

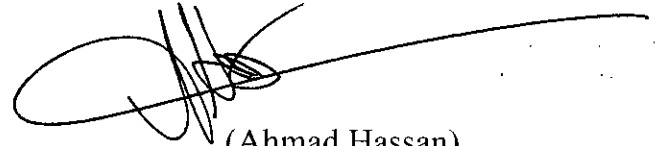
Order

25.01.2019

Counsels for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Dr. Fakhar Alam, SMBR (respondent no.3) and Mr. Muhammad Arif, Supdt for respondents present. Arguments heard and record perused.

This appeal is also dismissed as per detailed judgment of today placed on file in connected service appeal No. 1113/2018 titled "Abdur Rehman -vs- Chief Secretary Khyber Pakhtunkhwa, Peshawar R/o Khyber Pakhtunkhwa at Civil Secretariat Peshawar and three others." Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
25.01.2019



(Ahmad Hassan)  
Member

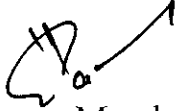


(Muhammad Amin Khan Kundi)  
Member

27.12.2018

Clerk to counsel for the appellant present.

It is settled principle that a civil servant is vested with no right to question the order of his repatriation to the parent department hence the appellant is not found entitled to the extension of the ad-interim relief granted on 10.10.2018 till 09.11.2018. As such the ad-interim relief of status quo shall be deemed as vacated. It may also be mentioned that similar nature Service Appeal bearing No.1287/2018 has been dismissed by this Tribunal in limine. Moreover in another similar nature service appeal bearing No.1340/2018 filed by Mr. Malik Zahid, the ad-interim relief of status quo has also been vacated. The present case is a sheer example of the abuse of process of law. Adjourn. To come up for reply/comments on 02.01.2019 before S.B.

  
Member

*[Faint handwritten notes and signatures at the bottom of the page]*

1202/2018

10.10.2018

Appellant alongwith his counsel Mr. Numan Sattar Advocate present. Fresh Wakalatnama submitted which is placed on file. None present on behalf of the respondents, however, Mr. Kabirullah Khattak, Addl. AG put appearance on behalf of the official respondents.

Notice of stay application was given to the respondents for today but none is present on behalf of the respondents nor written reply received on their behalf.

Arguments on stay application heard and file perused.

The learned counsel for the appellant mainly argued that the appellant was transferred before completion of his normal tenure which is against the posting/transfer policy. Similarly, this Tribunal has already granted status quo to the other aggrieved appellants.

For the safe administration of justice and to avoid future complications, status quo be maintained till the next date. To come up for written reply/comments on main appeal as well as reply/arguments on stay application on 09.11.2018 before S.B.

  
Chairman

9-11-2018

*Due to Retirement of Honorable  
Chairman The Tribunal is nonfunctional  
therefore the case is adjourned to come up  
for the same on 27-12-2018*

*Speaker  
Reader*

05.10.2018

Counsel for the appellant Zardad Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was transferred from the post of Assistant, Office of the Deputy Commissioner Peshawar to the post of Tehsildar (CCB) Kandia Kohistan against the vacant post vide order dated 24.10.2017. It was further contended that he was again transferred from the post of Tehsildar (CCB) Kandia, Kohistan to the post of Tehsildar/Recovery Officer WAPDA Abbottabad vide order dated 20.12.2017. It was further contended that he was again repatriated to his parent department from the post of Tehsildar/Recovery Officer (WAPDA) Abbottabad vide order dated 17.08.2018 before completion of his normal tenure and against the transfer posting policy. It was further contended that on the same date competent authority again vide notification dated 17.08.2018 Kanungo was posted as Naib Tehsildar in own pay scale therefore, It was contended that the impugned order is illegal and liable to be set-aside. It was further contended that the appellant is senior to the private respondent and entitled to be promoted on regular basis but the private respondent are still working as regular Tehsildar therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 10.10.2018 before S.B. Learned counsel for the appellant also submitted application for suspension of operation of impugned order. Notice of the same be also issued to the respondents for the date fixed.

*MA*

(Muhammad Amin Khan Kundi)  
Member

Appellant Deposited  
Security & Process Fee

*[Signature]*

Form- A  
FORM OF ORDER SHEET

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

Case No. 1202/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/09/2018	<p>The appeal of Mr. Zardad Khan presented today by Mr. Muhammad Adnan Sher Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 29/9/18</p>
2-	1-10-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>5-10-2018</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>

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

Service Appeal No. <sup>12021</sup> 2018

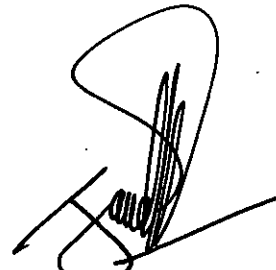
Zardad Khan

**VERSUS**

Govt of KP & Others

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**INDEX**  
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S. No	Documents	Annexure	Page No.
1.	Service Appeal	--	01-05
2.	Application for Suspension	--	06
3.	Affidavit		07
4.	Copies of Notification dated 24.10.2017 & 20.12.2017	"A", "B"	8-9
5.	Copy of the <i>impugned</i> Notification	"C"	10
6.	Copies of the Notifications	"D"	11-16
7.	Copy of Notification dated 23.01.2015 and relevant extract of Joint Seniority List	"E", "E-1"	17-25
8.	Copy of Departmental Appeal and <i>impugned Order</i>	"F", "F-1"	26-29
9.	<i>Wakalatnama</i>	--	--

  
APPELLANT

Dated: \_\_\_\_\_, 2018

Through

  
MUHAMMAD ADNAN SHER  
Advocate High Court, Peshawar

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No: <sup>1202/</sup>2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1440

Dated 29/9/2018

**Zardad Khan**

Presently Posted as Teshildar/ Recovery Officer (PESCO) Wapda  
Abbottabad

..... APPELLANT

VERSUS

**1. Government of Khyber Pakhtunkhwa**

Through Chief Secretary  
Civil Secretariat, Peshawar

**2. Secretary Establishment (KP)**

Civil Secretariat, Peshawar

**3. Senior Member Board of Revenue**

Civil Secretariat, Peshawar

**4. Commissioner Peshawar Division**

Mall Road, Peshawar Cantt

**5. Commissioner Hazara Division**

Abbottabad

**6. Deputy Commissioner (Peshawar)**

Gate No.3, Opposite PC Hotel  
Khyber Road, Peshawar

**7. Muhammad Ayaz**

Tehsildar BALAKOT

**8. Muhammad Yousaf**

Tehsildar in TRAINING AT NOWSHERA

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHAWA

SERVICE TRIBUNAL ACT, 1974

Filed to-day

Registrar

29/9/18

2

Respectfully Sheweth;

1. That the appellant was transferred as Tehsildar (CCB) Kandia, Kohistan *vide* Notification dated 24.10.2017 from the office of the Deputy Commissioner Peshawar whereby later on, *vide* Notification dated 20.12.2017, he was again transferred as Tehsildar/ Recovery Officer (PESCO) WAPDA Abbottabad (BPS-16). (Copies of Notification dated 24.10.2017 & 20.12.2017 are hereby annexed as Annexure "A" & "B" respectively).
2. That the appellant was efficiently performing his duties as Tehsildar/ Recovery Officer (PESCO) WAPDA without any complaint whatsoever when to his surprise, he was transferred/ repatriated to his parent office *vide* Notification dated 17.08.2018 [hereinafter referred to as *impugned Notification*]. (Copy of the *impugned Notification* is hereby annexed as Annexure "C").
3. *Without prejudice to the above and in addition thereto*, the *impugned Notification* was issued whereby all those working on Current Charge Basis as Tehsildars/ Naib Tehsildars were repatriated to their parent offices on completion on arrival of newly appointed Tehsildars/ Naib Tehsildars however on the same day another Notification followed by other notifications have been issued making posting/ transfers of officials being blue eyed of the respondents/ respondents concerned in their Own Pay Scale (OPS) or CCB. (Copies of the Notifications are hereby annexed as Annexure "D").
4. That it is also needless to mention here that the Board of Revenue and Estate Department *vide* Notification dated 23.01.2015 laid down the method of recruitment, qualification and other as specified in column 3 to 7 of the Appendix to the said Notification whereas it has been clearly mentioned that 20% quota of regular Tehsildars will be by promotion on the basis of joint seniority list and yet again the appellant being placed at higher position in the joint seniority list is left behind and still working as Assistant whereas Respondent No. 7 and 8 being much lower are promoted and presently working on regular posts of Tehsildars. (Copy of Notification dated 23.01.2015 and relevant extract of Joint Seniority List is hereby annexed as Annexure "E" & "E-1" respectively).
5. *Without prejudice to the above and in addition thereto*, the appellant being aggrieved by the *impugned Notification*, filed Departmental Appeal



on 27.08.2018 against the same however it was rejected *vide* order dated 14.09.2018 (*hereinafter referred to as impugned Order*) without assigning any reason thereto for rejection. (Copy of the Department Appeal and *impugned Order* are hereby annexed as Annexure "F" & "F-1" respectively).

6. That the appellant being aggrieved by the *impugned Notification* and *impugned Order* having no other alternate, sufficient or efficacious remedy, files instant Service Appeal *inter alia* on the following grounds;

**GROUND S;**

- I. That the *impugned Notification* and *impugned Order* are absolutely void, illegal and against the vested right of the appellant, hence liable to be struck down at once.
- II. That the *impugned Notification* and *impugned Order* are otherwise not tenable in the eyes of law as the same have been passed without appreciation of available record and on this score alone need to be set aside.
- III. That the *impugned Notification* has been issued with ulterior motives and *malafidely* so as to adjust and accommodate the blue eyed officials as another notification was issued on the same day followed by subsequent notifications whereas the same blue eyed officials have been posted/ transferred in their OPSs and CCBs and therefore the *impugned Notification* is not tenable in the eyes of law.
- IV. *Without prejudice to the above and in addition thereto*, it is very much clear that the appellant has been highly discriminated as juniors have been promoted and posted as regular Tehsildars irrespective of the fact that the same promotion had to be made from 20% quota on the basis of joint seniority list however the same procedure has been violated by the respondent/ respondents concerned as the appellant being much higher in the joint seniority list has been intentionally left out from his due right of being promoted/ posted as regular Tehsildar and such conduct is clear violation of Article 27 of the Constitution of Islamic Republic of Pakistan, 1973.
- V. That the grounds of appeal so raised by the appellant required consideration and appreciation however the same have been altogether

ignored while passing the *impugned Order* and therefore, the same is not tenable in the eyes of law.

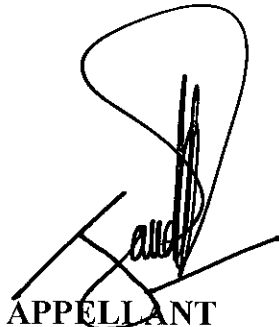
- VI. *Without prejudice to the above and in addition thereto, impugned Order* has been passed without recording any reasons for rejection of the Departmental Appeal and such order has no legal footings in the eyes of law as cogent reasons were to be recorded for rejection of the same and but the needful was not done, hence the *impugned Order* is liable to be set aside.
- VII. That the appellant has been posted/ transferred several times within a short span of time, which act of the respondent/ respondents' concerned is against the Posting/ Transfer Policy of the Government and hence the *impugned Notification* is liable to thrashed out at once.
- VIII. That the appellant has not yet relinquished charge from the post Tehsildar/ Recovery Officer (PESCO) WAPDA Abbottabad as the appellant is bound to obey the law and not to obey the political whims or illegal orders of their superiors but even then *impugned Order* upheld the issuing of *impugned Notification* which fact alone is sufficient to set aside both the *impugned Notification & impugned Order*.
- IX. Moreover, matter of tenure, appointment, posting, transfer and promotion of civil servants could not be dealt with in arbitrary manner, it could only be sustained when it was in accordance with law and any such deviation from accepted or rule-based norm without proper justification could be tested on the touchstone of a manifest public interest, however in the present case the appellant is dealt in an arbitrary manner in sheer violation of law by passing of the *impugned Notification & impugned Order* and the same are nullity in the eye of law.
- X. That the *impugned Order* is otherwise not tenable in the eyes of law as it is against the principles of natural justice because deaf ear was turned to the grounds of appeal filed by the appellant and hence against the law.

- XI. That the *impugned Notification* and *impugned Order* are also against Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- XII. Any other ground that may be raised at the time of hearing of this service appeal.

It is, therefore, respectfully prayed that on acceptance of the present Service Appeal, this hon'ble Tribunal may be pleased to;

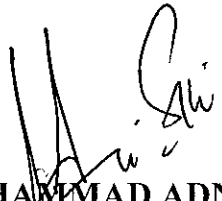
- a. **Set Aside** the *impugned Order* dated 14.09.2018
- b. **Declare** Notification dated 17.08.2018 to the extent of appellant at S.No. 12 as null and void and without lawful authority and the same be set aside **AND**
- c. **Direct** the respondent/ respondents concerned to treat the appellant as **Tehsildar/ Recovery Officer (PESCO) WAPDA** Abbottabad forthwith with all back benefits and consequential relief
- d. *Any other* relief deemed fit and proper may kindly be granted in the given circumstances of the case.

Dated: \_\_\_\_\_, 2018



**APPELLANT**

*Through*



**MUHAMMAD ADNAN SHER**  
*Advocate High Court, Peshawar*

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

Service Appeal No: / 2018

Zardad Khan

**VERSUS**

Govt of KP & Others

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**APPLIACATION FOR SUSPENSION OF *impugned Notification* DATED  
17.082018 and *impugned Order* DATED 14.09.2018**  
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Respectfully Sheweth;

1. That the instant application may be considered as part and parcel of the enclosed Service Appeal pending adjudication before this hon'ble Tribunal in which date is yet to be fixed.
2. That the applicant/ appellant has got a *prima facie* case and sanguine about its success.
3. That the balance of convenience also tilts in favor of the applicant/ appellant.
4. That if the interim relief as prayed for in the heading of application is not granted, the applicant/ appellant will suffer irreparable loss.

It is, therefore, respectfully prayed that on acceptance of this application, *impugned Notification* dated 17.08.2018 and *impugned Order* dated 14.09.2018 may kindly be suspended and *status quo be granted*.

**APPLICANT/ APPELLANT**

Dated: \_\_\_\_\_, 2018

Through

**MUHAMMAD ADNAN SHER**  
*Advocate High Court, Peshawar*

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No: / 2018

Zardad Khan


VERSUS

Govt of KP & Others

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**AFFIDAVIT**  
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I, **Zardad Khan** presently posted as Tehsildar/ Recovery Officer (PESCO) WAPDA, do hereby declare and affirm on oath;

1. That the contents of this application along with Service Appeal are true and correct to the best of my knowledge and belief &
2. That nothing has been concealed from the august court, which it is necessary to disclose.

  
**DEPONENT**  
 Khalid Mehmood  
 Attested  
 Oath  
 Commissioner  
 Peshawar High Court  
 29-9-18

ANNEX 4A<sup>m</sup> (8)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 24 /10/2017

NOTIFICATION

No. Estt: I/PF/Javed/ \_\_\_\_\_ The Competent Authority is pleased to order the following posting /transfer amongst Tehsildars with immediate effect and in public interest: -

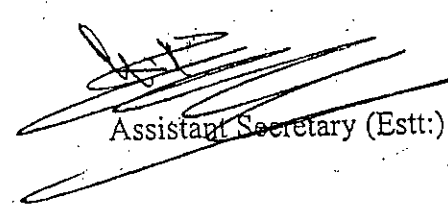
S.No	Name of Tehsildar	From	To
1.	Mr. Javed Inam	Tehsildar (CCB) Kalkot	Tehsildar / Recovery Officer (CCB) PESCO Mardan
2.	Mr. Hamayun	Tehsildar / RO PESCO Mardan	Report to Board of Revenue
3.	Mr. Zardad Khan	Assistant, office of the Deputy Commissioner Peshawar	Tehsildar (CCB) Kandia Kohistan against the vacant post

By order of  
Senior Member

No. Estt: I/PF/Javed/ 23027-37

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
2. Deputy Commissioner of the respective Districts.
3. District Account Officer of the respective Districts/Agency.
4. Superintendent Engineer R.O PESCO Mardan.
5. Officers concerned.
6. Bill Assistant, Board of Revenue.
7. Office Order file.

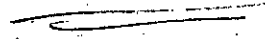
  
Assistant Secretary (Estt:)

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

Dated Peshawar the 20 December, 2017.

**NOTIFICATION**

No. Estt:|Wheed Ahmad/\_\_\_\_\_. The competent authority is pleased to order the following posting/transfer amongst Tehsildars with immediate effect and in public interest:-

S.No	Name of official.	From	To
1.	Mr. Waheed Ahmad, Tehsildar.	Awaiting posting in Board of Revenue.	Services placed at the disposal of Commissioner Hazara Division.
2.	Mr. Zardad Khan 	Tehsildar (CCB) Kandia	Tehsildar/Recovery Officer (CCB)PESCO Abbottabad against the vacant post.
3.	Mr. Feroz Khan	Tehsildar (CCB), Torghar	Services placed at the disposal of Commissioner Bannu Division.
4.	Mr. Mushtaq Ahmad	Assistant, office of the Deputy Commissioner, Swabi.	Tehsildar(CCB) Kandia vice No.2

By Order of  
Senior Member

No. Estt:|Wheed Ahmad/ 30188-99

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
3. Deputy Commissioners of the respective districts.
4. Superintending Engineer, PESCO Circle Abbottabad.
5. District Accounts Officer of the respective districts.
6. Officials concerned.
6. Personal Files.

  
Assistant Secretary (Estt.)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Annex 'C'  
10  
Deey

Peshawar dated the 17/08/2018.

NOTIFICATION

No. Estt./P.J. Consequent upon completion of settlement/Revenue training of newly promoted regular Tehsildar/Naib Tehsildar, the Competent Authority is pleased to repatriate the services of the following Assistants/Senior Scale Stenographer and Junior Scale Stenographer temporarily posted on Current Charge Basis as stop gap arrangement as Tehsildars/Naib Tehsildars, to their parent offices with immediate effect:-

17.8.18

S#	Name & Designation	Present posting	Remarks
1	Mr. Hasnain Ahmad, Assistant	Tehsildar (CCB) Puran	Repatriated to his parent office
2	Mr. Ahmad Ali Assistant	Tehsildar (CCB) Gagra	Repatriated to his parent office
3	Mr. Atiqur Rehman, Assistant	Tehsildar (CCB) Drosh	Repatriated to his parent office
4	Mr. Tariq Ahmad, Assistant	Tehsildar (CCB) Hooni	Repatriated to his parent office
5	Mr. Muhammad Younas, Assistant	Tehsildar (CCB) Limergara	Repatriated to his parent office
6	Mr. Arifullah, Assistant	Tehsildar (CCB) Samarhagh	Repatriated to his parent office
7	Mr. Muhammad Ilyas, Assistant	Tehsildar (CCB) Loi Mamund	Repatriated to his parent office
8	Mr. Saraf Ali, Assistant	Tehsildar (CCB) FR Bannu	Repatriated to his parent office
9	Mr. Tariq Aziz, Assistant	Naib Tehsildar (CCB) Miranshah	Repatriated to his parent office
10	Mr. Sarazeb, Assistant	Tehsildar (CCB) Shawal	Repatriated to his parent office
11	Mr. Kifayatullah, SSS	Tehsildar (CCB) Tank	Repatriated to his parent office
12	Mr. Zardad Khan, Assistant	Tehsildar (CCB) WAPDA Abbottabad	Repatriated to his parent office
13	Mr. Khalid Azmat, Assistant	Tehsildar Takht-e-Nasrati	Repatriated to his parent office
14	Mr. Faizullah Senior Scale Stenographer	Tehsildar (CCB) Thal	Repatriated to his parent office
15	Mr. Feroz Khan, Assistant	Tehsildar (CCB) Mirali	Repatriated to his parent office
16	Mr. Malak Zahid, Assistant	Tehsildar (CCB) Bannu	Repatriated to his parent office
17	Mr. Nabiullah, Junior Scale Stenographer	Canal N.T (CCB) Peshawar	Repatriated to his parent office

By order of  
Senior Member

No. Estt./P.J. 1/30393-430

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. All Divisional Commissioners in Khyber Pakhtunkhwa.
3. Deputy Commissioners of the respective districts.
4. District Accounts Officers of the respective districts
5. Officials concerned.
6. Office order file.

*[Handwritten signature]*



ANNEX 4(D) 11

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT  
Peshawar dated the 17/08/2018.

NOTIFICATION

No. EST/VP/1/ 30370. The Competent Authority, in consultation with Divisional Commissioner is pleased to place the services of the following senior most Kanungos of Malakand Division at the disposal of the Commissioner, Malakand Division for further posting as Naib Tehsildars (OPS) against the vacant posts in the Divisional jurisdiction.

S#	Name of Kanungo
1	Mr. Muhammad Roshan
2	Mr. Hazrat Hussain
3	Mr. Sadique Akbar
4	Mr. Habib U Rehman
5	Mr. Abrar Ahmad (N.T. ACW)
6	Mr. Muhammad Riaz
7	Mr. Shaukat Ali
8	Mr. Fazl Muhammad
9	Mr. Muhammad Iqbal
10	Mr. Muhammad Raza
11	Mr. Fatch Khan
12	Mr. Dost Muhammad
13	Mr. Muhammad Jalur
14	Mr. Abdul Rashid
15	Mr. Asad Ullah

By order of  
Senior Member

No. EST/VP/1/ 30371-75  
Copy forwarded to the:-

1. Commissioner Malakand Division Saidu Sharif.
2. Deputy Commissioners of the respective districts.
3. District Accounts Officers of the respective districts.
4. Officials concerned
5. Office order file.

  
Assistant Secretary (1st Stt.)



(12)

**OFFICE OF THE  
COMMISSIONER PESHAWAR DIVISION  
PESHAWAR**

No: 6/7/EA/2018/1/

Dated: 03.09.2018

**OFFICE ORDER**

The following posting / transfer amongst Tehsildars are hereby ordered with immediate effect in the public interest.

S.#	Name of Officials	From	To
1.	Mr. Amir Nawaz Tehsildar (BPS-16)	Waiting for posting in this office	Tehsildar Charsadda
2.	Mr. Adil Waseem Naib Tehsildar (BPS-16)	Waiting for posting in this office	Tehsildar Reconciliation Peshawar (OPS)
3.	Mr. Niamatullah Kundi Tehsildar (BPS-16)	Waiting for posting in this office	Tehsildar Jhangira
4.	Mr. Irshad Ali Tehsildar (BPS-16)	Tehsildar Charsadda	Stamp Inspector
5.	Mr. Muhammad Iqbal Tehsildar (BPS-16)	Stamp Inspector Peshawar	Tehsildar Shabqadar

Note: Mr. Adil Waseem Naib Tehsildar (BPS-14) has been posted as Tehsildar in BPS-16 (OPS) on the directions of Senior Member Board of Revenue Khyber Pakhtunkhwa vide Notification No. 30367 dated 17.08.2018.

-Sd-

**COMMISSIONER  
PESHAWAR DIVISION PESHAWAR**

No: 6/7/EA/2018/1/11346-51

Copy forwarded to:

1. Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa.
3. Deputy Commissioners Peshawar, Charsadda & Nowshera.
4. PS to Chief Secretary, Govt. of Khyber Pakhtunkhwa.
5. PS to Commissioner Peshawar Division.
6. Officials concerned for compliance.

**ASSISTANT TO COMMISSIONER (REV/GA)  
PESHAWAR DIVISION PESHAWAR**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT  
Phone No. 091-9210057  
FAX No. 0919213989

Facebook ID: www.facebook.com/landrecordskpk Twitter ID: @landrecordskpk

Land Records kpk@gmail.com

Peshawar dated the 05/09/2018

**OFFICE ORDER**

No.LR-IV/SR/P&T/Vol-II. 5360-80 With the approval of the competent authority, the following posting / transfer are hereby ordered with immediate effect in the interest of the public till further orders.


S.No	Name of official	From	To	Remarks
01	Mr. Imtiaz	Naib Tehsildar Pakhal Manshra	Sub Registrar, Manshra	Against vacant post
02	Mr. Inam Ullah	District Revenue Accountant (DRA) Nowshera	Sub Registrar, Haripur (OPS)	Against vacant post
03	Mr. Waqif Khan	Senior Girdawar Peshawar	Sub Registrar-I, Peshawar (OPS)	Vice No. 03
04	Mr. Jahangir Khan	Senior Girdawar Peshawar	Sub Registrar-II, Peshawar (OPS)	Against vacant post
05	Mr. Saleem Ahmae	Sub Registrar-II, Peshawar	Report to Director Land Record office	

End: No.LR-IV/SR/P&T/Vol-II. 5360-80

By order of  
Senior Member

Copy forwarded to the:

1. Secretary-I, Board of Revenue.
2. Deputy Commissioners / District Registrars concerned.
3. District Accounts Officers Concerned.
4. Private Secretary to Senior Member Board of Revenue Khyber Pakhtunkhwa.
5. Officials Concerned for compliance
6. Office order files.

  
Director Land Records  
Inspector General Register



OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD

No: CTD/Estb/4/9/3158-79  
Dated: 05/09/2018

**ORDER**

In pursuance of Government of Khyber Pakhtunkhwa Board of Revenue Department Notifications No 30367 & 30431 dated 17/08/2018, the Commissioner Hazara Division is pleased to order the posting / transfer of the following Tehsildars and Naib Tehsildars in public interest with immediate effect

Srl. No	Name	From	To
1	Mr Farrukh Jadoon NT Acquisition Manselma	Services placed at the disposal of Commissioner Hazara Division	Tehsildar of District Faisal Manselma. The additional charge of Acquisition Manselma. The additional charge for Sudo Kinar Hywar Power Project.
2	Mr Muhammad Sadeem NT Orhi	Services placed at the disposal of Commissioner Hazara Division	Tehsildar of District Orhi. The vacant post has been assigned to him on charge of Tehsildar District Orhi.
3	Mr Qamar Zia Malik	Tehsildar Khanpur	Tehsildar Khanpur
4	Mr Bilal Ahmed NT Khanpur	Services placed at the disposal of Commissioner Hazara Division	Tehsildar Khanpur. Vacant S No 3
5	Mr Faraz ur Rehman NT DHPP Kohistan	Services placed at the disposal of Commissioner Hazara Division	Tehsildar Acquisition Assessment Unit DHPP, Kohistan. The vacant post against the vacant post.
6	Mr Raja Tasawar	Tehsildar Torghar	Tehsildar Torghar
7	Mr Javed	Tehsildar Tanaw	Tehsildar Tanaw
8	Mr Mubarak Ahmed Kanun	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar District Kohistan. The vacant post against the vacant post.
9	Mr Jamroz Khan	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar District Kohistan. The vacant post against the vacant post.
10	Mr Zakir Rehman Kanun	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar District Kohistan. The vacant post against the vacant post.
11	Mr. Gul Shezad	Naib Tehsildar Battagram	Naib Tehsildar Battagram. The vacant post against the vacant post.

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12	Mr. Anwar Zeb Kanungo	Services placed at the disposal of Commissioner Hazara Division	Noib Tehsildar (OPS) Barabul Manshra
13	Mr. Syed Sabir Hussain Shah Kanungo	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar (OPS) Manshra
14	Mr. Shoukat Hussain Shah Kanungo	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar (OPS) Judba Torghar He is assigned the additional charge of Naib Tehsildar Kandar Hassanzai Torghar
15	Mr. Niaz Muhammad Kanungo	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar (OPS) Lower Tanawal against the vacant post
16	Mr. Khurshid Alam Kanungo	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar (OPS) Dassu, Kohistan Upper against the vacant post
17	Mr. Dildar Khan	Naib Tehsildar Kandar Hassanzai Torghar	Naib Tehsildar Lower Abbottabad against the vacant post

The additional charge of Tehsildar Pattan Kohistan Lower is assigned to Mr. Yar Muhammad DRA (BPS-14) serving in the office of Deputy Commissioner Kohistan Lower.

So  
Commissioner  
Hazara Division, Abbottabad

Endst: Even No & Date:

Copy forwarded for information to.

1. PS to Senior Member Board of Revenue, Government of Kt Pakhtunkhwa, Peshawar.

Hazara Division



OFFICE OF THE  
COMMISSIONER PESHAWAR DIVISION  
PESHAWAR

No: 6/7/EA/2018/1/  
Dated: 07.09.2018

11576-86

**OFFICE ORDER**

The following posting / transfer amongst Naib Tehsildars are hereby ordered with immediate effect in the public interest.

S.#	Name of Officials	From	To
1.	Mr. Muhammad Saeed Khan Naib Tehsildar (BPS-14)	Waiting for posting in this office	Naib Tehsildar Canal Irrigation Shabqadar
2.	Mr. Muhammad Nadeem Kanungo (BPS-11)	Waiting for posting in this office	Naib Tehsildar Mohmand Circle Peshawar (OPS)
3.	Mr. Saeedullah Khan Kanungo (BPS-11)	Waiting for posting in this office	Naib Tehsildar Charsadda (OPS)
4.	Mr. Gohar Ali Khan Kanungo (BPS-11)	Waiting for posting in this office	Naib Tehsildar Ekkaghund (OPS)
5.	Mr. Muhammad Hamayun Kanungo (BPS-11)	Waiting for posting in this office	Naib Tehsildar Acquisition Peshawar (OPS)
6.	Mr. Abdul Jabbar Kanungo (BPS-11)	Waiting for posting in this office	Naib Tehsildar Ambar Mohmand (OPS)
7.	Mr. Kifayatullah Naib Tehsildar (BPS-14)	Naib Tehsildar under transfer	Naib Tehsildar FR Peshawar
8.	Mr. Riaz Ul Haq Naib Tehsildar (BPS-14)	Naib Tehsildar FR Peshawar	Naib Tehsildar Bara

-Sd-

COMMISSIONER  
PESHAWAR DIVISION PESHAWAR

No: 6/7/EA/2018/1/11576-86

Copy forwarded to:

1. Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa.
3. Deputy Commissioners Peshawar, Charsadda & Nowshera.
4. Deputy Commissioners Khyber & Mohmand.
5. PS to Chief Secretary, Govt. of Khyber Pakhtunkhwa.
6. PS to Additional Chief Secretary FATA.
7. PS to Commissioner Peshawar Division.
8. Officials concerned for compliance.

(SALEEM JAN MARWAT)  
ASSISTANT TO COMMISSIONER (REV/GA)  
PESHAWAR DIVISION PESHAWAR

**TENTATIVE SENIORITY LIST OF ASSISTANTS (BPS-16) AS STOOD ON 31-12-2013**

ANNEX 1 (G.P.)  
(27)

S.No.	Name of Official	Date of Birth	Qualification	Date of First entry into Govt: Service	Date of Promotion / Appointment against the present post	Method of Recruitment	Present Place of Posting	Remarks
1	Gulibaz Khan	25-03-1958	B.A	24-03-1983	08/11/1986	By Promotion	PA Office Orakzai Agency.	-
2	Mr.Fiaz Ahmed Qureshi	12.04.1962	BA	15.08.1982	20/07/1988	Direct	DC Abbottabad	-
3	Mr. Abdul Muqsit	20/01/1965	M.A	28/08/1988	28/8/1988	-	DC, Mardan	-
4	Mr. Sardar Ali	07/06/1960	BA	28/8/1988	28/8/1988	-	DC, Mardan	-
5	Mr. Jehan Said	01/11/1964	M.Com	28/8/1988	28/8/1988	-	EDO(F&P)Mdn	-
6	Mr. Sajjad Ahmed	05/01/1965	BA	10/02/1988	10/02/1988	-	DC, Mdn	-
7	Lal Sherin	01/09/1962	M.A	01/07/1982	16/10/1989	Direct	Appointed as Superintendent (BPS-16) on Acting Charge Basis.	-
8	Mr. Tariq Khan	04/04/1965	BA	28/11/1989	28/11/1989	-	DC, Mardan	-
9	Mr. Zahid Kanai	18.05.1964	B.A	01.03.1990	03/01/1990	Direct	Commissioner Peshawar Office	Opted to forgo promotion Superintendent
10	Qadirullah	03/09/1962	M.A	23/01/1983	21/03/1990	Promotee	Appointed as Superintendent (BPS-16) on Acting Charge Basis.	-
11	Dil Rehman	10/01/1963	M.A	16/06/1983	21/03/1990	Promotee	DC Office Kohat	-
12	Mr.Habib Ahmed Jan	01.03.1963	M.A	02.07.1987	06/01/1990	Direct	DC, Swat	-
13	Mr. Zahid Hussain	13.03.1957	BA	09.12.1978	09/01/1990	Promotee	DC Mansehra	-
14	Mr.Tahir Ashraf	24.01.1970	MA	28.02.1988	11/01/1990	Direct	DC Abbottabad	-
15	Mr. Arshad Mehmood	04.02.1967	MSC/LLB	17.09.1991	17/9/1991	Direct	DC Haripur	-
16	Mr. Hasrat Khan	15.04.1968	BA	17.09.1991	17/9/1991	Direct	DC Haripur	-
17	Mr. Sajjad Haider	19.05.1965	MA	17.09.1991	18/9/1991	Direct	DC Haripur	-

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S.No.	Name of Official	Date of Birth	Qualification	Date of First entry into Govt: Service	Date of Promotion / Appointment against the present post	Method of Recruitment	Present Place of Posting	Remarks
18	Naimatullah	22/09/1965	B.A.	01/09/1992	09/01/1992	-	DC Office, Lakki Marwat	The official is working as Naib Tehsildar in his own pay and scale
19	Mr. Taswar Khan	15.04.1968	BA	05.03.1992	03/05/1992	Direct	DC Office Haripur	-
20	Mr. Walidad	06.10.1955	BA	30.06.1977	12/05/1992	Promotee	F & P Abbottabad	-
21	Kifayatullah	06/03/1956	Matric	18/10/1974	24/06/1992	Promotee	DC Office Karak	-
22	Bashir Ullah Khan	13/09/1969	M.A.	12/09/1992	09/12/1992	Direct	DC Office, Bannu	-
23	Farman Ullah	03/03/1969	M.A.	14/09/1992	14/09/1992	-	DC Office, Lakki Marwat	-
24	Muhammad Zaman	01/04/1968	B.A.	25/10/1992	25/10/1992	-	DC Office, Bannu	-
25	Ishaq Ali Khan	14/10/1963	B.A.	13/9/1992	13/9/1992	-	DC Office, Bannu	-
26	Muhammad Nawaz	25-12-1961	M.A	10/09/1980	27/12/1992	By promotion	DC Office Karak.	-
27	Mr. Sajjad Ahmad	18.01.1957	Matric	01.10.1977	10/07/1993	Promotee	DC Abbottabad	-
28	Khan Zada	10/02/1957	B.A	04/01/1977	07/09/1993	Promotee	DC Office Karak	-
29	Umar Farooq Qureshi	30-03-1959	B.A	01/08/1982	21/09/1993	Promotee	DC Office Kohat	-
30	Mr. Farooq Shah	01/04/1961	BA	12/01/1984	30/09/1993	-	EDO (F&P) Mdn	-
31	Mr. Mushtaq Ali	08/03/1967	BA	01/02/1984	30/09/1993	-	DC, Swabi	-
32	Mr. Sattar Muhammad Khan	19.02.1960	MA	22.11.1980	01/12/1993	-	DC Kohistan	-
33	Mr. Saifoor Khan	11/05/1963	Matric	16/9/1982	01/03/1994	-	DC, Mardan	-
34	Imtiaz Ahmad	03/01/1963	M.A	01/08/1982	29/05/1995	-	DC Office Karak	-
35	Mr. Shamas Gul	15/3/1966	D.Com	28/8/1988	30/05/1995	-	EDO F & P Mardan	-
36	Abbas Khan	08/04/1956	B.A.	07/04/1974	30/07/1995	-	DC Office, Lakki	-
37	Inayat Hussain	18-03-1955	F.A	12/05/1979	31/3/1996	-	PA Office Kurram Agency.	-
38	Mr. Muhammad Javed	17.03.1956	Matric	20.09.1974	01/05/1996	-	DC A. Abad	-
39	Mr. Gulbadshah	12.05.1956	Matric	03.08.1977	05/07/1996	-	Dir (L)-	-
40	Mr. Jamil Hussain Shah	08.03.1967	F.A	05.03.1985	17/07/1996	-	DC Battagram	-
41	Mr. Dildar Ali Shah	12.02.1961	Matric	22.11.1980	17/07/1996	-	DC Battagram	-
42	Mr. Saeed Ahmad	31.12.1959	BA	24.01.1983	08/05/1996	-	DC Haripur	-
43	Saeed Akhtar Paracha	01/02/1967	F.A	05/03/1986	16/11/1996	-	DC Office Kohat.	-



S.No.	Name of Official	Date of Birth	Qualification	Date of First entry into Govt: Service	Date of Promotion / Appointment against the present post	Method of Recruitment	Present Place of Posting	Remarks
256	Mr. Fayaz Ali	Peshawar / 08.07.1982	M.Sc (Comp Sc)	01.09.2008	01/09/2008	Direct	APA FR Peshawar	
257	Mr. Zardad Khan	Peshawar / 22.03.1984	M.Com	01.09.2008	01/09/2008	Direct	DC Peshawar	
258	Mr. Tariq Mehmood	04.05.1966	FA	01.07.1984	05/09/2008	Promotee	DC Abbottabad	
259	Mr. Sahib Zada	28/2/1968	FA	20/9/2008	20/09/2008	-	DC, Swabi	
260	Abid Nawaz Khan	20/02/1979	M.SC, M.A.	27/09/2008	27/09/2008	-	Commissioner Office, Bannu	Working as Superintendent in his own pay and scale in Commissioner Office, Bannu Division.
261	Naseem Ullah Shah	13/08/1982	M.Sc.	27/09/2008	27/09/2008	-	Commissioner Office, Bannu	-
262	Amjad Imran	20/05/1984	M.Sc.	27/09/2008	27/09/2008	-	Commissioner Office, Bannu	-
263	Zahid Ali Khan	11/03/1985	M.Sc.	27/09/2008	27/09/2008	-	Commissioner Office, Bannu	-
264	Khushdil Khan	03/05/1985	B.A	30/09/2008	30/09/2008	Direct	EDO (F&P) Office Tank	-
265	Mr. Irfanullah Shams	Charsadda / 16.01.1979	B.A	15.11.2008	15/11/2008	Direct	EDO F&P Deptt Charsadda	-
266	Mr. MuhamM.Ad Ali	10/01/1955	BA	16/12/2008	16/12/2008	-	Commissioner Office, M.Ardan	-
267	MianFazli Hamid	10.02.1963	F.A	26.10.1982	29/12/2008	Promotee	Malakand	-
268	Mr. Ahmad Iqbal	01.01.1957	F.A	23.05.1979	29/12/2008	Promotee	Swat	-
269	Syed JavedIqbal	26.05.1972	BA,LLB	06.06.1994	29/12/2008	Direct	Swat	-
270	Mr.Asghar Ali Khan	10.04.1978	MBA (HRM), M.A (IR)	29.12.2008	29/12/2008	Direct	Swat	-
271	Mr.MehboobNadeem	02.03.1980	M.A	29.12.2008	29/12/2008	Direct	Swat	-
272	Abdur Rashid	12/09/1958	B.A.	01/09/1980	01/01/2009	-	DC Office, Lakki	-
273	Mr. Khalid Hameed	Peshawar / 01.02.1981	M.A	02.01.2009	05/01/2009	Direct	Commissioner Peshawar Office	-

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Seniority

S.No.	Name of Official	Date of Birth	Qualification	Date of First entry into Govt. Service	Date of Promotion / Appointment against the present post	Method of Recruitment	Present Place of Posting	Remarks
310	Mr. Rahim Shah.	Khyber Agency 13.01.1969	B.A.	03.09.1990.	30/05/2009	Promotee/regular	Board of Revenue	-
311	Mr. Aftab Ahmad.	Peshawar 01.03.1967	B.A.	01.07.1990.	30/05/2009	Promotee/regular	Board of Revenue	-
312	Mr. Muhammad Ayaz.	Mardan 20.02 1983	B.A.	30.04.2009.	30/04/2009	Direct/Regular. (Appointed under deceased son queta.)	Board of Revenue	✓ Feb
313	Syed MustaF.A Shah	29/7/1983	MBA/LLB	29/6/2009	29/06/2009	-	-do-	-
314	Mr. Javed Inam Khan	04/12/1984	BCS	29/6/2009	29/06/2009	-	-do-	-
315	Mr. AshF.Aq Ur RahM.An	24/3/1978	MA	30/6/2009	30/06/2009	-	-do-	-
316	Mr. MuhamM.Ad Uzair	03/01/1980	MA	30/6/2009	30/06/2009	-	-do-	-
317	Mr. Shahid M.Ahmoed	10/01/1980	BA	30/6/2009	30/06/2009	-	-do-	-
318	Mr. Muhammad Babar	26.05.1983	MA	18.06.2007	30/06/2009	Direct	CHD Abbottabad	-
319	Mr. Shabbir Malik	06.12.1979	BA	30.06.2009	30/06/2009	Direct	CHD Abbottabad	-
320	Mr. Muhammad Rasheed	13.04.1964	Matric	30.06.1988	30/06/2009	promotee	CHD Abbottabad	-
321	Mr. Said Muhmmad	06.05.1983	BA	20.05.2009	01/07/2009	Direct	DCBattagram	-
322	Mr. Abdur Rehman	Peshawar / 18.12.1982	B.A	04.07.2009	04/07/2009	Direct	Commissioner Peshawar Office	-
323	Muhammad Muzamil Shah	22/05/1984	MA	11/07/2009	11/07/2009	Direct	DOR Office DIKhan	-
324	Mr. Awais Ahmed	02.01.1982	MSC	11.07.2009	16/07/2009	Direct	CHD Abbottabad	-
325	Mr. Imran Khan	Peshawar / 07.05.1983	B.Sc	04.07.2009	21/07/2009	Direct	Commissioner Peshawar Office	-
326	S. Tayyab Hussain Shah	22.08.1959	BA	22.03.1980	10/09/2009	Promotee	DC Abbottabad	-
327	Mr. MuhamM.Ad Muazam Ali	04/06/1981	BA	17/9/2009	17/09/2009	-	-do-	-
328	Muhammad Amin	05-06-1959 Distt: Hangu	F.A	10/08/1980	21/10/2009	By promotion	DC Office Hangu	-

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No.	Name of Official	Date of Birth	Qualification	Date of First entry into Govt: Service	Date of Promotion / Appointment against the present post	Method of Recruitment	Present Place of Posting	Remarks
408	Mr. Muhammad Iqbal-II	15.03.1960	B.A	04.04.1985	08/06/2011	Promotee	Swat	-
409	Mr. Abdul Ghafoor	02.01.1957	M.A,B.Ed	09.04.1985	08/06/2011	Promotee	Swat	-
410	Mr. Fazal Muhammad	07.03.1961	B.A, LLB	05.03.1981	08/06/2011	Promotee	Swat	-
411	Mr.Sadiq Akbar	08.12.1960	B.A, LLB	20.01.1986	08/06/2011	Promotee	Swat	-
412	Mr.Sherin	09.09.1959	B.A	11.03.1986	08/06/2011	Promotee	Swat	-
413	Mr. Ismail	03.12.1962	B.A	11.03.1986	08/06/2011	Promotee	Swat	-
414	Mr.Javid	03.01.1966	F.A	11.03.1986	08/06/2011	Promotee	Swat	-
415	Mr.Attaulah Shah	14.04.1966	F.A	23.11.1986	08/06/2011	Promotee	Swat	-
416	Liaqat Ali	21-03-1959 Orakzai Agency	Matric	02/12/1979	15/06/2011	Promotion	PA Office Orakzai Agency	-
417	Naseem Ahmed	15.01.1987	MA	03.09.2011	08/09/2011	Direct	DC Tor Ghar	-
418	Mr.Atif Rehman	30.11.1986	B/Com	20.09.2011	20/09/2011	Direct	DC Torghar	-
419	Suleman Mansoor	23/4/1986	BA	08/05/2009	07/10/2011	Direct	DOR Office DIKhan	-
420	Sadullah Khan	12/04/1960	M.A.	20/02/1980	04/11/2011	-	DC Office, Bannu	-
421	Umer Daraz Khan	01/10/1956	F.Sc	01/03/1980	04/11/2011	-	DC Office, Bannu	-
422	Hanaz Ali	09-03-1960 Distt: Hangu	B.A	23/10/1981	10/11/2011	Promotion	DC Office Hangu	-
423	Mr. Muhammad Saleem.	Malakand 26.06.1971	B.A.	01.07.1990	15/11/2011	Promotee/regular	Board of Revenue	Teh ✓
424	Mr. Muhammad Yausaf.	Mohmand Agency 12.04.1964	B.A.	22.04.1991	15/11/2011	Promotee/regular	Board of Revenue	Teh ✓
425	Mr. Muhammad Younas.	Malakand Agency 21.11.1972	F.A.	12.06.1991.	15/11/2011	Promotee/regular	Board of Revenue	-
426	Mr. Abdul Samad.	Peshawar 11.03.1964	Matric.	17.01.1983.	15/11/2011	Promotee/Regular	Board of Revenue	-

The Worthy Chief Secretary  
Myber Pahlitukhwa Peshwar

Subject: PARTIAL APPEAL AGAINST THE ORDERED  
REPLACEMENT OF THE APPELLANT'S  
17/08/2018 WHEREBY THE APPELLANT WAS  
REPLACED BY THE APPELLANT'S  
RESPECTED SON.

1. That the appellant is performing his duties as a  
Recovery Officer on current charge from 11/11/2017  
Altogether.

2. That the appellant is being subjected to per-  
secution on continuous basis and is not to be  
allowed to work as without observing the normal  
posting and transfer, the appellant is transferred and  
posted again and again.

3. That it is the case of appellant who had been initially  
transferred and posted wide order No.  
EST/17/Javed/2302/27, dated 24/10/2017 and lastly to  
the present place of posting vide order dated 20/12/2018  
(Copies of the transfer and posting orders are annexed as  
annexure "A & B").

4. That his was the background that yet another herein  
impugned notification Est: 1/P/130393-410 DATED  
17/08/2018 was illegally issued whereby the appellant was  
repatiated to his present department in an illegal  
discriminatory, void and unwarranted manner. (Copies of  
the impugned office order is annexed as annexure "C".

5. That before passing on the grounds of the instant appeal, it  
is pertinent to mention that the appellant holding the  
substantive pay scale of Assistant BPS-16 but having the  
ability and potential, otherwise eligible as well, have been  
transferred and posted as Tehsildar/Recovery Officer of  
CCB wherein his rights are protected and governed by Rule-  
9 of the Transfer Promotional and Appointment Rules 1989.  
(Copy of Rule 9 is annexed as an annexure "D").  
6. That besides the above the normal tenure of any transfer  
and posting order is 3 years while in the last one year more  
than 02 times the transfer orders of the appellant were  
issued which is against the fundamental rights and highly  
discriminatory in nature.

11/11/2017  
[Signature]

E. That posting and transferring any Civil Servant Government servant on current charge basis is a defined mechanism of service law and procedure as detailed in Est. Code while the accrued rights, accrued thereupon, are fully protected under the same code whose details are provided under rule 9 of Transfer, Promotion and Appointment Rules 1989. But here the situation is volte-face and the appellant is repatriated to parent

country.

D. That the normal tenure of transfer or posting of an officer has repeatedly been discussed by the appellant in a defined public interest but the same be allowed to be left in rate and exceptional circumstances.

Order is void and illegal.

It is noted that the appellant is a civil servant of the Government of India and is posted in the office of the appellant. The appellant is a civil servant of the Government of India and is posted in the office of the appellant. The appellant is a civil servant of the Government of India and is posted in the office of the appellant.

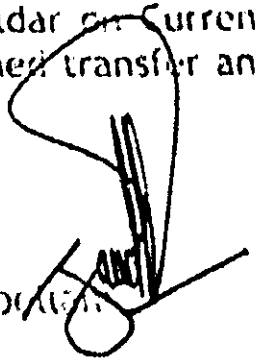
27

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- F. That the order of transfer and posting orders should be cancelled and the appellant should be considered for no wrong.
- G. That from every angle and perspective the impugned transfer and posting orders are illegal, discriminatory, void, unwarranted, vexatious, unlawful and liable to be cancelled and set aside.

It is, therefore, most humbly requested that on acceptance of the instant departmental appeal, the impugned order notification Estt. I/P.1/30393-430, DATED 17/08/2018 of the office of Senior Member Board of Revenue may graciously be cancelled and if the same is not feasible in the circumstances then the same impugned notification and office order may graciously be modified to the extent of the appellant and his name be strucked off / deleted from the list of transferred Tehsildar and be left at his place of serving / posting and even if the same is not feasible then the appellant be posted and transferred in the same capacity of Tehsildar on Current Charge basis likewise others of the same impugned transfer and posting orders.

Dated: 27/08/2018

Applicant  


ZARDAD KHAN,  
Tehsildar CCB



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
BOARD OF REVENUE,  
REVENUE & ESTATE DEPARTMENT.  
Facebook ID: [www.facebook.com/bor.kpk92](http://www.facebook.com/bor.kpk92)  
Twitter ID: [@RevenueBoardkp](https://twitter.com/RevenueBoardkp)  
Fax No: [091.9213989](tel:091.9213989)

Annex "F-1"  
229

No.Estt:I/PF/Zardad Khan/ 32225

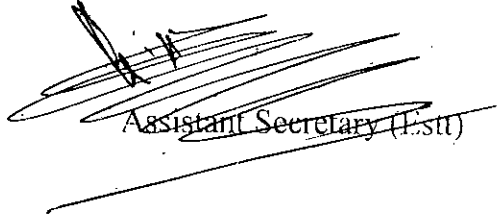
Peshawar dated the 14 /09/2018.




To

Mr. Zardad Khan,  
Assistant, Office of the Deputy Commissioner,  
Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION  
ESTT:I/PT/30393-430 DATED 17.08.2018 WHEREBY THE APPELLANT  
HAS ILLEGALI BEEN REPATRIATED TO PARENT DEPARTMENT.

Your Departmental appeal dated 27.08.2018 has been examined and rejected  
by appellate authority.

  
Assistant Secretary (Estt)

50	50131			
M. ADNAN SHAIKH ایڈووکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
2380-07-18 بار کونسل ایسوسی ایشن نمبر:				
0331-0334-321 رابطہ نمبر:				

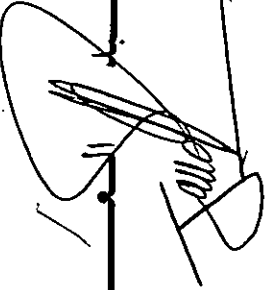
بعدالت جناب: سرور کونسل پشاور

مخاطب: ایبیراٹ	دعویٰ: کہل اہل
ذرداد خان	نمبر: 1202/2018
بنام	موضوع:
گورنمنٹ آف ایف ایف ایف	جرم:
	تھانہ:

**بابت تحریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام حیدرآباد کیلئے محمد عدنان حیدر کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے





المرقوم: \_\_\_\_\_  
 العبد \_\_\_\_\_  
 مقام: پشاور کے لیے منظور ہے۔



Zardad Khan Tehsildar / Recover Officer (CCB).

Service Appeal No. 1202/2018

**VERSUS**

Senior Member Board of Revenue and others.

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1,2&3.**

**RESPECTFULL SHEWETH.**

**PRELIMINARY OBJECTIONS.**

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


**ON FACTS.**

1. No comments. Pertains to record.
2. Incorrect. The appellant is basically Assistant of the office of Deputy Commissioner Peshawar who was posted as Tehsildar due to non-availability of regular Tehsildar for smooth running of official business. Consequent upon the Departmental Promotion Committee meetings, the newly promoted Tehsildars were placed on Revenue/Settlement Training and upon completion of the prescribed training, they have been posted out and the appellant has been repatriated to his original post and office. Posting of an official on Current Charge Basis does not create right of out of turn promotion, however his case will be placed before the Departmental Promotion Committee for promotion as Tehsildar as and when vacancies occur in his share on his own turn after fulfillment the required conditions. The question of observance of posting tenure does not arise.
3. Incorrect. As in para-2 above, the appellant is basically Assistant of the office of Deputy Commissioner Peshawar. His case for regular promotion as Tehsildar will be placed before the Departmental Promotion Committee for consideration on his own turn.
4. Incorrect. 16% quota has been reserved for promotion of Assistants of the offices of Commissioners and Deputy Commissioners, while 4% quota has been reserved for promotion of Assistants of Board of Revenue to the post of Tehsildar on the basis of their seniority.
5. Correct to the extent that Departmental Appeal of the appellant has been rejected by the appellate authority.
6. The appellant has got no cause of action to file instant appeal

**GROUND.**

- I. Incorrect. Order dated 17.08.2018 is fair just and according to law.
- II. As in "I" above.
- III. Incorrect. All (CCB) Tehsildars / Naib Tehsildars have been repatriated to their parent offices.
- IV. Incorrect. No discrimination has been done with the appellant.
- V. Incorrect. As in para-2 & 3 of the facts.
- VI. As in para-2 & 3 of the facts.
- VII. Incorrect. Posting / transfer is part of service and can any time be made by the Competent Authority.
- VIII. No comments. Pertains to record.
- IX. Incorrect. As stated above. The appellant is basically Assistant of the office of Deputy Commissioner Peshawar and not regular Tehsildar, therefore, the question of tenure of posting does not arise.
- X. As in para-I above.
- XI. Incorrect. No violation of Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973 has been committed.
- XII. The respondent will also seek permission to submit additional grounds at the time of arguments.

Keeping in view of the above the appeal having no legal grounds may be dismissed please.

  
(Respondent No. 1, 2 & 3)