Alfred~~
June 8



GOVERNMENT OF KHYBERPAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.

Dated Peshawar the 12 January, 2018.

Amr: F
~~Amr: B~~
30

ORDER

No.Estr:V/Zahid Hussain/_____. The competent authority is pleased to order the following posting/transfer amongst Settlement Naib Tehsildars with immediate effect and in public interest:-

| S.No | Name of official. | Present posting | remarks |
|------|--------------------------------|--|--|
| 1. | Mr. Zahid Hussain, Kanungo. | Settlement Naib Tehsildar(CCB), Nowshera. | Settlement Naib Tehsildar(CCB) Rashaki Circle, Nowshera. |
| 2. | Mr. Jamal-ud-Din | Settlement Naib Tehsildar Rashaki Circle, Nowshera. | Settlement Naib Tehsildar, Nowshera Vice No.1 |

By order of
Senior Member

No. Estt:V/Zahid Hussain/ 2119-24

Copy forwarded to the:-

1. Commissioner, Peshawar Division, Peshawar.
3. Deputy Commissioner, Nowshera.
4. Director Land Records, Khyber Pakhtunkhwa.
5. District Accounts Officer Nowshera.
6. Officials concerned.
7. Personal Files.

Assistant Secretary

DLR
15/1/18
UR - 1



(34)
GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Aux 9

Peshawar dated the 19 /02/2018

(31)

| |
|-----------------------------|
| Director Land Records |
| By No 1076 |
| Date 28.2.2018 |
| Govt. of Khyber Pakhtunkhwa |

ORDER.

No.Esst:V/PF/Zahid Hussain / _____ The Competent Authority is pleased to repatriate the services of Mr. Zahid Hussain working as Settlement Naib Tehsildar (CCB) Rashaki Circle Nowshera to his original post of Kanungo in Settlement Operation Nowshera on fixed pay.

Consequent upon Mr. Jamal-ud-Din Settlement Naib Tehsildar/Reader to Settlement Officer Nowshera is hereby posted as Settlement Naib Tehsildar Rashaki Circle Nowshera with immediate effect.

By order of
Senior Member

No.Esst:V/PF/Zahid Hussain / 11066-72

Copy forwarded to the:-

1. Director Land Records with reference to inspection report dated 09.2.2018.
2. Deputy Commissioner, Nowshera.
3. Settlement Officer, Nowshera.
4. District Accounts Officer, Nowshera.
5. PS to Senior Member, Board of Revenue.
6. Officials concerned.
7. Personal File.

Assistant Secretary (Estt.)

LP-V

D/R

28/2

Attested

ATTESTED

Attested



SUBJECT: FACTUAL POSITION OF MR. ZAHID HUSSAIN SETTLEMENT KANNUNGO NOWSHERA.

ASAD
And H. M. M.
32

A Departmental Selection Committee meeting was held on 27.06.2014 to recruit/select various employees for settlement operation Nowshera.

The DSC on his application considered, as is clear from the minutes of the meeting, case of Mr. Zahid Hussain who was serving as regular revenue Patwari for the post of settlement Kannungo and **ADJUSTED** him as Kannungo on Acting Charge Basis. (Minutes of the DSC at **Annexure-A**)

On 30.06.2014 office order was issued by Settlement Officer Nowshera regarding his promotion as Girdawar (BS-11) on ACB (**Annexure-B**). His adjustment as Kannungo and later on promotion as Kannungo on ACB was illegal, without any grounds as in Settlement Operation Nowshera there are only 04 sanctioned posts of Kannungo on fixed pay. No Kannungo post on contract is available in Settlement Operation Nowshera (Budget Copy attached as **Annexure-C**).

Later on, on 29.09.2014 vide office order No. 1565-70/SO/NSR/2014 corrigendum was issued by Settlement Officer Nowshera wherein the status of Mr. Zahid Hussain Kannungo was clarified as Kannungo on fixed pay rather on running pay. And his previous promotion order of Kannungo on ACB was voided in the word of clerical mistake (Corrigendum copy annexed as **Annexure-D**).

The Board of Revenue on 12.07.2017 posted Mr. Zahid Hussain Kannungo Nowshera (on fixed pay) Settlement Naib Tehsildar Nowshera on CCB (Order Copy annexed as **Annexure-E**). Here again heed was not paid to the actual status and legal position of the Kannungo (fixed pay).

In 2015, Settlement Rules have been framed and notified which provide for Settlement Naib Tehsildar to be appointed through promotion from Settlement Kannungo and if there is no fit Settlement Kannungo available then by transfer from Naib Tehsildar of the revenue side. However it is clear that there is no room for posting Kannungo (fixed pay) against Settlement Naib Tehsildar position.

It is worth mentioning here that the official Mr. Zahid Hussain was posted/adjusted on 29.09.2014 as Kannungo on fixed pay and since then he never disputed his such posting.

Submitted please.

11-4-18
Asad
Amir
Stamp: **YAKOOB KHAN**
No. _____
OF _____
Stamp: **YAKOOB KHAN**



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE AND ESTATE DEPARTMENT

Aux H

Dated Peshawar the 16 / 04 / 2018.

33

OFFICE ORDER.

No.LR-V/S.O(Cht: / 2536

In pursuance to the Settlement Officer, Chitral vide No. 79/NT/11/Acett: (Cht:), dated 06/02/2014, the services of Mr. Jamal-ud-Din, working as Settlement Naib-Tehsildar in the Settlement Operation Nowshera are hereby repatriated to his parent office i.e. Settlement Operation Chitral with immediate effect in the public interest.

Director Land Records / 16.4.18
Chief Settlement Officer.

Encl: No.LR-V/S.O(Cht: / 2537-43

Copy for information and necessary action is forwarded to the:-

- 1) Commissioners Peshawar and Malakand Divisions.
- 2) Deputy Commissioners, Nowshera and Chitral.
- 3) Settlement Officers, Nowshera and Chitral.
- 4) District Accounts Officers, Nowshera and Chitral.
- 5) Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 6) Mr. Jamal-ud-Din, Settlement Naib Tehsildar with the direction to assume the charge of Settlement Naib Tehsildar Chitral when the Task of demarcation of disputed boundary of Mardan and Malakand is completed.
- 7) Office order file.

16.4.18
Director Land Records/
Chief Settlement Officer.

Attested

Yousaf

Attested

Yousaf



GOVERNMENT OF KHYBERPAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.

Dated Peshawar the 17 April, 2018.

Aux I

34

ORDER:

No. Estt: V/PF/Zahid Hussain. With the approval of Competent Authority, this Department order bearing No. Estt: V/PF/Zahid Hussain/11065-72 dated 19-2-2018 is hereby withdrawn till further orders.

By order of
Senior Member

No. Estt: V/PF/Zahid Hussain / 18540-45

Copy forwarded to the:-

1. Director Land Records, Khyber Pakhtunkhwa, Peshawar with the request to correct the situation as to why and how a regular employee is getting fixed pay which is untenable. Also revise the entire system of Settlement Staff service conditions as already directed by Chief Secretary.
2. Deputy Commissioner, Nowshera.
3. Settlement Officer Nowshera.
4. PS to Senior Member, Board of Revenue.
5. Official concerned.
6. Personal file.

Assistant Secretary (Estt.)

Attested

ATTESTED

Attested

Aux. J

(35) (S)

BEFORE THE SENIOR MEMBER BOARD OF REVENUE KHYBER PAKHTUNKHWA

Jamal - ud - DinAppellant

Versus

Senior Member Board of Revenue and others.....Respondent

ORDER.

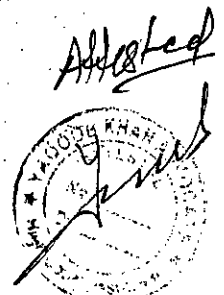
This is a departmental appeal filed by Mr. Jamal-ud-Din Settlement Naib Tehsildar against the order dated 16.04.2018 passed by Director Land Record Khyber Pakhtunkhwa whereby the services of the appellant was repatriated to Settlement Operation Chitral.

Facts of the case are that Mr. Jamal-ud-Din was appointed as Settlement Patwari in Chitral on 16.07.2002. He was further promoted as Settlement Kanungo and then Settlement Naib Tehsildar on 11.08.2009. He worked in Settlement Operation Chitral w.e.f 16.07.2002 to 12.01.2013. He was later on transferred from Chitral and posted as Settlement Naib Tehsildar Nowshera. On 16.04.2018 his services were repatriated to Chitral Settlement by Director Land Record. Against the said order the petitioner filed writ petition before Peshawar High Court which was remitted to this department by treating the same as departmental appeal.

The appellant was called for personal hearing before the Senior Member Board of Revenue on 10.07.2018. He argued his case and also submitted his written reply stating therein that he is heart patient and is not in a position to perform his duty in hard areas.

Perusal of available record reveals that Land Settlement is a project and its employees are working on contract basis and Civil Servant Act is not applicable to project employees. In the instant case the Settlement Operation Chitral was launched in the year 2002; whereafter completion time of the operation was extended on different occasions; the present Government is striving hard to complete the already delayed project. Therefore the appellant is directed to continue his services in Settlement Chitral till its completion. Since the appellant is employee of Settlement Operation Chitral, therefore his request for posting in Settlement Operation Nowshera does not cover the rules, the departmental appeal of the appellant is therefore rejected having no legal force and the impugned order of Director Land Record, is maintained and upheld. If the health condition of the appellant does not allow him to continue, he may seek medical advice, and if so advised, leave the post.

M. Fakhre Alam
Dr. Fakhre Alam
Senior Member



**ANNOUNCED
10.07.2018**

BEFORE THE SMBR KPK PESHAWAR

(36)

Jamal Uddin N/Tehsildar settlement operation Nowshera.

Applicant

VERSUS

1. DLR KPK Peshawar
2. BOR KPK Peshawar

Respondents


SERVICE APPEAL

D/Appeal/Representation for regularization of appellant on the basis of regularization act 2005, 2008 and 2013 coupled with the judgment of Peshawar High Court Peshawar dated 19-04-2006, and judgment of worthy SMBR dated 05-07-2006 with all benefits.

Respectfully Sheweth,

The petitioner humbly submit as under.

1. That appellant was appointed as Patwari Halqa in settlement operation Mardan vide order dated 16/12/1985 and due to winding up settlement operation in Mardan, appellant was relived and adjusted as a Patwari Halqa in settlement operation Chitral vide order dated 16/07/2002 on contract basis, for which appellant alongwith other similarly placed officials namely Muhammad Umar and Farman Ali Tehsildars revenue KPK Peshawar vide W.P No 64/2005 which was allowed vide order / judgment dated 19/04/2006 which is accepted by worthy SMBR KPK Peshawar vide judgment dated 05/07/2006 (Annex-A) and service of appellant is regularized.

Advised


37

That appellant was promoted as Qanungo (BPS-9) vide order dated 5/10/2005 and appellant was promoted as N/Tehsildar (BPS-14) vide order dated 11/9/2009 after completion of all codal formalities i.e DPC meeting and completion of all promotion working paper but again on contract basis, for which appellant filed instant appeal before worthy SMBR KPK Peshawar, similarly place official namely Hazrat Ghulam SNT Chitral, which was allowed vide order dated 19/11/2008.

That appellant was transferred from SNT Chitral to SNT Mansehra and again transfer to SNT Mansera to SNT Nowshera settlement operation Nowshera.

That BOR circulated seniority list of N/Tehsildar KPK Peshawar on 01-12-2010, names of appellant as well as other 2 officials namely Muhammad Umer and Farman Ali N/Tehsildar were not inducted in the said seniority list, for which appellant filed appeal before this honourable court, while other 2 N/Tehsildar namely Muhammad Umer and Farman Ali filed appeal before the honourable service tribunal, which was allowed vide order / judgment dated 09-10-2008 and 21-04-2010 (Annex-D), while appeal of appellant was still under proceeding before service tribunal which is allowed vide order / judgment dated 11/07/2018, with direction that appellant be consider as other officials namely Muhammad Umer and Farman Ali Tehsildar, Who's names are already inducted in the N/Tehsildar seniority list vide order dated 15-04-2016 on the basis of judgment of service tribunal dated 09/10/2008 and 21-04-2010. So, the appellant is also same treatment as per reported judgment of Apex Supreme Court of Pakistan 1996 SMBR 1185 (Annex-E).

Attended
Javed

38

That appellant is serving as SNT in settlement operation Nowshera on contract basis, while the service of appellant already been regularized vide order/judgment of Peshawar High Court Peshawar dated 19-04-2006 and judgment of worthy SMBR KPK Peshawar dated 05-07-2007, being regular employee of the same department and similarly placed officials namely Hazrat Ghulam, Farman Ali and Muhammad Umar have already regularized by worthy SMBR KPK Peshawar and as per reported judgment of Apex Supreme Court of Pakistan 1996 SCMR 1185, appellant is also entitled for the same treatment. Copy of judgments / orders already attached)

That as per KPK regularization act 2005, 2008 and 2013 service of the appellant has to be regularized as per law and rules, for which appellant is requesting before this honourable court.

It is therefore humbly requested that n acceptance of this appeal, service of appellant may please be regularized as per KPK regularization act 2005, 2008 and 2013 coupled with the judgment of Peshawar High Court Peshawar judgment dated 19-04-2006 and judgment of worthy SMBR dated 05-07-2006, 19-11-2008, 08-06-2010, 13-10-2010 coupled with the judgment of Apex Supreme Court of Pakistan 1996 SCMR 1185 with all and back benefits. Any other relief deemed fit may also be graciously awarded.

Dated: 03-08-2018

Applicant

Jamaal Din

Through

Yaqoob Kahn Advocate

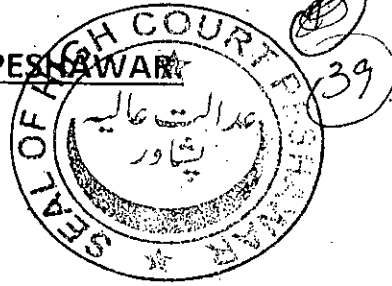
High Court Peshawar

Handwritten signature and circular stamp of Yaqoob Kahn Advocate, High Court Peshawar.

(Signature)

Annex

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



W.P No. 4063/P /2018

Jamal Ud Din N/Tehsildar, (BPS-14) settlement operation Nowshera.
_____ Petitioner

VERSUS

1. Senior Member Board of Revenue, Civil Secretariat KPK Peshawar.
2. Director Land Record, Civil Secretariat KPK Peshawar.
3. Settlement Officer, Settlement Operation, Nowshera.
4. Zahid Hussain Settlement Qanungo, (BPS-11) Settlement Operation Nowshera.

_____ Respondents

WRIT PETITION UNDER ARTICLE 199 OF CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973 BY DECLARING THE IMPUGNED ORDER OR REPARTITION OF THE PETITIONER DATED 16-04-2018 AND WITHDRAWAL OF THE REPATRIATION ORDER OF RESPONDENT NO.4 DATED 17-04-2018 TO BE ILLEGAL, AGAINST THE RULES AND THUS SET ASIDE CONSEQUENTLY PETITIONER MAY BE ALLOWED TO CONTINUE HIS SERVICE AT HIS PLACE I.E AS SNT RASHAKAI CIRCLE NOWSHERA.

Respectfully Sheweth:

1. That petitioner is is posted as a SNT Nowshera for completion of settlement operation Nowshera.

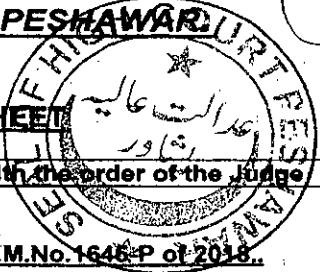
ATTESTED
EXAMINER
Peshawar High Court
16 OCT 2018

Attested

PESHAWAR HIGH COURT, PESHAWAR

40

**FORM 'A'
FORM OF ORDER SHEET**



| Date of order. | Order or other proceedings with the order of the Judge |
|----------------|---|
| 09.10.2018 | <p>W.P.No.4063-P of 2018 with C.M.No.1648-P of 2018..</p> <p>Present: Mr.Yaqoob Khan, advocate for the petitioner. Malik Akhtar Hussain, AAG for the Provincial Government.</p> <p>-----</p> <p>MUHAMMAD AYUB KHAN, J.:- Petitioner, through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 has asked for issuance of an appropriate writ in the following manner:-</p> <p>"It is therefore, respectfully prayed that on acceptance of this petition this honourable court may be pleased to declare the impugned order dated 10.07.2018, the impugned order of repatriation of the petitioner dated 16.04.2018 and withdrawal of the repatriation order of respondent No.4 dated 17.04.2018 to be illegal, against the rules and thus set aside consequently petitioner may be allowed to continue his service of his place i.e. as SNT. Rashakai Circle Nowshera. Further under what of law respondent No.4, who is fixed pay employee as Qanungo was appointed against the post of Settlement Naib Tehsildar and he is allowed to hold the post".</p> <p>2. As per writ petition, petitioner was appointed as Settlement Patwari in Settlement Operation, Mardan vide order dated 16.12.1985. It is stated that due to winding up of Settlement Operation Mardan Division and abolition</p> |

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Yaqub

91

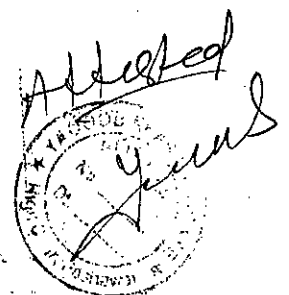
of posts from the Government of Khyber Pakhtunkhwa Finance Department, the service of petitioner alongwith other Parwaris were terminated vide order dated 10.03.1997. When settlement operation was started at District Chitral, the petitioner was appointed as Settlement Patwari vide order dated 16.07.2002 on contract basis. The petitioner alongwith other employees approached this court through W.P.No.64 of 2004, which was disposed of on 19.04.2006 declaring them to be regular employees, however, they were directed to apply to the competent authority for the same. Thereafter, the petitioner approached respondent No.1 for regularization, who was pleased to pass order of his regularization on 05.07.2006. In the meantime, meeting of the Departmental Promotion Committee was held and petitioner was promoted to the post of Qanungo vide order dated 07.10.2005. Subsequently, in the year 2009 through proper Departmental Selection Committee, petitioner was promoted to the post of Settlement Naib Tehsildar vide order dated 15.10.2008 on contract basis. During his service as Settlement Naib Tehsildar, petitioner served District Chitral from 16.07.2002 to 12.01.2013. It is averred that respondent No.4 being regular Patwari was appointed as Qanungo in Settlement Operation, Nowshera on fixed pay in Project. Thereafter, respondent No.4 was transferred and posted against the post of Reader (Naib Tehsildar post) to settlement office, Nowshera against the post of petitioner vide order dated 12.01.2018. Respondent No.1 after realizing his

Admitted

~~ATTESTED~~

EXCISE & TAX
Nowshera District Court

16 OCT 2018



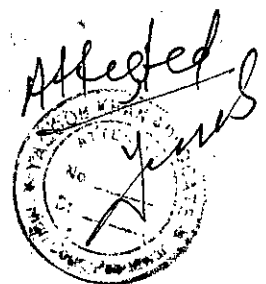
fault that ineligible person has been appointed against the post of Naib Tehsildar vide order dated 12.01.2018 was pleased to repatriate his service to his original post i.e. Qanungo in settlement operation Nowshera. Consequently, petitioner was transferred and posted as Settlement Naib Tehsildar Rashakai Circle, Nowshera vide order dated 19.02.2018. It is alleged that petitioner was illegally repatriated to Settlement Operation, Chitral in order to give to respondent No.4 and order of respondent No.4 viz repatriation dated 19.02.2018 was withdrawn vide order dated 17.04.2018 by respondent No.1. Feeling aggrieved, petitioner approached this court through W.P.No.2086-P of 2018, which was allowed and considered as Departmental Appeal remanded back to the worthy Senior Member Board of Revenue, Peshawar vide judgment dated 29.05.2018, whereafter the Departmental of the petitioner was dismissed vide order dated 10.07.2018, hence this petition.

*Ans -
Secret*

3. Preliminary arguments heard and available record gone through.

4. Record reveals that petitioner was appointed as Settlement Patwari vide order dated 16.07.2002 on contract basis. Thereafter, he was promoted to the post of Settlement Naib Tehsildar vide order dated 15.10.2008, which was also on contract basis. In the writ petition, the learned counsel has never stated that after serving for some time, petitioner services have been regularized nor any document pertaining to his,

[Signature]
16 JUL 2018



43

regularization has been brought on record or referred to. It is not the case of petitioner that his other colleagues have been regularized while he has been deprived of such benefit. Admittedly, the petitioner is project employee. The project for which his services were acquired was for a certain period, which has already been expired. Thus, when the Project for which the petitioner was appointed does not exist, therefore, on no count he could claim his regularization.

5. Counsel for the petitioner is not sure if the petitioner is contract employee or regular. Anyway, Contractual employment is always for a specific period and when that period expires, the employee appointed on contract could not be allowed to continue his service. It is also not the case of petitioner that the project for which he was appointed still continues while his services have been dispensed with without observing the codal formalities. Furthermore, there are series of judgments of the superior courts on the point that contractual employee has no right to claim regularization of his service. His relation is that of master and servant with the employer. In the circumstances, no case for issuance of the writ asked for is made out.


6. Moreover, If the petitioner is a civil servant, then he should approach the Services Tribunal for redressal of his grievance because under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, the High Court lacks jurisdiction to step in the matters pertaining to terms & conditions of service.

Handwritten notes:
 1/11/18
 1/11/18

~~ATTESTED~~

EXAMINER
 Peshawar HIGH COURT

16 OCT 2018

Attested


44

7. For what has been discussed above, we found no illegality in the impugned orders. Resultantly, this petition, being devoid of legal merit as well as not maintainable, is hereby dismissed in limine.

JUDGE

JUDGE

sd/

Sadiq Shah, PS (DB) (Hon'ble Justice Musarrat Hilal and Hon'ble Justice Muhammad Ayub Khan)

CERTIFIED TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 187 of
The Qanun-e-Shahadat Order 1984

16 OCT 2018

No. 9128

Date of Presentation of Application 16/10/18

No of Pages 6

Copying Fee 04

Urgent Fee 04

Total 08

Date of Preparation of Copy 16-10-18

Date of Delivery of Copy 16-10-18

Received By [Signature]

Admitted

[Signature]



Echocardiography Report

Anx J
 (45)

21-First Floor Khyber Medical Center, Dabgari Gardens, Peshawar.

NAME: JAMAL H. DIN
 AGE: 45 YEARS SEX: M DATE: 05/01/2018

| | | Measured | Normal |
|--|--------------------------|----------|-------------|
| M V O D & 2 D D O P P L E R | End Diastolic Diameter | 4.6 | 5.7 |
| | End Systolic Diameter | 3.1 | |
| | Inter-ventricular Septum | 0.9 | 1.1 |
| | LV Post Wall | 0.9 | 1.1 |
| | Fractional Shortening | 32% | 28% |
| | Ejection Fraction | 62% | 58% |
| | RV | 2.0 | 2.6 |
| | Left atrium | 3.5 | 4.0 |
| | Aorta | 3.1 | 3.7 |
| | VSD Size | | |
| | MVA | | |
| | GRADIENT | | BACK |
| Mitral Valve | | | |
| Aortic Valve | | | |
| Pulmonic Valve | | | |
| Tricuspid Valve | | | |
| VSD Gradient | | | |
| Doppler MVA | | | |
| REGURGITATION | | | |
| Mitral Valve | | | |
| Aortic Valve | | | |
| Pulmonic Valve | | | |
| Tricuspid Valve | | | |
| RV Systolic Pressure | | mmHg | |

COMMENTS:
 Situs is solitus with concordant connection. LV, LA & RV sizes are normal. LV function is preserved. Valvulars structure is normal. No segmental wall motion abnormality seen. No ASD/VSD seen. No LA /LV clot seen. No pericardial effusion seen.

DOPPLER:
 E/A ratio is not reversed.

INTERPRETATION:
 Preserved LV Function.

Accepted

Accepted

Signature: *[Signature]*

Prof Dr Mohammad Hafizullah

M.R.C.P. (UK), F.R.C.P. (GLAS) F.R.C.P. (EDIN) F.A.C.C. (USA) F.S.C.A.I. (USA)
F.A.C.P. (USA) F.E.S.C. (EUR) F.A.P.S.C. (JAP)

Consultant Cardiologist

Jamal ud-Din

Consultant Chamber:
21-24 First Floor,
Khyber Medical Centre,
Dabgar Gardens, Peshawar.
(Monday to Friday)

Date ~~05 JAN 2018~~

Enox 5

Ravits 6

Conplat 8

Drestan 4

Ester 10

Bp 100/60

ETT 100
(4-12)

Chol 158

80

Dr Argemontine 18

(4)

Sp

Hypoglycemia
2-12-18

Attested

47

Follow up

g
o

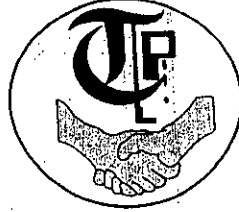
- Routine check of
episodic ep

BP 100/60

Head
AMP

g
- Cervical
- Neurology
- ES far to
Treatment

THE PESHAWAR LAB



Behind Khyber Medical Centre,
Dabgari Gardens Peshawar
PMDC No: 20946-N
Phone: 2567388

(48)

ID: 10661117-1
Name: Jamal Ud Din
Ref. By: Dr Hafiz Ullah
Request: Urine Examination - Glucose Random - Lipid Profile - ALT (SGPT) -
Age: 50 Years
Date: 28-11-2017
Sex: Male
Time: 16:22:37

| <u>TEST</u> | <u>NORMAL</u> | <u>UNITS</u> | <u>RESULT</u> |
|----------------------|---------------|--------------|---------------|
| <u>Lipid Profile</u> | | | |
| Cholesterol | 150-200 | mg/dL | 156 ✓ |
| HDL | >35 | mg/dL | 45 ✓ |
| LDL | Upto 150 | mg/dL | 92 ✓ |
| Triglyceride | <200 | mg/dL | 111 ✓ |
| ALT (SGPT) | Upto 41 | U/L | 22 ✓ |
| Glucose Random | Upto 150 | mg/dL | 117 ✓ |

Hafiz Ullah



[Handwritten signature]

Consultant Biochemist
Dr. A. Sattar Khan
M.Sc, Ph.D (UK)
Post Doctorate (USA)

Consultant Microbiologist

Consultant Haematologist

Consultant Histo & Cytopathologist

پشاور لیبارٹری عتف خیبر میڈیکل سنٹر ڈبگری گارڈنز، پشاور

THE PESHAWAR LAB



Behind Khyber Medical Centre,
Dabgari Gardens Peshawar
PMDC No: 20946-N
Phone: 2567388

(49)

ID : 10661117-1 Age: 50 Years Sex : Male
Name : Jamal Ud Din Date: 28-11-2017 Time : 16:22:37
Ref. By : Dr Hafiz Ullah
Request: Glucose Random - ALT (SGPT) - Lipid Profile - Urine Examination

Urine Examination

| <u>Physical</u> | | <u>Chemical</u> | | <u>Microscopic</u> | |
|-----------------|-------------|-----------------|-----|--------------------|------------|
| Quantity | 20 ml | Albumin | Nil | Red Cells | Nil /HPF |
| Color | Pale Yellow | Sugar | Nil | Pus Cells | 02-03 /HPF |
| pH | 6.0 | Ketone Bodies | | Epith. Cells | /HPF |
| Sp. Gravity | | Billurbin | | Casts | |
| | | Urobilinogen | | Granular | /HPF |
| | | | | Hyaline | /HPF |

Attested
Heads

Consultant Biochemist
Dr. A. Sattar Khan
M.Sc, Ph.D (UK)
Post Doctorate (USA)

Consultant Microbiologist

Consultant Haematologist

Consultant Histo & Cytopathologist

پشاور لیبارٹری عقب خیبر میڈیکل سنٹر ڈبگری گارڈن پشاور

THE PESHAWAR LAB



Behind Khyber Medical Centre,
Dabgari Gardens Peshawar
PMDC No: 20946-N
Phone: 2567388

ID : 12950317-1
Name : Jamal Ud Din
Ref. By : Dr Hafiz Ullah
Request : Glucose Random - ALT (SGPT) - Lipid Profile - Urine Examination -
Age : 50 Years
Date : 27-03-2017
Sex : Male
Time : 15:11:50

| <u>TEST</u> | <u>NORMAL</u> | <u>UNITS</u> | <u>RESULT</u> |
|----------------------|---------------|--------------|---------------|
| <u>Lipid Profile</u> | | | |
| Cholesterol | 150-200 | mg/dL | 190 |
| HDL | >35 | mg/dL | 41 |
| LDL | Upto 150 | mg/dL | 106 |
| Triglyceride | <200 | mg/dL | 128 |
| ALT (SGPT) | Upto 41 | U/L | 30 |
| Glucose Random | Upto 150 | mg/dL | 84 |

Asst. Prof.
Yousaf

Consultant Biochemist
Dr. A. Sattar Khan
M.Sc, Ph.D (UK)
Post Doctorate (USA)

Consultant Microbiologist

Consultant Haematologist

Consultant Histo & Cytopathologist

پشاور لیبارٹری عقب خیبر میڈیکل سنٹر ڈبگری گارڈن پشاور

THE PESHAWAR LAB



Behind Khyber Medical Centre,
Dabgari Gardens Peshawar
PMDC No: 20946-N
Phone: 2567388

ID : 12950317-1
Name : Jamal Ud Din Age : 50 Years Sex : Male
Ref. By : Dr Hafiz Ullah Date : 27-03-2017 Time : 15:11:50
Request : Glucose Random - ALT (SGPT) - Lipid Profile - Urine Examination -

Urine Examination

| <u>Physical</u> | | <u>Chemical</u> | | <u>Microscopic</u> | |
|-----------------|-------------|-----------------|-----|--------------------|------------|
| Quantity | 20 ml | Albumin | Nil | Red Cells | Nil /HPF |
| Color | Pale Yellow | Sugar | Nil | Pus Cells | 02-04 /HPF |
| pH | 6.0 | Ketone Bodies | | Epith Cells | /HPF |
| Sp.Gravity | | Billurbin | | Casts | |
| | | Urobilinogen | | Granular | /HPF |
| | | | | Hyaline | /HPF |

Attended

Consultant Biochemist
Dr. A. Sattar Khan
M.Sc, Ph.D (UK)
Post Doctorate (USA)

Consultant Microbiologist

Consultant Haematologist

Consultant Histo & Cytopathologist

پشاور لیبارٹری عقب خیبر میڈیکل سنٹر ڈبگری گارڈن پشاور

HEART RHYTHM CLINIC

Trans-thoracic Echocardiography

MR./MISS./MRS. JAMAL U DIN

AGE YEARS

MEASUREMENTS

| NO | PARAMETERS | RESULTS | NORMAL VALUES (Cm) | | NO | LV Diastolic Parameters | | | | | | |
|----|-----------------------------|-----------------|--------------------|-----------|----|-------------------------|---------|---|---|---|---|---|
| | | | MALE | FEMALE | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | LV End Diastolic Dimensions | 4.6 Cm | 4.2-5.9 | 3.9-5.3 | 1 | E- Wave | Cm/S | | | | | |
| 2 | LV End Systolic Dimensions | 3.0 Cm | | | 2 | A-Wave | Cm/S | | | | | |
| 3 | RV Diastolic Dimensions | 2.6 Cm | 3.29±0.47 | 3.29±0.47 | 3 | E/A Ratio | REVERSE | | | | | |
| 4 | Inter-ventricular Septum | 0.9 CM | 0.6-1.2 | 0.6-1.2 | 4 | A' / E' | | | | | | |
| 5 | LV Posterior Wall | 0.8 Cm | 0.6-1.2 | 0.6-1.2 | 5 | E/E' | | | | | | |
| 6 | Aortic Root Dimension | 2.9 Cm | 2.0-3.7 | 2.0-3.7 | 6 | DT | ms | | | | | |
| 7 | Left Atrium Dimension | 4.1 Cm | 3.0-4.0 | 2.7-3.8 | 7 | IVRT | ms | | | | | |
| 8 | Ejection Fraction | 66% | ≥55 | ≥55 | 8 | PVs/ PVd | | | | | | |
| 9 | Fraction Shortening | 33% | 33-45% | 33-45% | 9 | EPSS | mm | | | | | |
| 10 | 2D Mitral Valve Area | Cm ² | | | 10 | Heart Rate | BPM | | | | | |
| | | | | | 11 | B. P | | | | | | |

| VALVES | VELOCITY | GRADIENTS | | REGURGITATION | AREA/PRESSURES | RESULTS |
|-----------------|----------|-----------|------|---------------|----------------------|-----------------|
| | | PEAK | MEAN | | | |
| MITRAL VALVE | | | | | Mitral Valve Area | Cm ² |
| AORTIC VALVE | | | | | Mitral Valve PHT | millisecond |
| TRICUSPID VALVE | | | | | Aortic Valve Area | Cm ² |
| PULMONIC VALVE | | | | | RV Systolic Pressure | mm Hg |

COMMENTS:

- LA size increase
- LV size & function normal
- IVS / PW normal in thickness
- RV size & function normal
- No wall motion abnormality
- Valves are normal morphologically
- E / A reverse
- No ASD / VSD
- No mass or vegetation
- No pericardial fluids seen

CONCLUSION

- PRESERVED LV SYSTOLIC FUNTION

Cardiologist

Dr. Bakhtawar Shah

MCPS (Med); FCPS II (Cardiology)

Fellow in electrophysiology & pacing

HMC/CRC Peshawar

Affected
Jamal

(S3) (AS)

Dr. Rahim Khan

MBBS (Pesh.) MD (USA), FACC (USA), FACP (USA),
Diplomate American Board of Cardiology
Diplomate American Board of Internal Medicine
Nuclear & Interventional Cardiologist



REHMAN MEDICAL INSTITUTE

5/B-2 Phase - 5 Hayatabad Peshawar
Phone : (92-91) 5825501-07 ; Fax (92-91) 5810055
E-mail : rahimkhanji@pol.net ; Website: www.rmi.com.pk

Clinic Timing: 10:00 a.m - 1:00 p.m & 5:30 p.m - 8:30 p.m. Monday - Saturday

Date: 11/6/07

Ref: _____

Jamal ud Din 418

S/A Awaraz - ~~31st~~ 31st May 2005

130/80 P: 70mm

Cholesterol -

Symptomatic will need
coronary Angiography,

Monday 13/6/07

Atk: 82
S-Chol: 187
Cardet
6.5
141
Ascor
hospit
Coral
AZA
2T
hescal comp.

CSE
unstable
vital pulse
electrolyte



465
54

GS&PD, NWFP, 466 P.S. 5000 P. of P.S. 2000 P.S.

Medical NO. 2 Rs. 2/-

No.

OUT-PATIENTS DEPARTMENT

NAME

YEARLY NO.

DATE

FACE VALUE RUPEES 5/-

No.

Rs. 5/-

OUT-PATIENTS DEPARTMENT

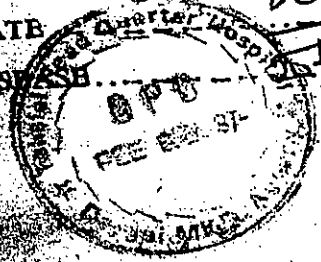
NAME *دکتر کابری*

YEARLY NO. *5685*

DATE *18/8/2004*

DISEASE *...*

FACE VALUE RUPEES 5/-



*Pinex-3
Damp*

*7.102
Pulse 120/m*

*The Cup main
500
cal a 5 days*

*The Resonance
300 a 3 days
The final part
in*

*For Res 200
one week*

*10th
we-7 18/8/04*

*Attended
Amir*



Medical Superintendent
O.M.H. Hospital Chicago



[Handwritten signature]
M.D. [unclear]
[unclear]

changes
refer to Cardiologists & W.A.M.

Dr. Conway's report on case

REPORT OF PATIENT

my report
of the report of
the cardiologist
my interest

Etc. 15th Ave. N.Y.
5. Chemist of 206
Grand Ave. 127th

INVESTIGATION DONE

chart for 4 days

REPORT HISTORY

NAME: MR. JAMALUDDIN
ADDRESS: SHALIM'S BUILDING
CITY: LONDON

DATE SUMMARY

(35) (29)

56

Tele # 0933-412662
0933-412950

Clinical Laboratory Scouts Hospital Chitral



Name Mrs. Jamal ud Din Age 35 yrs Sex Male Date 31.05.05
Advised by Dr. Ruzen ud Din d. Med Splt D.H.Q Hosp CTL.

BLOOD COMPLETE PICTURE

| | | | |
|------------------|-----------------------|-------------------|----------------------|
| WBCs..... | X 10 ⁷ /l | (Male 4.0 - 10.0) | (Female 4.0 - 10.0) |
| RBCs..... | X 10 ¹² /l | (Male 4.5 - 6.3) | (Female 3.8 - 5.2) |
| Haemoglobin..... | g/dl | (Male 14 - 18) | (Female 11.7 - 15.7) |
| PCV..... | l/l | (Male 39 - 52) | (Female 35 - 46) |
| MCV..... | f | (Male 77 - 91) | (Female 77 - 91) |
| MCH..... | pg | (Male 26 - 32) | (Female 26 - 32) |
| MCHC..... | g/dl | (Male 32 - 36) | (Female 32 - 36) |

MORPHOLOGY

| | | | |
|--------------------|------------------------------|------------------------------|--------------------|
| Anisocytosis..... | | Polkilocytosis..... | |
| Microcytosis..... | | Macrocytosis..... | |
| Hypochromia..... | | Polychromasia..... | |
| Spherocytes..... | | RBC Fragmentation..... | |
| Elliptocytes..... | | Target Cells..... | |
| Reticulocytes..... | | Nucleated RBCs/100 WBCs..... | |
| Others..... | | Malarial Parasites..... | |
| ESR..... | in mm at the end of 1st hour | (Male 0-10mm) | (Female 0 - 15 mm) |
| | | (Westergren meethod) | |

DIFFERENTIAL

| | | | |
|------------------|---|---------------------|--|
| Neutrophils..... | % | Metamyelocytes..... | % |
| Lymphocytes..... | % | Myelocytes..... | % |
| Monocytes..... | % | Promyelocytes..... | % |
| Eosinophils..... | % | Blast Cells..... | % |
| Basophils..... | % | Platelet count..... | X 10 ⁹ /l (Normal 150 - 400 X 10 ⁹ /l) |

Congulation Studies

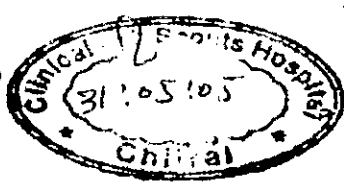
| | |
|--------------------|----------|
| Hess's Test..... | |
| Bleeding Time..... | Min. Sec |
| Clotting Time..... | Min. Sec |

Prothrombin Time

| | |
|---------------------------------------|-----|
| Patient..... | Sec |
| Control..... | Sec |
| International Normalized Ration (INR) | |

| | |
|--------------|---------|
| PTTK | |
| Patient..... | 3.8 Sec |
| Control..... | 3.2 Sec |

| | |
|------------------------|--|
| Blood Group..... | |
| RH Factor..... | |
| Rh Antibodies..... | |
| Rh Antibody Titre..... | |
| Coomb's Test | |
| Direct..... | |
| Indirect..... | |



Pick
LAB / TECH

57 ~~49~~

No. 1325 /DHQ:H:/G-5-B, Dated Chitral The 02/06/2005.

From :-
The Medical Superintendent,
District Headquarter Hospital,
Chitral.

To,
The Director General Health Services,
N.W.F.P., Peshawar.

SUBJECT :- SANCTION FOR SPECIALISED TREATMENT.

Sir,

I have the honour to state that Mr. Jamalud Din
Working as a Reader in D.C Office
Chitral Department Chitralis suffering from

Coronary Artery Disease and hereby referred to
LRH/KTH/HMC, Hospital Peshawar for specialised treatment.

A brief summary relating to the case is also enclosed herewith.

It is therefore requested that necessary sanction in
respect of the above named patient for specialised treatment at
LRH/KTH/HMC, NWFP, Peshawar by the concerned specialist
may very kindly be accorded at an early date. One attendant is
allowed to accompany with the patient to look after him at Peshawar
during the treatment.

The facility of treatment is lacking here in Chitral.

[Signature]
MEDICAL SUPERINTENDENT,
D.H.Q:HOSPITAL CHITRAL.
[Stamp: Accepted]
[Stamp: General]

No. _____ /DHQ:H:/G-5-B,
Copy forwarded to :-

1/ The District Coordination Officer Chitral.

2/ Mr. Jamalud Din Reader D.C.O Office Chitral.

MEDICAL SUPERINTENDENT,
D.H.Q:HOSPITAL CHITRAL.

خدمتِ جناب سلیمنہ اختر صاحبہ خواتین

جناب عالی!

تو بہار گزارش ہے کہ سوزم 30 مئی 2005ء مجھے دل کا دورہ پڑا تھا جس کی وجہ سے میں DHQ ہسپتال خواتین میں 4 دن زیر علاج رہا۔ سوزم 2 جون 2005ء کو ڈاکٹروں نے مجھے پشاور ریفورماریا ہسپتال - نزدیکی سوزم 8 جون 2005ء کو صحت آگیا۔ سٹریٹجک کیمس میں داخل ہوا اور اپنا علاج کرایا۔ اس کے بعد 11 جون 2005ء کو RMI میں بغرض علاج داخل رہا۔

18 جون 2005ء کو LRH میں ECC اور ETT میں زیر علاج رہا۔ سوزم 12 جولائی 2005ء کو ڈاکٹروں نے انسٹیٹیوٹ گرائیوٹی تجویز دینے دی۔ اور اسی دوران معلوم ہوا ہے کہ خدو کی دل کا ایک رٹ بننے لگا۔ اور 13 جولائی کو خدو کی کا انسٹیٹیوٹ گرائیوٹی ہسپتال - اس کے بعد صحتیابی تک مختلف ڈاکٹروں سے معائنے کرائے گئے۔ جس کی تفصیل ذیل ہے تاکہ منسلک رہیں۔

سوزم 22 جولائی کو ڈاکٹروں نے اس کے علاج کا سوزم دے دیا۔ اور سوزم کی سوسائٹیز 2005ء کو ڈاکٹروں نے مجھے فوٹو سٹریٹجک کیمس میں داخل اور خدو کی سوسائٹیز 2005ء کو اپنے ڈاکٹروں سے رابطہ کرایا۔

السرہی - سوزم
جمال الدین - سوزم
K8 سوزم

سلیمنہ اختر
2005

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

AMC 4.199
Islamabad, the 11th April, 2018.

No.F.2(3)/2018-Cord.- WHEREAS, the Election Commission of Pakistan is charged with the constitutional duty to organize and conduct elections in terms of Article 218 of the Constitution of the Islamic Republic of Pakistan and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with the law and that corrupt practices are guarded against;

AND WHEREAS, it is grave concern of general public that some government departments are in the process of inducting thousands of people on various positions which amounts to pre-poll rigging as political bribe.

AND WHEREAS, for tangible reasons, the Election Commission is of the considered view that such mass recruitments at this point of time when the General Elections of the National Assembly and Provincial Assemblies are going to take place shortly, will substantially influence the results of elections, therefore, it is imperative on all standards of legal, moral and democratic ethics that all kinds of recruitments except the recruitments which are made by the Federal and Provincial Public Service Commission, be banned forthwith.

AND WHEREAS, the Commission has considered the repeated concern of the people as expressed and voiced in the national press that money allocated to various important development projects in the country is being diverted to the development schemes of constituencies, is nothing short of yet another facet of pre-poll-rigging which if not checked and brought to an immediate end is likely to influence the electoral process adversely and thus sending an extremely wrong message to the public at large, making the election tainted and falling short of the constitutional provisions contained in Article 218 (3) of the Constitution.

AND WHEREAS, it has become imperative that the Commission may take all necessary steps under the law to prevent any action on the part of the federal, provincial and local governments that amounts to influencing the results of upcoming General Elections by depriving candidates from having a level playing field.

NOW THEREFORE, in exercise of the powers conferred upon it under Articles 218(3) and 220 of the Constitution, Sections 4, 5 and Section 8(c) of the

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated the 26/03/2018.

Handwritten initials/signature

ORDER

No. Rev-V/4/MKD/Bazai Irrig/_____ The following Settlement expert team is hereby placed at the disposal of Deputy Commissioner Mardan for specification of boundaries between Malakand Division (Pul) and Mardan Moza Sarobi, Katlang till completion of the task.

| S No. | Name of official | Designation |
|-------|------------------|------------------------------------|
| 1. | Jamal - ul - Din | Settlement Naib Tehsildar Nowshera |
| 2. | Saif ul Malook | Settlement Kanungo Nowshera |
| 3. | Huji Younus | Settlement Kanungo Nowshera |

By Order of
Senior Member

No. Rev-V/4/MKD/Bazai Irrig/ 16094-99

Copy forwarded to

1. Commissioner Mardan and Malakand Division.
2. Deputy Commissioner Mardan with reference to his letter No. 152/DK/HVC/LA Coll dated 30.10.2017.
3. Deputy Commissioner Malakand.
4. Director Land Records Khyber Pakhtunkhwa with reference to his letter No LR-V/ Settlement/Nowshera/2117-25, dated 14.3.2018.
5. Settlement Officer Nowshera.
6. Deputy Secretary - I Board of Revenue.

} With the request to assist the team.

Signature of Secretary - I
Secretary - I

Handwritten signature: Atteed
Handwritten signature: Younus



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated the 26/03/2018.

(61)

ORDER

No. Rev-V/4/MKD/Bazai Irrig/_____ The following Settlement expert team is hereby placed at the disposal of Deputy Commissioner Mardan for specification of Boundaries between Malakand Division (Pulal) and Mardan Moza Sarobi, Kallang till completion of the task.

| S No. | Name of official | Designation |
|-------|------------------|---------------------------------------|
| 1. | Jamal - ud -Din | Settlement Naib Tehsildar Nowshera |
| 2. | Saif ul Malook | Settlement Nowshera Kanungo |
| 3. | Haji Younus | Settlement Nowshera Kanungo |

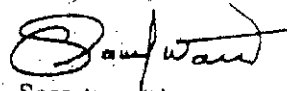
By Order of
Senior Member

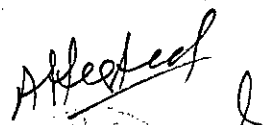
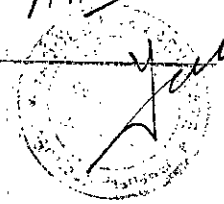
No. Rev-V/4/MKD/Bazai Irrig/16094-99

Copy forwarded to

1. Commissioner Mardan and Malakand Division.
2. Deputy Commissioner Mardan with reference to his letter No. 152/DK/HVC/LA Cell dated 30.10.2017.
3. Deputy Commissioner Malakand.
4. Director Land Records Khyber Pakhtunkhwa with reference to his letter No LR-V/ Settlement/Nowshera/2117-25, dated 14.3.2018.
5. Settlement Officer Nowshera.
6. Deputy Secretary - I Board of Revenue.

With the request to assist the team.


Secretary

No. 14534 /

dated 27/06/2018



Commendation Certificate

This commendation certificate is awarded to:

Mr. Jamal-Ud-Din

Settlement Tehsildar

In recognition of his exemplary performance in the identification Personnel Property of the Khan of Jandool in light of August Supreme Court of Pakistan order dated 04/01/2018 passed in CP No. 75-P/2017 Govt of Khyber Pakhtunkhwa V/S Nawab Zada Shahab-ud-Din Khan.

The undersigned appreciate his performance in this regard.

Deputy Commissioner/District Magistrate/Collector,

Dir Lower






(63)


OFFICE OF THE DEPUTY COMMISSIONER
DISTRICT DIR LOWER


No. 14533 /Lit

Dated Timergara the 27/06 2018

 dedirlower@gmail.com

 Deputy Commissioner Lower Dir  :@dedirlower

 # 0945-9250003

 # 0945-9250001

CERTIFICATE

It is certified that Mr. Jamal Uddin Settlement Tehsildar has performed duty during the identification process of the personal property of Nawabzada Shahabuddin Khan in light of the august Supreme Court of Pakistan order dated 04/01/2018 passed in CP No.75-P/2017 to the entire satisfaction of the undersigned.

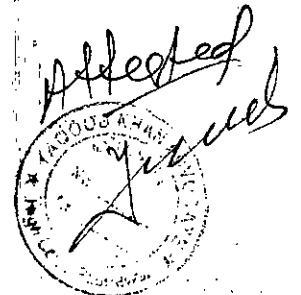

DEPUTY COMMISSIONER,
DIR LOWER.

Copy forwarded to the:

1. Secretary to Commissioner, Malakand Division Swat.
2. Director, Land Records Govt of Khyber Pakhtunkhwa, Board of Revenue Peshawar.
3. Settlement Officer Nawshera with the request that, as this office has paid no TA/DA to the above named officer, therefore, his TA/DA for the duty performed in this district may be honored please.
4. P.S to Senior Member, Board of Revenue Govt Khyber Pakhtunkhwa Peshawar.

For information please.


DEPUTY COMMISSIONER,
DIR LOWER.



68 64
Annex - 01/1/09



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.

While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice-versa, specific approval of the Governor NWFP shall be obtained.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior-most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.

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| | |
|--|---------------------------|
| c) Within the Secretariat from one Department to another | Secretary (Establishment) |
|--|---------------------------|

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees, feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority, the appointing authority, as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/transfer orders could be exercised only in the following cases:

- i) Pre-mature posing/transfer or posting/transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule IV the posting/transferring authorities for the officers/officials shown against each are as under:-

| S. No. | Officers | Authority |
|--------|--|--|
| 1. | Posting of District Coordination Officer and Executive District Officer in a District. | Provincial Government |
| 2. | Posting of District Police Officer | Provincial Government |
| 3. | Other Officers in BPS-17 and above posted in the District. | Provincial Government |
| 4. | Official in BPS-16 and below | Executive District Officer in consultation with District Coordination Officer. |

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

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(12) observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

(Authority: Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008)

According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials having completed three years on their posts, have been adjusted on posts other than those they held previously.

(Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28th Oct. 2005.)

The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy.
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;
- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt. servants shall be proceeded against under the prevalent rules and regulations.

(Authority: Urdu circular No: SOR-VI/E&AD/1-4/2003, dated 18-6-2004
Urdu Letter No: SOR-VI/E&AD/Misc./12005, dated 3-1-2006.)

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed, if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business, 1985 shall be observed while issuing posting/transfer orders.

(Authority: Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005.)

(67) (68)

Amended (M3)

LAL KHAN V. PUNJAB LABOUR APPELLATE TRIBUNAL
(Mamoon Kazi, J)

SC 629

reference to other clauses in the said definition is not necessary. In the present case, there appears to be no controversy in regard to the fact that the Directors of the said establishment had executed a power of attorney in favour of the Manager, Personnel and Administration authorizing him to pass an order of dismissal or removal of a workman from the said establishment or to appoint an inquiry officer to conduct an inquiry against him in case of a misconduct. Such authority of the Manager Personnel and Administration was therefore given by the owner of the factory itself which was the Board of Directors in the present case. Learned counsel for the petitioner has nevertheless argued that as indicated by clause (4) of Standing Order 15, at least approval of the employer would be necessary before any such action is taken against a workman. Although the learned counsel is right in the present case there is nothing to indicate that such approval was not given by the Board of Directors in regard to the action taken against the petitioner. The presumption on the contrary would be that the petitioner had been removed from service with the approval of such Board of Directors. Nothing can be spelt out from the language employed by the Legislature in clause (4) of Standing Order 15 to indicate that such approval must be in writing. It is also pertinent to point out that clause (4) does not indicate that the inquiry officer who conducts an inquiry against such workman must be appointed under the order of the employer himself. Even the order of dismissal of a workman is not required to be passed by the employer himself. All that is required by the said clause is the approval of the employer before dismissal of a workman and as we have pointed out earlier, the petitioner has failed to establish before us that such approval was granted by the employer in the present case.

6. In the result, the petition is completely devoid of force and the same is, therefore, dismissed and leave to appeal is refused. 3

(BC)

Petition dismissed.

PLJ 1995 SC 629
[Appellate Jurisdiction]

Accepted
ATTESTED

Present: MANZOOR HUSSAIN SIAL, MUHAMMAD MUNIR KHAN AND MIR HAZAR KHAN KHOSO, JJ

Mst. NIAZ PARVEEN--Petitioner

versus

Mst. RUKHSANA SHAHEEN and 3 others- Respondents

Civil Petition for Leave to Appeal No. 161-P of 1995, dismissed on 19.6.1995.

On appeal from judgment, dated 28.5.1995, passed by NWFP Service Tribunal, Peshawar, in Appeal No. 331 of 1994]

Transfer--

---Government servant--Transfer of--Order of--Challenge to--Contention that respondent No. 1 had filed appeal before Service Tribunal beyond period of limitation and delay had been condoned by Service Tribunal in violation of Section 5 of Limitation Act, 1908--It is unfortunate that within a period of one year, transfer orders and cancellation of transfer orders have been passed by authorities--Such practice adversely affects efficiency of incumbents and also reduces their confidence and faith--Held: Service Tribunal has rightly deprecated such practice--Petition dismissed. [Pp.630&631]

Mr. Muhammad Zahoor Qureshi, AOR for Petitioner.

Respondent: Not represented.

Date of hearing: 19.6.1995.

ORDER

Mir Hazar Khan Khoso, J.--Petitioner Mst. Niaz Parveen seeks leave to appeal against the judgment dated 28.5.1995 passed by the NWFP Service Tribunal, whereby appeal filed by respondent Mst. Rukhsana Shaheen was accepted, and the transfer order dated 15.8.1993 was restored.

2. The facts giving rise to this petition are that respondent Mst. Rukhsana Shaheen was working as LHV at BHU Jan Khan Killi in Khyber Agency. On 8.10.1992 she was transferred to BHU Takhatatabad by the Divisional Director Health Services, Peshawar and at her place petitioner Mst. Niaz Parveen was posted. Both of them took their charges. The transfer order was recalled and both of them were transferred to their previous places. On 27.4.1993 the Director General Health again transferred them *vice-versa*. The respondent assumed the charge but the petitioner did not. On 6.7.1993 the transfer order was again cancelled. The petitioner was allowed to remain at BHU, Takhatatabad, but the services of respondent Mst. Rukhsana Shaheen were placed at the disposal of Divisional Director Health Services, Peshawar for further posting. On 15.8.1993 Mst. Rukhsana Shaheen was transferred to BHU Takhatatabad whereas the petitioner's services were placed at the disposal of Divisional Health Services Peshawar for further posting. On 8.11.1993 the order dated 15.8.1993 was cancelled on the direction of Health Minister. Respondent Mst. Rukhsana Shaheen challenged the above said order before the Peshawar High Court. However, it was withdrawn on 27.9.1994. Mst. Rukhsana Shaheen simultaneously approached NWFP Service Tribunal, who on 28.5.1995 accepted her appeal and cancelled the order dated 8.11.1993 and restored the order dated 15.8.1993. The petitioner has thus come before this Court and has sought for leave to appeal against the above said order.

3. The learned counsel for the petitioner mainly contended that respondent Mst. Rukhsana Shaheen had filed departmental appeal before the Secretary

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Mst. NIAZ PARVEEN V. Mst. RUKHSANA SHAHEEN SC 631
(Mir Hazar Khan Khoso, J)

Health Services, Government of N.W.F.P. Peshawar on 6.7.1993. She could have
appeal before the Service Tribunal within 120 days i.e., before 5.11.1993. The
appeal was filed beyond the period of limitation wherefor no application for
condoning the delay was moved. The petitioner had raised the point of limitation
before the Service Tribunal on its own accord condoned the delay which was clear
violation of Section 5 of the Limitation Act. He contended that on the point of
limitation the Tribunal ought to have dismissed the appeal. Having failed to do so
the order of the Service Tribunal has culminated in miscarriage of justice, which
cannot be rectified by this Court and leave to appeal be granted. Besides, the learned
counsel for the petitioner also raised factual controversy. We have gone through
the record of the case. It is unfortunate that within a period of one year transfer
orders and cancellation of transfer orders have been made by authorities in
respect of the two LHVs. Such practice adversely affects the efficiency of the
officers and also reduces their confidence and faith. The act of respondents
2 to 4 has, indeed, left a bad taste in our mouths. The Service Tribunal has
not only depreciated such practice. We do not find any fault with its order. Leave to
appeal is refused and the petition is dismissed accordingly.

Leave refused.

PLJ 1995 SC 631

[Appellate Jurisdiction]

Present: FAZAL ILAHI KHAN AND MUHAMMAD BASHIR JEHANGIRI, JUSTICES
AMANULLAH KHAN--Petitioner

versus

Affected
Final
ATTESTED

CHIEF SECRETARY, GOVERNMENT OF N.W.F.P. and others--Respondents

C.P.S.L.A. No. 162-P of 1995, dismissed on 24.7.1995.

On appeal from judgment, dated 30.4.1995, of a learned Division Bench of
Peshawar High Court, D.I. Khan Bench, passed in Writ Petition No. 73 of 1994].

Interpretation of statutes--

Chief Officer, Municipal Committee, Lakki Marwat--Allegation that a large
amount deposited by contractors was not traceable--Departmental inquiry
against--Transfer of Inquiry Officer and his substitution by new officer
appointed in his place--Challenge to--Learned counsel could not cite any rule
of Local Councils Servants (Efficiency and Discipline) Rules, 1980 under
which Inquiry Officer could not be substituted--He attempted to press into
service concept of "casus omissus" which means a point or case unprovided
for--It is a well established principle of construction of statutes that court
cannot supply omissions by implication and analogy--It is not implied that

Civil Services

1996 1996

1996 P L C (C.S.) 320

[N.-W.F.P. Service Tribunal]

Present: Muhammad Qaim Jan Khan, Chairman
and Arbab Azizullah Khan, Member

Mst. RUKHSANA SHAHEEN

versus

MINISTER OF HEALTH, GOVERNMENT OF N.-W.F.P.,
PESHAWAR and others

Appeal No.331 of 1994, decided on 28th May, 1995.

Civil service---

---Transfer---Civil servant working at one place was transferred to another place of working at T where she had taken the charge, but later on she was again transferred to her previous place of working---Civil servant thereafter was again transferred to another place of working, but after some time she was retransferred to previous place of working at T and within a short span of one year a number of transfer orders and cancellation of such orders were passed regarding civil servant and she was made a victim for no fault on her part. Normally in absence of any complaint against a Government servant, he/she should be allowed to remain at his place of posting for at least three years, but that rule had been flagrantly violated in case of civil servant---No complaint was found against civil servant who had successfully completed three years tenure at place from where she was originally transferred---Transfer order to place of working at T passed in favour of civil servant was quite legal and such transfer order could not be cancelled. [p. 322] A

Ajmal Zeb Khan for Appellant.

Muhammad Shafi, Government Pleader for Respondents Nos.2 to 4.

Muhammad Iqbal Khalil for Respondent No.5.

Date of hearing: 28th May, 1995.

JUDGMENT

MUHAMMAD QAIM JAN KHAN (CHAIRMAN).---The instant service appeal has been preferred by Mst. Rukhsana Shaheen, against the office order, dated 8-11-1993 passed by the Director-General Health Services, N.-W.F.P., Peshawar, whereby the posting/transfer order issued vide the Directorate Office Order bearing No.15576-78/E-III, dated 15-8-1993, was cancelled, as desired by the Health Minister, Government of N.-W.F.P., Peshawar. The appellant further alleged that she had preferred an appeal to this Tribunal, but as the Chairman was not in chair, so the appellant instituted

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(71)

Rukhsana Shaheen v. Minister of Health
(Muhammad Qaim Jan Khan, Chairman)

1996/1996

writ petition in the Honourable Peshawar High Court, Peshawar, which was later on dismissed as withdrawn, as the Honourable High Court had no powers regarding the terms and conditions of service of the appellant. The appellant alleges that she was working as L.H.V. at B.H.U. Jan Khan Killi, Khyber Agency and vide office order dated 8-10-1992, the appellant was transferred to B.H.U. Takhtabad by the Divisional Director, Health Service, Peshawar. That in pursuance of the said order, a letter bearing No.144007/DHO/E-12, dated 17-10-1992 was also issued by the Director, Health Services and the Medical Officer I/C B.H.U., Takhtabad, District Peshawar was directed to relieve respondent No.5 of the duties. That the said order was duly complied and the appellant took the charge of her new posting at Takht Abad BHU. Later on, after assuming the charge by the appellant, she was again transferred to her previous post and respondent No.5 was again posted in place of the appellant. That vide office order dated 27-4-1993, passed by the Director-General, Health, the appellant was again posted to B.H.U., Takhtabad, Peshawar in place of respondent No.5 and she accordingly assumed the charge and respondent No.5 who was under transfer order did not assume the charge at B.H.U. Jan Killi Khyber Agency, and again a transfer order was issued vide No.6881-84/E-III, dated 6-7-1993 to the effect that respondent No.5 should remain attached with B.H.U. Takhtabad and the services of the appellant were placed at the disposal of the Divisional Director, Health Services, Peshawar, for further posting in Peshawar District, issued by the Director-General, Health Services, N.-W.F.P., Peshawar. Thereafter, the above-noted order was cancelled and fresh order vide No.1557-78/E-III, dated 15-8-1993 was passed to the effect that the appellant was transferred to B.H.U. Takhtabad, respondent No.5 was placed at the disposal of D.H.S., Peshawar for further posting. The Director-General, Health Services, N.-W.F.P., Peshawar, again passed another order dated 8-11-1993, which is reproduced as under:--

"The posting/transfer order issued vide this Directorate Office Order, bearing Endst. No.15576-78/E-III, dated 15-8-1993, is hereby cancelled as desired by the Health Minister, N.-W.F.P."

That no result of department appeal was communicated to the appellant. The grounds of appeal are that the impugned orders are against facts, law and material on record, hence not tenable, and is liable to cancellation. That when the appellant was first transferred to B.H.U., Takhtabad and she took the charge, therefore, her further transfer or cancellation of the order without any cogent reasons is illegal, against the principles of natural justice and law. That the appellant had not completed her normal tenure and thus the impugned order is also against the norms of natural justice. Moreover, the impugned order clearly shows that it was the Health Minister who was interested in respondent No.5 and the appellant was made a victim for no fault on her part. The prayer in the appeal is that the impugned order,

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dated 8-11-1993 be cancelled and the order dated 15-8-1993 be restored accordingly.

2. The respondents were served, they appeared in this Tribunal through their representatives and counsel. It is to be noted that the name of respondent No.1 is deleted from the list of respondents vide Sheet No.4 of this Tribunal dated 16-11-1994. The respondents have submitted their reply alongwith photocopies of documents and consequently detailed arguments of Mr. Ajmal Zeb Advocate, counsel for the appellant, Mr. Muhammad Shafi, Government Pleader on behalf of respondents Nos.2 to 4 and Mr. Muhammad Iqbal Khattak Advocate, counsel for respondent No.5 have been heard and case filed perused.

3. The case is simple and clear. As reflected from the record, that respondents have followed the shameful exercise of their powers of transfers and within a span of one year a bundle of orders and cancellation orders have been passed regarding the fate of two L.H.Vs. Normally if there is no complaint against a Government servant, he should be allowed to remain at his place of posting for at least 3 years. This rule has been flagrantly violated in the instant case. A perusal of Annexure 'B' to Annexure 'I' clearly shows that the respondents' department have made the appellant a scapegoat for no fault on her side. On the other hand respondent No.5 had remained for about 7/8 years at Takhtabad and she has been left undisturbed. On legal side if there is a little delay on the part of the appellant, that was due to the absence of the Chairman of the Service Tribunal as the learned incumbent has been appointed a Judge of the High Court and his successor had not taken over the charge as yet, so a gap has occurred and this delay is not fatal to the case of the appellant and is hereby condoned, as the reasons were beyond the control of the appellant. The objection of the learned counsel for the respondent No.5 holds no ground as the departmental appeal of the appellant dated 15-10-1993 is available on case file, the contention of learned counsel for respondent No.5 is also not tenable that this order has not been challenged because the very first order has been impugned by the appellant, therefore, this objection is of no avail. In brief, as apparently there is no complaint against the appellant and she has completed her 3 years' tenure at Jan Khan Killi Khyber Agency so her transfer order to B.H.U. Takhtabad is quite legal and the cancellation orders passed at the behest of the Health Minister are based on mala fide, therefore, the appeal on hand is accepted. The order, dated 8-11-1993 and all the relevant orders connected therewith are hereby cancelled and order dated 15-8-1993 is hereby restored. Parties are left to bear their own costs. File be consigned to the record.

H.B.T./194/Sr.N.-W.F.P.

Appeal accepted

ATTESTE

PLC

Civil Petition
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WAKALAT NAMA

In the court of: Service Tribunal KPK Peshawar

Jamal Uddin SNT Petitioner/Complainant
Appellant

VERSUS

SMBR KPK & others Respondent

I Jamal Uddin in the above noted appellant do hereby appoint **Mr. Yaqub Khan Advocate High Court** as my/our counsel in the above proceedings and authorize him to appear, plead, defend, act, compromise, withdraw, negotiate or refer to arbitration for me/ us as my / our advocate/ legal attorney in the above mentioned matter, without any liability for his default and with the authority to engage/ appoint any other Advocate/ Counsel on my/our behalf and to file amended petition/any miscellaneous application or any other documentation which is legally required on my /our behalf for the above proceedings.

Attested & Accepted

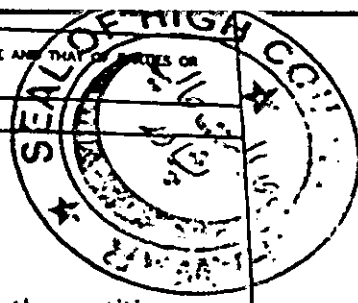
Yaqub Khan

High Court, Peshawar
Cell:

Jamal Uddin

(CLIENT)

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| DATE OF ORDER OR PROCEEDINGS | ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF CLERK OR COUNSEL WHERE NECESSARY. |
| 29-5.2018 | <p style="text-align: center;">3</p> <p>W.P. No. 2085-P/2018</p> <p>Present: -</p> <p>Mr. Nasir Mahmood, advocate for the petitioner.</p> <p>Mian Arshad Jan, AAG for the official respondents</p> <p>Mr. Zartaj Anwar, advocate for the respondent No. 4.</p> <p style="text-align: center;">*****</p> <p>WAQAR AHMAD SETH SP.J.:- Petitioner through the instant constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 prayed that:-</p> <p>"On acceptance of this petition this Honourable Court may be pleased to declare the impugned order of repatriation of the petitioner dated 16.04.2018 and withdrawal of the repatriation order of respondent No. 4 dated 17.04.2018 to be illegal, against the Rules and thus set aside consequently petitioner may be allowed to continue his service at his place i.e. as SNT Rashakai Circle ns. Further under what authority of law respondent No. 4 who is a fixed pay employee as Qanungo was appointed against the post of Settlement Naib Tehsildar and he is allowed to hold that post.</p> <p>Any other remedy not specifically asked for but</p> |



Court Secretary.

(DB) Hon'ble Mr. Justice Waqar Ahmad Seth, Senior Petition Judge and Mr. Justice Qalandar Ali Khan, J.J.

Attested
Arshad

ATTESTED
EXAMINER
Peshawar High Court
04 JUN 2018

17/04/2018

Mr. Justice M...
The Respondent...
The Petitioner...

WAZIR AHMAD SEIT...
The Constitution of Islamic Republic of Pakistan 1973...
played that...

"On acceptance of this petition the Honourable Court may be pleased to declare the impugned order of revocation of the petitioner dated 16.04.2018 and withdrawal of the revocation order of respondent No. 4 dated 17.04.2018 to be illegal against the Rules and thus set aside consequently petitioner may be allowed to continue his service at his place i.e. as SMT Rashid Ali as further under what authority of law respondent No. 4 who is a fixed pay employee as Qanungo was appointed against the post of Settlement Aid Talsildar and he is allowed to hold that post.

Any other remedy not specifically asked for, but

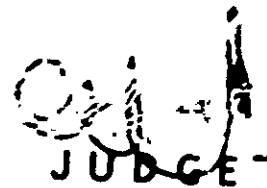
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appropriate in the circumstances of the case may also be awarded to the petitioner."

2. When the case was taken up for hearing learned counsel for the petitioner at the very out set stated at the bar that petitioner would be satisfied if the matter in hand be treated as Departmental Appeal and be forwarded to respondent No. 1/Senior Member Board of Revenue, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar for disposal according to law and prevailing policy in the matter within 15-days. Allowed. Order accordingly.




SENIOR PUISNE JUDGE



Announced
29.05.2018.

2/8
20/5/18
24/6/18
24/6/18

CERTIFIED TO BE TRUE

Prothonotary
Assistant and Under-Secretary
The Gilgit-Shangai Order 1984

04 JUN 2018

Attested
[Signature]

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No. 1365/2018

Jamal Uddin SNT Settlement Operation Nowshera.....Appellant

VERSUS

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa
2. Director Land Records, Khyber Pakhtunkhwa.
3. Settlement Officer, Settlement Operation Nowshera.
4. Zahid Hussain Settlement Kanungo, Settlement Operation Nowshera.....Respondents

Preliminary objections:-

1. The appellant has got no cause of action.
2. That the appellant has not come with clean hands to this court Hon'able court.
3. The appellant has not legal grounds in support of his appeal.
4. That the appeal is bad on account of mis-joinder and non-joinder of necessary parties.

Parawise Comments on behalf of the respondents:-

1. No comments. Pertains to record.
2. Correct to the extent that in order to fill up the posts of patwaris and to functionalize Settlement Operation at Chitral, qualified patwar candidates including the appellant were appointed as Settlement Patwari purely on contract basis subject to termination their services without any notice being project employees.
3. Correct to the extent that the appellant had filed writ petition which was disposed off with the directions to appellants to apply to the Competent Authority, that under section 19 Sub Section 2 of amended section of the regularization act dated 23-07-2005, their services should be deemed to be on regular basis and a proper order in this regard be issued and in case of failure to obtain such an order they may approach the proper forum if aggrieved. In pursuance to the said Judgment, the predecessor of Responded No.1 regularized the services of the appellant vide Judgment dated 05-07-06 in Settlement Operation Chitral.
4. As per Para 3 above.
5. No comments. Pertains to record.
6. Correct to extent that due to non availability of experienced hand Tehsildars, the appellant was temporarily posted in Settlement Operation Mansehra for smooth running of settlement business.
7. Since there was no experienced Settlement Naib Tehsildar, therefore, for smooth running of Settlement affairs, the appellant was posted as Naib Tehsildar Nowshera being newly launching settlement operation.
8. Incorrect. There were 2 Naib Tehsildars circle in Settlement Operation Nowshera, while only the appellant was serving, therefore in order to minimize the work load upon the shoulder of circle incharge, the respondent No. 04 being having vast experience, was posted in one of Naib Tehsildar circle by leaving the appellant to rest of circle.
9. Incorrect. Since the respondent No. 4 was posted in headquarters at Takmeelghar, where the office of Settlement Officer was situated, therefore, the Respondent No.4 extended his cooperation to Settlement Officer for smooth running of settlement affairs.

وکالت نامہ

بعدالت کچھری کٹو خورد سردس سرسٹونہ لکھنؤ

جمال الدین * بنام * سردس سرسٹونہ لکھنؤ

منجانب سب سے طرفت فریڈا دعویٰ اجرم سردس سرسٹونہ لکھنؤ 1365/2018

تھانہ ایف آئی آر تاریخ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام لکھنؤ کے لئے

امین الرحمن یوسفزئی ایڈووکیٹ ہائی کورٹ، فیڈرل شریعت کورٹ آف پاکستان اینڈ سجاد احمد محسود ایڈووکیٹ ہائی کورٹ،

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچھری کے کسی اور جگہ یا کچھری کے مقررہ اوقات سے پہلے یا پیچھے یا بزور تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام کچھری کے کسی اور جگہ باعث سماعت ہونے یا بروز تعطیل یا کچھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ذاخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد تالیفی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سندر ہے مورخہ 28/8/19 مضمون مختار نامہ سن لیا بت اور ایسی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

Amin ur Rehman Yousafzai
Advocate High Court,
& Federal Shariat Court
of Pakistan.

Sajjad Ahmad Mehsud
Advocate High Court
Peshawar

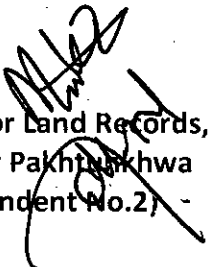
Adv. Khair ul Khan
BC 18-114


10. Incorrect. If the appellant is too serious heart patient, then he may seek medical advice from Medical Board whether appellant is fit for official duty and may continue his duty or otherwise as per advice.
11. No comments. Pertains to record.
12. Correct to the extent that since his appeal not cover the Rules, was rejected being having no legal force by the appellate authority.
13. Incorrect. The Writ Petition of the appellant was dismissed due to lack of jurisdiction to step in the matters pertaining to terms and conditions of services vide Judgment dated 9-10-2018.
14. Incorrect. Since the Settlement Operation at Chitral is going to be winding up on 30-06-2019, therefore in order to complete such an important project of the provincial Government, the Settlement Officer Chitral requested for repatriation of his original Settlement Staff, therefore, all Settlement employees i.e Zahur Abbas, Tauheed Jan, Dil Nawaz, Hazrat Ghulam including the appellant (Jamal-ud-Din) were repatriated to their parent office for finalization prior to 30-06-2019

Grounds:-

- A. Incorrect. Posting/transfers orders are issued in light of exigencies of the Settlements. As Per Para 10 of the Facts.
- B. Incorrect. All posting/transfers orders are issued in the best interest of the Settlement Project.
- C. Incorrect. As per Para A&B of the grounds.
- D. Incorrect. Being Project Employees of the Settlement, imposition of Ban by Election Commission of Pakistan has no concern with the appellant.
- E. Incorrect. Posting/transfer orders were issued keeping in view of exigencies as well interest of the Settlement Operation.
- F. Incorrect. The appellant altogether not a civil servant to consider and treat under the provision of ban imposed by Election Commission.
- G. Incorrect. As per Para-D of the grounds.
- H. Incorrect. No legal right of any official in posting/transfer is violated.
- I. Incorrect. Posting/transfer orders are issued in the best interest of Settlement Operation.
- J. Incorrect. As per Para-I of the grounds.
- K. Incorrect & Misleading. In fact the appellant is not a Civil Servant, but a Project employee of Settlement Operation Chitral, which is a separate entity therefore the said notification, does not apply to appellant.
- L. Incorrect. The appeal of the appellant is not entertainable under the relevant rules/law and is premature, therefore has no right to raise any objection.

In view of above scenario, the appeal being baseless and having no legal force, may be dismissed with cost.


Director Land Records,
Khyber Pakhtunkhwa
(Respondent No.2)


Senior Member,
Board of Revenue
(Respondent No.1)