

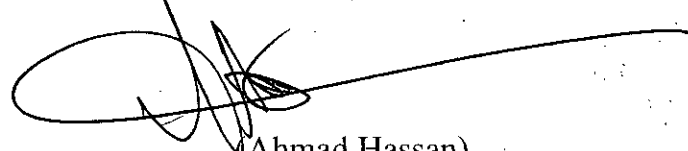
Order

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

01.10.2018

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Attaullah, Assistant Secretary for the respondents present. Replication on stay application as well as written reply on main appeal not submitted. Learned Additional AG requested for time to file the same. Adjourned. To come up for replication on stay application as well as written reply on main appeal on 04.10.2018 before S.B.

MA
(Muhammad Amin Khan Kundi)
Member

04.10.2018

MA
Appellant alongwith his counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary for the respondents present. Replication on stay application as well as written reply on main appeal not submitted. Learned Deputy District Attorney for the respondents requested for further time to file the same. Adjourned. To come up for replication on stay application as well as written reply on main appeal on 25.10.2018 before S.B. In the meanwhile status-quo be maintained till the date fixed.

MA
(Muhammad Amin Khan Kundi)
Member

25-10-18

Due to retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same

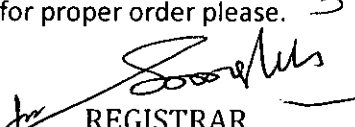

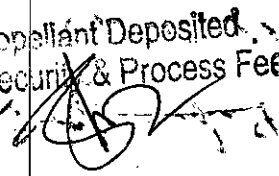
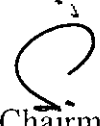
on 21-11-2018

Rebdir

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1114/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/09/2018	<p>The appeal of Mr. Asad Umair presented today by Mr. Javed Iqbal Gulbela 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;"> REGISTRAR</p>
2-	7-9-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10-9-18</u>.</p> <p style="text-align: right;"> MEMBER</p>
10.09.2018	<p>Appellant Deposited Security & Process Fee</p> <p></p>	<p>Appellant Asad Umair in person alongwith his counsel Mr. Javed Iqbal Gulbela, Advocate present and heard in limine.</p> <p>Contends that the appellant has been transferred frequently without any justification.</p> <p>Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 01.10.2018 before S.B. Notice of stay application be also issued to the respondents for the date fixed.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 1114 /2018

Asad Umair Tehsildar/Recovery Officer

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and
Others


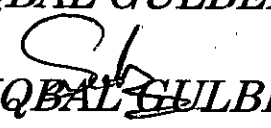
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Dated: 07/09/2018


Appellant

Through


JAVED IQBAL GULBELA
&

SAGHIR IQBAL GULBELA
Advocate High Court
Peshawar.

Off Add: 9-10A Al-Nimrah Centre, Govt College Chowk Peshawar

(7)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1411

Dated 07/9/2018

In Re S.A. 1114 /2018

Asad Umair Tehsildar/Recovery Officer PESCO
Peshawar circle.

-----*(Appellant)*

VERSUS

1. Chief Secretary Khyber Pakhtunkhwa Peshawar R/o Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Board of revenue Khyber Pakhtunkhwa through Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
3. Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
4. Commissioner Peshawar Division Peshawar.

-----*(Respondents)*

**SERVICE APPEAL U/S 04 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE IMPUGNED OFFICE
ORDER NO. 30344, DATED: 17/08/2018 OF
THE OFFICE OF THE SENIOR MEMBER
BOARD OF REVENUE, KHYBER
PAKHTUNKHWA PESHAWAR WHEREBY
THE DEPARTMENTAL APPEAL OF THE
APPELLANT AGAINST THE IMPUGNE
NOTIFICATION NO. 27057 DATED 09/07/20
WAS DISMISSED IN A CLASSICAL
CURSORY MANNER**

Filed to-day
07/09/2018
Registrar

Respectfully Shewch

1. That the Appellant is performing his
as Tehsildar on Current Charge
(P) in PESCO.

(2)

That the Appellant is being subject to persistent acts of discrimination on continuous basis and turned to be into shuttle cocks as without observing the normal tenures of posting and transfer, the Appellant is transferred and posted again and again.

3. That this was the background that yet another, herein impugned Notification No. Estt.:I/P/T/27057 dated 09/07/2018, impugned office order NO. Estt.:I/P/T/27078 dated 09/07/2018 and notification dated 17/08/2018 were illegally issued whereby the Appellant were repatriated to his parent office in an illegal, discriminatory, void, and unwarranted manner. (Copies of the impugned office order dated 09/07/2018 is annexed as annexure "A to C")

4. That before passing on to the grounds of the instant Petition, it is pertinent to mention that the Appellant is holding the substantive pay scale of Assistants (BPS-16), but having the ability and potential otherwise eligible as well, have been transferred and posted as Tehsildar Current Charge Basis (CCB), wherein rights is protected and governed by Ru

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of the Transfer, Promotion and Appointment Rules 1989. (Copy of the rule 9 is annexed as annexure "D")

5. That besides the above the normal tenure of any transfer and posting order in 3 years while in the last one year, more than 04 times the transfer orders of the Appellant were issued which is against the fundamental rights and highly discriminatory in nature.
6. That feeling aggrieved the appellant preferred departmental appeal but that was dismissed even without any reason and without speaking order. (Copy of the departmental appeal and order is annexed as annexure "E & F")
7. That the Appellant was repatriated to his parent office while the favoritities and blue eyed were simply transferred and posted to other field duties at the same time in sheer discrimination.
8. That feeling aggrieved and having no other expeditious remedy available, the Appellant approached this Hon'ble Tribunal for recognition, enforcement and acknowledgment of their fundamental

(2)

rights upon the following grounds inter alia:-

GROUND:

- A. That the Appellant is a naturally born bonafide citizens of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws of the land and discrimination alongwith unfettered exercise of discriminatory powers by an authority or office is always been deplored, deprecated and depreciated by superior Courts of the land.
- B. That persistent orders of transfer and posting of any Civil Servant/Government servant is always hazardous and injurious to the Potential and capabilities of the such civil servant /Government servant and has always been depreciated and discouraged by the Superior Courts, being always held as violation to fundamental rights and not solely to the service rights.
- C. That the impugned transfer and posting orders is highly discriminatory ones and at

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the same time the repatriating of the Appellant to his parent department without any rem and reason and without observing the law on subject while all the blue eyed ones were posted and transferred to their favourite places of posting and were left in field is highly discriminatory and void and amount to falling of the bolt from the blue upon the Appellant.

D. That such reshuffling on such higher scale and that too whom infested with malicious intentions, at this moment when the General Elections is to be highly held in nigh future give rise to many questions as the removed of officials at the helm of powers having influential characters which can be availed by candidates of election campaign and for whose appeasement this reshuffling at this crucial moment of this higher scale has been carried is unwarranted and void.

E. That without going in to minute details it would be suffice to mention here that persons who is holding same positions of responsibility on Current Charge Basis to other field offices instead of repatriating all the officials working on CCB to the parent department and thus only the Appellant were subject to unfettered discrimination and even

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only on this score both the impugned office orders is void and illegal.

F. That the normal tenure of transfer and posting can only be allowed to be left in are and exceptional cases and that to in a defined public interest. But here the Appellant have repeatedly been transferred, transferred and transferred for no reasons, which is certainly not a good omen.

G. That posting and transferring any Civil Servant/Government Servant on Current Charge Basis is a defined mechanism of service laws and a procedure is detailed in Esta Code while the accrued rights, accrued thereupon, is fully protected under the same code whose details is provided under rule 9 of Transfer, Promotion and Appointment Rules of 1989. But here the situation is volte-face and the Appellant is repatriated to parent department without any justification and the same tantamount to violation of not only service laws but as well as fundamental law.

H. That no one can be condemned unheard, nor anyone can be condemned for no wrong.

I. That from every angle and perspective the impugned transfer and posting orders is

②

illegal, discriminatory, void, unwarranted, vexatious, unlawful and is liable to be cancelled and set aside.

J. That even the appellant authority dismissed the departmental appeal and that too without any speaking order and cogent reasons.

K. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned notification NO. Estt-I/P/T/27057 dated 09/07/2018 and of the office of Senior Member Board of Revenue may graciously be cancelled and set aside 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 names be struck off/ deleted from the list of transferred Tehsildar and be left at their places 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/Notification.

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*Any other relief not specifically asked for
may also graciously be extended in favour of
the Appellant in the circumstances of the
case.*

Dated: 07/09/2018

As ady
Appellant

Through

Javed Iqbal Gulbela
JAVED IQBAL GULBELA
&
Saghir Iqbal Gulbela
SAGHIR IQBAL GULBELA
Advocate High Court
Peshawar.

NOTE:-

The appellant had initially filed writ petition before the August High Court Peshawar as but that was withdrawn to file the instant appeal before this Hon'ble Tribunals.

Javed Iqbal Gulbela
Advocate.

9

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Re S.A _____/2018

Asad Umair Tehsildar/Recovery Officer

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and
Others.

AFFIDAVIT

I, Asad Umair Tehsildar/Recovery Officer PESCO Peshawar circle, do hereby solemnly affirm and declare that all the contents of the accompanied appeal is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Asad Umair

DEPONENT

Identified By
Javed Iqbal Gulbela
Advocate High Court
Peshawar.



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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Asad Umair Tehsildar/Recovery Officer

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and
Others

ADDRESSES OF PARTIES

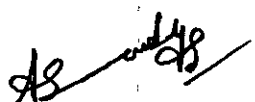
APPELLANT.

Asad Umair Tehsildar/Recovery Officer PESCO
Peshawar circle.

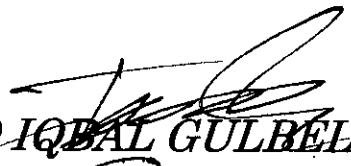

RESPONDENTS:

1. Chief Secretary Khyber Pakhtunkhwa Peshawar R/o
Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Board of revenue Khyber Pakhtunkhwa through
Senior Member Board of Revenue Khyber
Pakhtunkhwa Peshawar.
3. Senior Member Board of Revenue Khyber
Pakhtunkhwa Peshawar.
4. Commissioner Peshawar Division Peshawar.

Dated: 07/09/2018


Appellant

Through


JAVED IQBAL GULBELA
&

SAGHIR IQBAL GULBELA
Advocate High Court
Peshawar.

(11)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re C.M No# _____ / 2018

In Re S.A _____ /2018

Asad Umair Tehsildar/Recovery Officer

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and
Others

**APPLICATION FOR SUSPENSION OF
THE IMPUGNED OFFICE ORDER NO.
30341, DATED: 17/08/2018 OF THE
OFFICE OF THE SENIOR MEMBER
BOARD OF REVENUE, KHYBER
PAKHTUNKHWA PESHAWAR WHEREBY
THE DEPARTMENTAL APPEAL OF THE
APPELLANT AGAINST THE IMPUGNED
NOTIFICATION NO. 27057 DATED
09/07/2018 WAS DISMISSED.**

RESPECTFULLY SHEWETH,

1. That the petitioner is filing the accompanying appeal, the contents of which may graciously be considered as integral part and parcel of the instant petition.
2. That prima facie case exist in favour of the Petitioner.
3. That if the impugned notification as mentioned above is not suspended the Petitioner will suffer irreparable loss.

(12)

4. That balance of convenience is also lies in favor of Petitioner and his quite sanguine of his success.

5. That in the given circumstances the suspension of operation of the impugned notifications are indispensable.

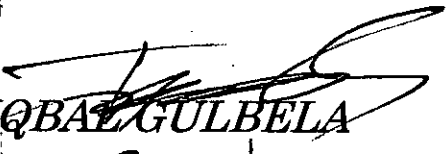
It is, therefore, most humbly prayed that on acceptance of the instant petition the operation of the impugned notification for as mentioned above may kindly be suspended till the final disposal of the accompanying appeal.

Any other relief not specifically asked for may also graciously be extended in favour of the petitioner in the circumstances of the case.

Dated: 07/09/2018


Appellant

Through


JAVED IQBAL GULBELA
&
SAGHIR IQBAL GULBELA
Advocates High Court
Peshawar

(13)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re C.M No# _____ / 2018

In Re S.A _____ /2018

Asad Umair Tehsildar/Recovery Officer

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and
Others

AFFIDAVIT

I, Asad Umair Tehsildar/Recovery Officer PESCO Peshawar circle, do hereby solemnly affirm and declare that the contents of the Instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Asad Umair

DEPONENT

Identified By:

JAVED IQBAL GULBELA
Advocate High Court Peshawar



14
 GOVERNMENT OF KHYBER PAKHTUNKHWA
 BOARD OF REVENUE
 REVENUE & ESTATE DEPARTMENT

Peshawar dated the 09/07/2018

NOTIFICATION

In pursuance to the concurrence of the Election Commission of Pakistan conveyed through letter No. F.2(18)2018-Cord., dated 05.07.2018, the Competent Authority is pleased to order the posting / transfer amongst the following Tehsildars with immediate effect and in public interest:-

S.No	Name of Tehsildar	From	To
1.	Mr. Irshad Ali	Inspector Peshawar	Tehsildar Charsadda
2.	Mr. Muhammad Iqbal	Tehsildar Charsadda	Inspector Stamps Peshawar
3.	Mr. Muhammad Miraj	Tehsildar Shabqadar	Tehsildar Pabbi.
4.	Mr. Aftab Ahmad	Awaiting for posting in Commissioner Office Peshawar	Tehsildar Tangi
5.	Mr. Younas Khan	Awaiting posting in Commissioner Office Peshawar	Tehsildar Chamarkand
6.	Mr. Imran Zaman	Upon completion of training	Reader to SMBR
7.	Mr. Karim Gul	Reader to MBR-I	Repatriated to his parent office
8.	Mr. Nimatullah	Upon completion of training	Reader to MBR-I
9.	Mr. Asad Umair	RO PESCO (CCB) Peshawar Circle	Repatriated to his parent office
10.	Mr. AbdurRaman	RO PESCO (CCB) Khyber Circle	Repatriated to his parent office
11.	Mr. Sahib Zada	Awaiting posting in BOR. (CCB)	RO PESCO Khyber Circle
12.	Mr. Azmat Ali	Tehsildar Reconciliation Peshawar	Repatriated to his parent office
13.	Mr. Khalid Mansoor	Upon completion of training	Tehsildar Reconciliation Peshawar
14.	Mr. Muhammad Dawood (DK)	NT Land Acquisition Collector Charsadda	Settlement Tehsildar (OPS) Nowshera
15.	Mr. Sultan Hadir	Tehsildar Tangi	Tehsildar Balambat
16.	Mr. Muhammad Shafiq	Tehsildar Takhat Bhal	Tehsildar Mardan against vacant post
17.	Mr. Dil Nawaz	Awaiting for posting	Tehsildar Takhat Bhal
18.	Mr. Abdul Qayum	Inspector Stamps Mardan	Tehsildar Lahor
19.	Mr. Nawab Gul	Tehsildar (CCB) Lahor	Political Naib Tehsildar-II Upper Kurrum
20.	Mr. Said Rehman	Tehsildar Top.	Tehsildar Katlang
21.	Mr. Mustafa Shah Assistant	Tehsildar (CCB) Rustum	Repatriated to his parent office
22.	Mr. Salfur-Rehman Assistant	Tehsildar (CCB) Swabi	Repatriated to his parent office
23.	Mr. Waheed Ullah	Tehsildar Katlang	Tehsildar Swabi

JAVED IQBAL Gul Bela
 Daudzai Law Chamber
 Advocate High Court Peshawar
 Mob: 0345-8405301

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24.	Mr. Muhammad Hayrat	Upon completion of training	Tehsildar / Inspector Stamp Mardan.
25.	Mr. SherDil	Tehsildar (CCB) Alpur	Tehsildar Battagram against the vacant post.
26.	Mr. Anjid Inuran	Tehsildar (CCB) Manshira	Repatriated to his parent office
27.	Mr. Arshad Memon	Upon completion of training	Tehsildar Manshira
28.	Mr. Habibzad-Din	Tehsildar Lower Tanwal	TOSD Board of Revenue
29.	Mr. Qamar Zia Malik	Tehsildar DaffaPakhal	Tehsildar Khanpur.
30.	Mr. Javed	Tehsildar Havilain	Tehsildar Lower Tanwal
31.	Mr. Afsar Khan	Tehsildar Khanpur	Tehsildar Ailal, Battagram
32.	Mr. Saadat Hussain Assistant	Tehsildar (CCB) Ailal Battagram	Repatriated to his parent office
33.	Mr. Ijazadood	Awaiting posting	Tehsildar (OPS) Abbottabad.
34.	Mr. Faraz Ahmad Qurishi	Tehsildar Oghi	Tehsildar Lora
35.	Mr. Raja Tawswar	Upon completion of training	Tehsildar Judba Torghar
36.	Mr. Muhammad Rehman, Assistant	Tehsildar (CCB) Chakesar Shangla	Repatriated to his parent office
37.	Syed Asif Iqbal	Tehsildar Dir Upper	Inspector Stamps Swat.
38.	Mr. Rehman Ullah Assistant	Tehsildar WariDir Upper	Repatriated to his parent office
39.	Mr. Usar Khatib	Tehsildar Mandanr	Tehsildar Matta Swat
40.	Mr. Ishraq Ahmad	Tehsildar Matta Swat	Tehsildar Babuzai against the vacant post
41.	Mr. Munawar Shah	Tehsildar Khadukhel	Tehsildar Khwazakhela
42.	Mr. Afzal Khan	Tehsildar Khwazakhela	Tehsildar Mandanr
43.	Mr. Humatullah	Tehsildar Kabal	Tehsildar WariDir Upper
44.	Mr. Muhammad Jawad	Tehsildar Barikot	Tehsildar Chakesar Shangla
45.	Mr. Abdul Qayum	Tehsildar (CCB) Behrain	Tehsildar Barawal (OPS) Dir Upper against the vacant post
46.	Mr. Shah Nawaz	Tehsildar Chitral	Tehsildar Batkhela
47.	Mr. Noor-ud-din	Tehsildar (CCB) Mulko Chitral	Repatriated to his parent office
48.	Mr. Shakir Ullah	Tehsildar Khall	Tehsildar Chitral
49.	Mr. Bakhtiar Ahmad	Awaiting posting	Tehsildar Alpur
50.	Mr. Saif Manan Assistant	Tehsildar (CCB) Balambal	Repatriated to his parent office
51.	Mr. Muhammad Ghulran Kanungo	Tehsildar (CCB) LalQilla	Repatriated to his parent office
52.	Mr. Muhammad Hays	Tehsildar Adenzl	Tehsildar Khadukhel
53.	Mr. Shah Jehan Assistant	Tehsildar (CCB) Batkhela	Repatriated to his parent office
54.	Mr. Sher Ali	Inspector Stamps Swat	Tehsildar Kabal
55.	Mr. Azam Khattak	Tehsildar Jehangera	Tehsildar Mulko Chitral
56.	Mr. Amir Nawaz	Awaiting posting in co	Tehsildar LalQila

21/1/12

JAVED IQBAL Gulzela
 Daudzai Law Chamber
 Advocate High Court Peshawar
 Mob: 0345-8405501

JAVED IQBAL, Gulzela
 Daudzai Law Chamber
 Advocate High Court Peshawar
 Mob: 0345-8405501

(16)

57	Mr. Khan Ali	Upon completion of training	Tehsildar Domail against the vacant post
58	Mr. Ghani Rehman Assistant	Tehsildar (CCB) Chamarkand Bayaur	Repatriated to his parent office
59	Mr. Shahab Ud Din	PT Lower Orakzai	PJ FR Kohat
60	Mr. Muhammad Riaz	PT FR Kohat	PT Lower Orakzai
61	Mr. Shafiqat Ihsan Assistant	Tehsildar (CCB) Thail	Repatriated to his parent office
62	Mr. Rashid Ali	Tehsildar Karak	Tehsildar Hangu
63	Mr. Abdul Karim Assistant	Tehsildar (CCB) Hangu	Repatriated to his parent office
64	Mr. Aminullah	Tehsildar Domail	Tehsildar SeraiNaurang
65	Mr. Shafiqatullah Assistant	Tehsildar (CCB) SeraiNaurang	Repatriated to his parent office
66	Mr. Hakim Ali	Sub Registrar (CCB) DI Khan	Repatriated to his parent office
67	Mr. Sajid Saleem	NT Tank	Sub Registrar DI Khan
68	Mr. Mafeed Alam	PT (CCB) Datta Khel	Repatriated to his parent office
69	Mr. Muhammad Zaman	Upon completion of training	Tehsildar Kohat
70	Mr. Muhammad Nawaz	Upon completion of training	Tehsildar Gumbat
71	Mr. Muhammad Ayaz	Upon completion of training	Tehsildar Balakot
72	Mr. Rahimullah	RO PECO WAPDA Bannu	Political Tehsildar Dosalli.
73	Mr. Shakil Assistant	PT (CCB) Mirali	Repatriated to his parent office

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By Order Of
Senior Member

No. Estt./S7/95/2017/27058-77

Copy forwarded to the:-

1. Election Commission of Pakistan with reference to his letter No. F.2(18)/2018-Cord, dated 05.07.2018.
2. Additional Chief Secretary FATA, Fata Secretariat, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa Peshawar.
4. Commissioners of the respective Divisions.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. Deputy Commissioners of the respective Districts including Tribal Districts.
7. Director Information Khyber Pakhtunkhwa, Peshawar.
8. District Accounts Officers of the respective Districts.
9. Officers / Officials concerned.
10. Personal Files.

Signature and stamp of the Senior Member.

JAVED IQBAL, Advocate High Court Peshawar, Mob: 031-35405504

JAVED IQBAL

(17)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated 16/09/2018

~~Amir~~
Amir-B

ORDER

No. BSU/PW/22078 In pursuance to the concurrence of the Election Commission of Pakistan conveyed through letter No. E-2(18)/2018-Cord. dated 03.07.2018, the Competent Authority is pleased to order the posting / transfer amongst the following Naib Tehsildars with immediate effect and in public interest:-

S.No	Name of Naib Tehsildar	From	To
1	Mr. Safayatullah	Naib Tehsildar Mohmand	Naib Tehsildar Khair Abad
2	Mr. Mustamir Shah Senior Clerk	Naib Tehsildar (CCB) Khair Abad	Repatricated to his parent office
3	Mr. Qasir Khan	Tehsildar (CCB) Pabbi	Naib Tehsildar Acquisition Charsadda
4	Mr. Shakil Barki	Naib Tehsildar Hallmal	Naib Tehsildar Passport Torkham
5	Mr. Ahmad Ali	Naib Tehsildar Bazaar Zakhakhel	Naib Tehsildar Ekkaghund.
6	Mr. Ehsan Behman	Naib Tehsildar Ekkaghund	DRA Charsadda, Mr. Mubashir Tahir DRA (CCB) repatriated to his parent office.
7	Mr. Mohammad Riaz	Naib Tehsildar DARA	Naib Tehsildar Hallmal
8	Mr. Mohammad Shakil	Naib Tehsildar Mullagori	Naib Tehsildar Dara
9	Mr. Shehryar Khan	Naib Tehsildar Khwera	Naib Tehsildar Mullagori
10	Mr. Riaz Ullah	Naib Tehsildar Ambar	Naib Tehsildar FR Peshawar
11	Mr. Tehseenullah Kanungo	Naib Tehsildar (CCB) Passport Torkham	Naib Tehsildar (CCB) Khwera
12	Mr. Tanzeel-ur-Behman	Naib Tehsildar FR Peshawar	Naib Tehsildar Ambar
13	Mr. Fariq Muhammad	PHI (DPS) South Waziristan	Naib Tehsildar (DPS) Mohmand Circle
14	Mr. Inayat-Ur-Behman	Naib Tehsildar (DPS) Charsadda	Naib Tehsildar (DPS) Peshawar
15	Mr. Nasrullah	Naib Tehsildar Kallang	Naib Tehsildar Takht Bhat
16	Mr. Arshad Jabal	Naib Tehsildar Takht Bhat	Naib Tehsildar Atardan
17	Mr. Sabar Ali	Naib Tehsildar (DPS) Takht Bhat	Naib Tehsildar (DPS) Kallang
18	Mr. Yasirullah	Available posting in Comptroller Office Mardan	Naib Tehsildar Land Acquisition Swabi
19	Mr. Abdul Basit	Naib Tehsildar Land Acquisition Swabi	Naib Tehsildar Lakor
20	Mr. Bilal Ullah	Naib Tehsildar Swabi	Naib Tehsildar Rustum

JAVED IQBAL
Daudpota Law Office
Advocate High Court Peshawar
Mob. 0345-9450000

JAVED IQBAL (C) Bela
Daudpota Law Chamber
Advocate High Court Peshawar
Mob. 0345-9450000

Signature

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21	Mr. Umbaras	Naib Tehsildar Pustum	Naib Tehsildar Swat
22	Mr. Fazale Razi	Naib Tehsildar (CCB) Haripur	Naib Tehsildar (CCB) Abbottabad
23	Mr. Ghulam Murtaza	Naib Tehsildar Khanpur	HCR DC Office Haripur
24	Mr. Hafiz Bilal	HCR DC Office Haripur	Naib Tehsildar Khanpur
25	Mr. Imtiaz	Naib Tehsildar Oghi	Naib Tehsildar Baffagram
26	Mr. Inayat	Naib Tehsildar Manshehra	Settlement Naib Tehsildar Manshehra
27	Mr. Farooq Jadoon	Tehsildar (OPS) Balakot	Naib Tehsildar Manshehra
28	Mr. Zawal Khan	DC DC Office Haripur	Naib Tehsildar Alai
29	Mr. SherZada	Naib Tehsildar (OPS) Battagram	Repatriated to his parent office
30	Mr. Saif ur Rehman	Naib Tehsildar (OPS) Kandla	Repatriated to his parent office
31	Mr. Gul Shehrad	Naib Tehsildar Abbottabad	Naib Tehsildar Battagram
32	Mr. Muhammad Saleem	Tehsildar (OPS) Abbottabad	Naib Tehsildar Oghi
33	Mr. Anwar Ahmad	Naib Tehsildar (OPS) Kandla	Repatriated to his parent office
34	Mr. Sabir Hussain Shah	Naib Tehsildar Settlement Manshehra	Repatriated to his parent office
35	Mr. Dilkar Khan	Sub Registrar Manshehra	Naib Tehsildar Kandla
36	Mr. Muhammad Anwar	Naib Tehsildar Martung Shangla	Naib Tehsildar Barang
37	Mr. Sadaqat Ali Senior Clerk	Naib Tehsildar Gaderai	Repatriated to his parent office
38	Mr. Nematullah (DC)	Naib Tehsildar (CCB) Chagharzai	Naib Tehsildar Barikot
39	Mr. Sultan Zeb	Naib Tehsildar Chamla	Naib Tehsildar Khwaza Khela
40	Mr. Naseer Abbas	Naib Tehsildar (CCB) Gagra	Repatriated to his parent office
41	Syed Zafar Ali	Naib Tehsildar Charbagh	Naib Tehsildar Dir Upper (Headquarter)
42	Mr. Alam Zeb	Naib Tehsildar Barikot	Naib Tehsildar Sheringal Dir Upper
43	Mr. Shah Wazir	Naib Tehsildar Malta	Naib Tehsildar Gagra with additional charge of HT Chagharzai
44	Mr. Ibrar Ahmad	Naib Tehsildar (ACB) Kalam	Naib Tehsildar (ACB) Gaderai Buner
45	Mr. Nawab Ali Senior Clerk	Naib Tehsildar Khwaza Khela	Repatriated to his parent office
46	Mr. Jehan Ali	Naib Tehsildar Balzal Malakand	District Kanungo Swat
47	Mr. Faiz Muhammad	District Kanungo Swat	Naib Tehsildar Dargai Malakand Pagan HT (CCB) Dargai, repatriated to his parent office.
48	Mr. Sardar Yousaf	PNT DC office SW	Naib Tehsildar Bafkela

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JAVED IQBAL Gul Bitta
Dardzar Law Chamber
Senior Advocate
Mobile: 9988442222

49.	Mr. Muhammad Rafiq	PNT-I Kurrum	DK Kohat
50.	Mr. Faraz Bahar	PNT (CCB) Hangu	PNT Jawahl
51.	Mr. Muhammad Hafeez	PNT (OPS) Jawahl	Naib Tehsildar (OPS) Hangu
52.	Mr. Zafar Iqbal	Tehsildar (OPS) Kohat	Naib Tehsildar Kohat
53.	Mr. Hafeez-Ud Din	PNT Lower Orakzai	PNT Upper Orakzai
54.	Mr. Saaz Muhammad	PNT Central Kurrum	PNT Dara
55.	Mr. Khaista Akbar	PNT Upper Orakzai	PNT Lower Orakzai
56.	Mr. Javed Khan	ORA Kohat	PNT-I Kurrum
57.	Mr. Muhammad Shoaib	Naib Tehsildar Kohat	Naib Tehsildar Karak. Mr. Waqar Mohammad NT (D) Karak, repatriated to his parent's care. ORA Kohat
58.	Mr. Musadiq Hussain	PNT-II Upper Kurrum	PNT Central Kurrum
59.	Mr. Asmatullah	PNT Dara	Repatriated to his parent's care
60.	Mr. Umar Farooq	PNT (OPS) Shewa	NT Lakki
61.	Mr. Abdul Salam	NT Lakki	NT Lakki
62.	Mr. Gohar Ali	NT Serai Naurang	Repatriated to his parent's care
63.	Mr. Ali Akbar	NT (CCB) Tajori	NT Tajori
64.	Mr. Nek Nawaz	DRA Lakki	PT (OPS) Mikali
65.	Mr. Ghulam Abbas	PT (OPS) Doslu	Naib Tehsildar Domail
66.	Mr. Shafiqullah	Naib Tehsildar Bakka Khel	DK Bannu
67.	Mr. Musharraf Khan	Naib Tehsildar Domail	Naib Tehsildar Bannu
68.	Mr. Abdur Rehman	Sub-Registrar Bannu	Naib Tehsildar Naurang
69.	Mr. Murad Ali	DNA Bannu	PNT South Waziristan
70.	Mr. Faraz Karim	Naib Tehsildar Pindial	

By Order Of Senior Member

No. F.2(18)/2018/2079-28

Copy forwarded to the:-

1. Election Commission of Pakistan with reference to his letter No. F.2(18)/2018-Conf., dated 05.07.2018.
2. Additional Chief Secretary FATA, Fata Secretariat, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa Peshawar
4. Commissioners of the respective Divisions.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. Deputy Commissioners of the respective Districts including FATA Districts.
7. Director Information Khyber Pakhtunkhwa, Peshawar.
8. District Accounts Officers of the respective Districts
9. Officers / Officials concerned.
10. Personal Files.

Assistant Secretary (FATA)

JAVED IQBAL, Gul Bela
District & Law Chambers
Advocate High Court Peshawar
Mob: 0345-9402501

JAVED IQBAL, Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9402501

(20) (10) ~~Amir~~
 GOVERNMENT OF KHYBER PAKHTUNKHWA
 BOARD OF REVENUE
 REVENUE & ESTATE DEPARTMENT

Peshawar dated the 17/08/2018.

Amir - C⁴

NOTIFICATION

No. Estt/P.T. 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:

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. Attiqur Rehman, Assistant	Tehsildar (CCB) Drosh	Repatriated to his parent office
4.	Mr. Tariq Ahmad, Assistant	Tehsildar (CCB) Booni	Repatriated to his parent office
5.	Mr. Muhammad Younas, Assistant	Tehsildar (CCB) Timergara	Repatriated to his parent office
6.	Mr. Arifullah, Assistant	Tehsildar (CCB) Samarbagh	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.I (CCB) Peshawar	Repatriated to his parent office

No. Estt/P.T/30393-430

JAVED IOBANI, C.A. Bela
 Daudzai Law Chamber
 Advocate High Court Peshawar
 Mob: 0345-0405501

By order of
Senior Member

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.

JAVED IOBANI, C.A. Bela
 Daudzai Law Chamber
 Advocate High Court Peshawar
 Mob: 0345-0405501

~~Amir~~
Assistant Secretary (Estt.)

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ESTA CODE

**ESTABLISHMENT CODE KHYBER PAKHTUNKHWA
(REVISED EDITION) 2011**

**A COMPENDIUM OF LAWS, RULES AND INSTRUCTIONS
RELATING TO THE TERMS AND CONDITIONS
OF PROVINCIAL CIVIL SERVANTS**

**COMPILED BY:
(O&M) SECTION
ESTABLISHMENT & ADMINISTRATION DEPARTMENT**

ESTABLISHMENT & ADMINISTRATION DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA
ISLAMABAD

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

(3) It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. **Appointment on Acting Charge or current Charge Basis.** (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

³⁷Provided that no such appointment shall be made, if the prescribed length of service is short by more than ³⁸[three years].

(2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

PART-III

INITIAL APPOINTMENT

10. Appointment by Initial Recruitment :- (1) Initial appointment to posts ³⁹[in various basic pay scales] shall be made-

(a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or

³⁷ Full stop at the end of Rule 9 (1) replaced with colon and proviso added by Notification No. SOR-I (S&GAD)4-1/80/Vol-II, dated 20-10-1993.

³⁸ The words one year substituted by Notification No. SOR-I(S&GAD)4-1/80/III, dated 14.3.96.

³⁹ The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0347-9403584

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9403584

23

Annexure - "E"

To

The Worthy Chief Secretary
Khyber Pakhtunkhwa, Peshawar

Subject: DEPARTMENTAL APPEAL AGASINT THE IMPUGNED NOTIFICATION Estt.:I/P/T/27057 dated 09/07/2018 WHEREBY THE APPELLANT HAS ILLEGALLY BEEN REPATRIATED TO PARENT DEPARTMENT

Respected Sir;

1. That the appellant is performing his duties as Tehsildar/ Recovery Officer on Current Charge Basis. (CCB) in PESCO.
2. That the appellant is being subject to persistent acts of discrimination on continuous basis and turned to be into shuttle cock as without observing the normal tenures of posting and transfer, the appellant is transferred and posted again and again.
3. That this was the case of appellatant who had been initially transferred and posted vide order dated 12/07/2017 which was followed by order dated 17/10/2017 and this was preceded up by order dated 13/11/2017 and lastly to the present place of posting vide order dated 18/04/2018.(Copies of the transfer and posting orders are annexed as annexure "A to A/III").
4. That this was the background that yet another, herein impugned Notification No. Estt.:I/P/T/27057 dated 09/072018 was illegally issued whereby the appellant was repatriated to his parent department in an illegal, discriminatory, void, and unwarranted manner. (Copies of the impugned office order dated 09/07/2018 is annexed as annexure "B")
5. That before passing on to 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 on Current Charge Basis (CCB) PESCO, wherein his rights are protected and governed by Rule-9 of the Transfer, Promotion and Appointment Rules 1989.(Copy of the rule 9 is annexed as annexure "C")

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6. That besides the above the normal tenure of any transfer and posting order in 3 years while in the last one year, more than 04 times the transfer orders of the appellant were issued which is against the fundamental rights and highly discriminatory in nature.

7. That the Election Commission of Pakistan had imposed ban on transfer and posting of any Civil Servant/ Government Servant and if any posting/transfer order is deemed proper then the prior permission of the (ECP) is to be obtained. It is to be noted that this exception is afforded in extra ordinary circumstances and should rarely be resorted to in acute and dire need and that too much sparingly and individually in important cases. But what happened here the Respondent department under the umbrella of this exceptional sanction mechanism applied for and was granted sanction of a thorough reshuffling of the whole department and that too was made subject to the sheer discrimination and favoritism.

8. That in the garb of the aforementioned empowerment and sanction from ECP and Establishment department, the appellant was repatriated to his parent department while the favourties and blue eyed were simply transferred and posted to other field duties, thus feeling aggrieved the appellant moves the instant Departmental appeal upon the following grounds inter alia:-

Grounds:

A. That persistent orders of transfer and posting of any Civil Servant/Government servant is always hazardous and injurious to the Potential and capabilities of the such civil servant /Government servant and has always been depreciated and discouraged by the Superior Courts, being always held as violation to fundamental rights and not solely to the service rights.

B. That the impugned transfer and posting orders are highly discriminatory ones and at the same time the repatriating of the Appellant to his parent department without any rem and reason and without observing the law on subject while all the blue eyed ones were posted and transferred to their favourite places of posting and were left

CM L. Gul Bala
Member
Peshawar
10/03/2011

in field is highly discriminatory and void and amount to falling of the bolt from the blue upon the Appellant.

C. That such reshuffling on such higher scale and that too whom infested with malicious intentions, at this moment when the General Elections are to be nighly held in nigh future give rise to many questions as the removal of officials at the helm of powers having influential characters which can be availed by candidates of election campaign and for whose appeasement this reshuffling at this crucial moment of this higher scale has been carried is unwarranted and void.

D. That without going in to minute details it would be suffice to mention here that persons who are holding same positions of responsibility on Current Charge Basis to other field offices instead of repatriating all the officials working on CCB to the parent department and thus only the appellant was subject to unfettered discrimination and even only on this score the impugned office order is void and illegal.

E. That it is pertinent to mention her that the Establishment Department of Khyber Pakhtunkhwa had not sanctioned the transfer and posting of one Gul Shahzad, Naib, Tehsildar Abbottabad, but violating the same, even that individual has been transferred which shows the malafide and discriminatory approach of the Respondents and renders the impugned transfer orders as hollow one.

F. That the normal tenure of transfer and posting can only be allowed to be left in rare and exceptional cases and that to in a defined public interest. But here the Appellant has repeatedly been transferred, transferred and transferred for no reasons, which is certainly not a good omen.

G. That posting and transferring any Civil Servant/Government Servant on Current Charge Basis is a defined mechanism of service laws and a procedure is detailed in Esta 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 of 1989. But here the situation is volte-face and the Appellant is repatriated to parent department

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without any justification and the same tantamount to violation of only service laws.

H. That no one can be condemned unheard, nor anyone can be condemned for no wrong.

I. That from every angle and perspective the impugned transfer and posting orders are illegal, discriminatory, void, unwarranted, vexatious, unlawful and is liable to be cancelled and set aside.

It is, therefore, most humbly requested that on acceptance of the instant departmental appeal, the impugned Order NO. Estt:I/P/T/27078 dated 09/07/2018 of the office of Senior Member Board of Revenue may graciously be cancelled and set aside 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 struck off/ deleted from the list of transferred Tehsildars 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 Naib Tehsildars on Current Charge Basis likewise others of the same impugned transfer and posting orders.

Dated: 11/07/2018

Asad Umair

Appellant

Asad Umair

R/o Tehsildar /Recovery Officer

PESCO Peshawar circle

3/17/2018
Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

Reg

27

Annexure "F" 21

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt: I/P.F/Asad Umair/ 30344

Peshawar dated the 17/08/2018

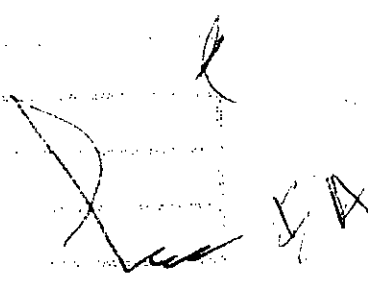
To

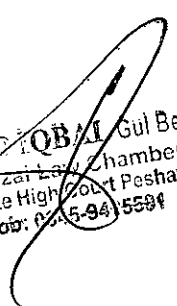
Mr. Asad Umair,
Assistant Office of the Commissioner,
Peshawar Division.

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION
ESTT: I/P/T/27057 DATED 09.07.2018 WHEREBY THE APPELLANT HAS
ILLEGALLY BEEN REPATRIATED TO PARENT DEPARTMENT.**

Your departmental appeal dated 11.07.2018 has been examined and rejected by
the appellate authority.


Assistant Secretary (Istt:)


9/8/18
20/8/18


JAWED IQBAL Gul Bela
Cauzeri Law Chamber
Advocate High Court Peshawar
Phone: 05-9415594

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100-024755
www.gkp.gov.pk

OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

[Handwritten signature] Dated 08/08/2018

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On the recommendation of the Deputy Commissioner Dir Upper, Mr. Raouf Dilahi, Assistant of his office is hereby recommended against the vacant post of Tensileer Lajum, Dir Upper in the target public interest.

By Order
COMMISSIONER MALAKAND DIVISION

100-024755

Copy forwarded to -

- The Secretary Board of Revenue, Khyber Pakhtunkhwa Peshawar, for information, please
- The Deputy Commissioner Dir Upper with reference to his Memo. No. 12693/DC/Est/02(P/T Officer), dated 30.07.2018, for information & necessary action, please.
- The District Accounts Officer, Dir Upper
- The officer concerned, for compliance.


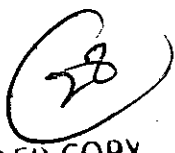

Order File

SECRETARY TO COMMISSIONER
MALAKAND DIVISION

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Cul 8 Ja
Peshawar
2018

  
BETTER COPY

**OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT**

P.# 0946 09240458
Email: secretarytoCMD@gmail.com

Dated: 08/08/2018

ORDER

No. 4432/2/19/Estt: On the recommendation of the Deputy Commissioner, Dir Upper, Mr. Rahman Ullah, Assistant of his office is hereby transferred and posted against the vacant post of Tehsildar Larjum, Dir Upper. In his own pay scale in the larger public interest

By Order
COMMISSIONER MALAKAND DIVISION

No. 4433-3/2/19/Estt


Copy forwarded to:

1. The Secretary Board of Revenue, Khyber Pakhtunkhwa Peshawar for information, please.
2. The Deputy Commissioner Dir Upper with reference to his Memo: No. 1/693/DC/Estt/02(P/T Officer), dated 30.07.2018 for information & necessary action, please.
3. The District Accounts Officer, Dir Upper.
4. The officer concerned for compliance.
5. Office Order File

SECRETARY TO COMMISSIONER
MALAKAND DIVISION

JAVED IQBAL
Daudzal Law Chamber
Advocate High Court Peshawar
Mob: 0346-9415501

JAVED IQBAL Gul Bela
Daudzal Law Chamber
Advocate High Court Peshawar
Mob: 0346-9415501


Dated: 08/08/2018

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COMMISSIONER MALAK AND DIVISION SAIDU SHARIF WAZIR

Tel: 094649240087

Email: secretarytoind@gmail.com

Dated: 13/08/2018

OFFICE ORDER

14/2/19 Estd - The following posting/transfer among the Tehsildars is ordered with immediate effect in the larger public interest:-

S/No	Name & Designation	From	To
1	Mr. Farq Ahmad Tehsildar (CUB)	Tehsildar, Mastuj, Chitral.	Tehsildar (CUB) Mulkhow, Chitral against the vacant post.
2	Mr. Nadeem Assistant	Assistant DC, Office Chitral	Tehsildar (CUB) Mastuj Chitral vice S. No. 1

By Order
COMMISSIONER MALAK AND DIVISION

15/8/18

Copy forwarded to
The District Officer, Revenue, M.D. Peshawar, Peshawar
The District Officer, Chitral
The District Officer, Mastuj
The District Officer, Mulkhow
The District Officer, Chitral

Signature and stamp of the Commissioner, Malak and Division

JAVED IQBAL
Daudzal Law Chamber
Advocate High Court Peshawar
Mob: 0345-4405501

JAVED IQBAL, Gul Bela
Daudzal Law Chamber
Advocate High Court Peshawar
Mob: 0345-4405501

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OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

P.# 0946 92-10087

Email: secretarytocmd@gmail.com

(Dated: 13/08/2018)

OFFICE ORDER:

No. 4514/2/19/Estt: The following posting/ transfer among the Tehsildars is hereby ordered with immediate effect in the large public interest.

S#	Name & Designation	From	To
1	Mr. Tariq Ahmad, Tehsildar (CCB)	Tehsildar Mastuj, Chitral	Tehsildar (CCB) Mulxhow, Chitral against the vacant post.
2	Mr. Nooruddin, Assistant	Assistant DC, office Chitral	Tehsildar (CCB) Mastuj, Chitral vice S. No. 1

By Order
COMMISSIONER MALAKAND DIVISION

No. 4515-19/2/19/Estt:

Copy forwarded to:-

1. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioners. Chitral
3. The District Accounts Officer. Chitral
4. The officers concerned for compliance.
5. Office Order File

(NAEEM AKHTAR)
SECRETARY TO COMMISSIONER
MALAKAND DIVISION

JAVED IOBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob/ 0315-3408501

JAVED IOBAL
Daudzai Law Chamber
Advocate High Court Peshawar
Mob/ 0315-3408501



Tel# 0946-9240458
 Email: secretarytoemcd@gmail.com

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OFFICE OF THE
 COMMISSIONER MALAKAND DIVISION
 SAIDU SHAIKH SWAT

Dated 13/08/2015

OFFICE ORDER

No. 4498 /2/18/Estt. The following postings/transfer among the Post
 Tehsildars within Malakand Division are ordered with immediate
 effect.

Name & Designation	Posting/Transfer	Remarks
Mr. Arif Ahmad, Naib Tehsildar (CCB), Ghadezal, Buner	Naib Tehsildar, Barikot, Swat	Against the vacant post.
	Waiting posting for Naib Tehsildar, Ghadezal, Buner on CCB, vice S.No. 1.	

By Order
 COMMISSIONER

No. 4498 /2/18/Estt.

Copy forward to:

1. The Commissioner, Malakand Division, Peshawar
2. The District Officer, Swat & Buner
3. The District Officer, Swat
4. The District Officer, Buner
5. The District Officer, Peshawar
6. Office of the Secretary to Commissioner, Malakand Division

SECRETARY TO COMMISSIONER
 MALAKAND DIVISION

Signature of Gul Bela
 Gul Bela
 District Law Chamber
 District Court Peshawar
 Mob: 0345-305594

(35) ~~(Signature)~~ (2/1)

BETTER COPY
OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

P.# 0946 5740458
Email: secretarytoCMD@gmail.com
OFFICE ORDER:

Dated: 13/08/2018

No. 4499/2/18/Estt: The following posting/ transfer among the Naib Tehsildars within Malakand Division is hereby order with immediate effect in the large public interest.

S#	Name & Designation	From	To
1	Mr. Abrar Ahmad, Naib Tehsildar (CCB)	Naib Tehsildar Ghadezai, Buner.	Naib Tehsildar, Barikot, Swat against the vacant post.
2	Mr. Sadaqat Ali Senior Clerk	Waiting for posting.	Naib Tehildar Chadezai Buner on CCB, vice S.No.1

By Order
COMMISSIONER MALAKAND DIVISION

No. 4500-05/2/18/Estt:
Copy forwarded to:-

1. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioners. Swat & Buner
3. The District Comptroller Officer, Swat
4. The District Accounts Officer. Buner
5. The officers concerned for compliance.
6. Office Order File

SECRETARY TO COMMISSIONER
MALAKAND DIVISION

~~(Signature)~~
JAVED IQBAL Col Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345 9409501

~~(Signature)~~
JAVED IQBAL
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9409501

~~(Signature)~~

35

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Handwritten initials

Handwritten notes



OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDULSHAH SWAT.

Telex 0946-9240458

Internal secretary's name and designation

Dated 12/12/2018

OFFICE ORDER

Mr. [Name] District Dir Upper is hereby transferred and posted against the vacant post of Tehsildar, Barawal, District Swat with immediate effect in the larger public interest.

The Tehsildar, Larjam, Dir Upper is directed to look after the work of Tehsildar, Barawal in addition to his own duties, till further orders.

By Order
COMMISSIONER MALAKAND DIVISION

No. 4449-56/2018/50

Copy forwarded to:-

1. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioners, Swat & Dir Upper.
3. The District Comptroller of Accounts, Swat.
4. The District Accounts Officer, Dir Upper.
5. The officers concerned, for compliance.
6. Office Order File.

(NAEEN AKHTAR)
SECRETARY TO COMMISSIONER
MALAKAND DIVISION

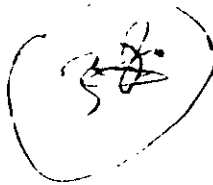
Handwritten signatures and initials: EA, J, 2018, 9/18

Handwritten signature and stamp: District Comptroller of Accounts, Peshawar

Handwritten signature and stamp: District Accounts Officer, Dir Upper



BETTER COPY



OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

P:# 0946-9240458

Dated: 09/08/2018

Email: secretarytoCMD@gmail.com

ORDER

No. 4448/2/19/Estt: Mr. Abdul Qaam, Tehsildar (CCB) Barawal District Dir Upper is hereby transferred and posted against the vacant post of Tehsildar, Barikot, District Swat with immediate effect in the larger public interest.

The Tehsildar Tarjum, Dir Upper is directed to look-after the work of Tehsildar, Barawal in addition to his own duties, till further orders.

By Order
COMMISSIONER MALAKAND DIVISION

No. 4449-56/2/19/Estt.

Copy forwarded to:

1. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioners. Swat & Dir Upper
3. The District Comptroller of Accounts, Swat
4. The District Accounts Officer. Dir Upper
5. The officers concerned for compliance.
6. Office Order File

(NALEM AKHTAR)
SECRETARY TO COMMISSIONER
MALAKAND DIVISION

JAWAID HUSSAIN
Deputy Commissioner
Barawal District Swat
MOB: 0946-9240458

SAIDU SHARIF
Gul Bela
District Swat Chamber
Barawal District Peshawar
Mobi: 0347-405504

R. K. Jha
 Secretary to Commissioner
 Income Division

JAVD JOURNAL GAZETTE
 Director of Law
 Jharkhand State
 Patna

JAVD JOURNAL GAZETTE
 Director of Law
 Jharkhand State
 Patna

- 1. Senior Member, Board of Revenue, Nkyher, Palamuhwa, Patna
- 2. Deputy Commissioner, Income
- 3. Deputy Accounts Officer, Income
- 4. PS to Commissioner, Income Division
- 5. All concerned. Members, Jharkhand State

Commissioner
 Income Division

To	From	Name of Candidate	Posting
Mr. Subodh Kumar, Sub-Commissioner, Patna	Mr. Subodh Kumar, Sub-Commissioner, Patna	Mr. Subodh Kumar	Sub-Commissioner, Patna
Mr. Subodh Kumar, Sub-Commissioner, Patna	Mr. Subodh Kumar, Sub-Commissioner, Patna	Mr. Subodh Kumar	Sub-Commissioner, Patna
Mr. Subodh Kumar, Sub-Commissioner, Patna	Mr. Subodh Kumar, Sub-Commissioner, Patna	Mr. Subodh Kumar	Sub-Commissioner, Patna
Mr. Subodh Kumar, Sub-Commissioner, Patna	Mr. Subodh Kumar, Sub-Commissioner, Patna	Mr. Subodh Kumar	Sub-Commissioner, Patna

Following posting order amongs the candidates is hereby issued for the posts mentioned in the public interest with immediate effect.

ATTEST

30/12/2018
 1 - 8 - 2018

OFFICE OF
 COMMISSIONER
 INCOME DIVISION

(Handwritten signatures and initials)

32
BETTER COPY

(Signature)

Government of Khyber Pakhtunkhwa
OFFICE OF
COMMISSIONER
BANNU DIVISION

No. 3069-74/A&T/Estt
Date: 1-8-2018

OFFICE ORDER

Following posting/ transfers amongst the Tehsildars/Naib Tehsildars of this Division are hereby ordered in the public interest with immediate effect.

Sr. No	Name of Tehsildar	From	for	To
1	Mr. Muhammad Jamal, Naib Tehsildar (BPS 15 OPS)	Awaiting posting		Naib Tehsildar Bannu
2	Mr. Abdur Rehman Shah, Naib Tehsildar (BPS-15)	Naib Tehsildar Bannu		Naib Tehsildar Bakka Khel
3	Mr. Anayatullah, Naib Tehsildar (BPS 15)	Waiting posting		Tehsildar Bakka Khel (OPS)
4	Mr. Muhammad Akram, Tehsildar (BPS 16)	Tehsildar Khel		Inspector Stamps, Commissioner Office, Bannu Division

Sd/-
Commissioner
Bannu Division

Even no & date:-

Copy forwarded to the:

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Bannu.
3. District Accounts Officer, Bannu.
4. PS to Commissioner, Bannu Division.
5. All concerned Tehsildars/ Naib Tehsildars for compliance.

Secretary to Commissioner
Bannu Division

(Signature)
District Accounts Officer
Bannu Division
Mob: 0343-9408001

(Signature)
Gul Bela
Law Chamber
Advocate High Court Peshawar
Mob: 0343-9408001

33

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE

REVENUE & ESTATE DEPARTMENT

Peshawar dated the 17/08/2018.

NOTIFICATION

No. 30367. The Competent Authority is pleased to place the services of the following senior most Naib Tehsildars/District Kanungos/Sub-Registrars at the disposal of the Commissioners noted against their names for further posting as Tehsildars in their own pay and scales against the vacant posts in their Divisional jurisdiction.

#	Name	Present Posting	Services placed at the disposal of Divisional Commissioner.
1	Mr. Fazal Rehman	N.T DHPP	Hazara
2	Mr. Farruk Jadoon	N.T Manshra	Hazara
3	Mr. Bilal Ahmad	N.T Khanpur	Hazara
4	Mr. Ejaz Ahmad	Tehsildar (OPS) Abbottabad	Already posted
5	Mr. Muhammad Saleem	N.T Oghi	Hazara
6	Mr. Sher Dil	Tehsildar (OPS) Battagram	Already posted
7	Mr. Gohar Ali	N.T Lakki Marwat	Bannu
8	Mr. Qiyanoos Khan	N.T Hangu	Bannu
9	Mr. Muhammad Shoaib	Naib Tehsildar Karak	Bannu
10	Mr. Muhammad Arshad	Reader to Commissioner Kohat	Bannu
11	Mr. Zafar Iqbal	N.T Kohat	Bannu
12	Mr. Nawab Gul	PNT Kurram	Bannu
13	Mr. Tanzil-ur-Rehman	N.T Ambar	Bannu
14	Mr. Muhammad Rafiq	District Kanungo Kohat	Kohat
15	Mr. Koohul Amin	N.T South Waziristan	Kohat
16	Mr. Sher Bahadur	N.T South Waziristan	D.I Khan
17	Mr. Shaukat Iqbal	N.T.L.A Tank	D.I Khan
18	Mr. Adil Waseem	N.T Shabqadar	Peshawar
19	Mr. Mahmood Shah	N.T PDA	Peshawar
20	Mr. Gohar Ali	District Kanungo Swabi	Mardan
21	Muhammad Yar,	Naib Tehsildar Chamla	Malakand
22	Mr. Rab Nawaz	Sub Registrar Chitral	Malakand
23	Mr. Abdul Qayum	Tehsildar (OPS) Barikot	Already posted
24	Mr. Amir Zareen	N.T Chakesar	Malakand
25	Mr. Shah Wazir	N.T Gagra	Malakand
26	Mr. Abdur Rashid	N.T Lahore	Malakand
27	Mr. Ahmad Ali	N.T Ekkaghund	Malakand
28	Mr. Faz Muhammad	D. K (N.T Dargai)	Malakand

By order of
Senior Member

Copy forwarded to the:-

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

Assistant Secretary (Estt.)

Gul Bela

Chamber

Peshawar

2018/08/17

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 28/08/2018.

NOTIFICATION

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

S#	Name of Kanungo
1.	Inayat Ur Rehman (Already posted)
2.	Muhammad Nadeem
3.	Abdul Jabbar
4.	Saeed Ullah Khan
5.	Gohar Ali Khan
6.	Muhammad Hammayun
7.	Jehangir Khan
8.	Fehseen Ullah (Already posted)
9.	Mr. Waqif Khan

By order of
Senior Member

No. Estt:V 30731-35

Copy forwarded to the:-

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

AD. Gul Bela
Law Chamber
Court Peshawar
Admn. No. 9405501

Assistant Secretary (Estt.)



35

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated Peshawar dated the 22 April, 2017

NOTIFICATION:

No. Estt: I/PF/M. Yar/ _____ The Competent Authority is pleased to order the posting/transfer amongst the following Tehsildar/Naib Tehsildars with immediate effect in public interest.


	Name of Tehsildar/ Naib Tehsildar	From	To
1.	Mr. Asad Humair	Assistant, office of the Commissioner, Peshawar Division.	Tehsildar Nowshera (CCB).
2.	Mr. Shaurin Shah.	Tehsildar Nowshera. (Suspended).	He will draw his pay against the vacant post of Reader to MBR-I.
3.	Mr. Tariq Aziz	Tehsildar Dargai (CCB)	Services placed at the disposal of FATA Secretariat.
4.	Mr. Muhammad Asghar.	Naib Tehsildar Khwazakhela.	Naib Tehsildar Besham against the vacant post.
5.	Mr. Muhammad Yar	Naib Tehsildar Dir Upper.	Naib Tehsildar Khwazakhela vice No.4.
6.	Mr. Said Amin.	Naib Tehsildar(CCB), Land Acquisition Swabi.	Naib Tehsildar(CCB) Mardan against the vacant post.
7.	Mr. Muhammad Dawood, District Kanungo.	District Revenue Accountant, Peshawar.	Inspector Stamps Kohat(CCB).
8.	Mr. Amir Shehzad	Kanungo of Chitral District.	Services placed at the disposal of FATA Secretariat.

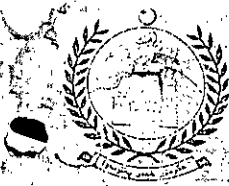
By Order of
Senior Member

No. Estt: I/PF/ 8912-32

Copy forwarded to the:-

1. Additional Chief Secretary FATA, FATA Secretariat, Peshawar.
2. Commissioners of the respective Divisions.
3. Deputy Commissioners of the respective districts.
4. Section Officer (Law & Order), FATA Secretariat, Peshawar/
5. District Accounts Officers of the respective districts.
6. Private Secretary to Senior Member, Board of Revenue.
7. Officials concerned.
8. Personal Files.


Assistant Secretary (Estt:)



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

Dated Peshawar the 31 July, 2017.

NOTIFICATION:

No. Estt./M.Shafiq/

The following posting /transfer amongst Tehsildar and Naib Tehsildars is hereby ordered with immediate effect in public interest:-


S.No	Name of official.	From	To
1.	Mr. Rehmanullah	Assistant office of the Deputy Commissioner, Dir Upper.	Tehsildar (CCB) Balambat, vice No.2
2.	Mr. Muhammad Shafiq	Tehsildar Balambat	Report to Board of Revenue.
3.	Mr. Tahir Ashraf	On completion of Training.	Tehsildar/Inspector Stamps Abbottabad vice No.10.
4.	Mr. Fiaz Ahmad Qureshi	Awaiting posting in BOR.	Tehsildar/Recovery Officer, PESCO Abbottabad vice No.11.
5.	Mr. Fahad Malik	Inspector Stamps Mardan.	Tehsildar Karak, vice No.6
6.	Syed Muhammad Ayub Shah	Tehsildar Karak	Inspector Stamps Mardan vice No.5.
7.	Mr. Sikandar Hayat Shah	Inspector Stamp Kohat.	Tehsildar Lakki Marwat, vice No.12
8.	Mr. Muhammad Akram	Tehsildar Tangi	Tehsildar Nowshera, vice No.9.
9.	Mr. Asad Umair	Tehsildar (CCB), Nowshera.	Tehsildar (CCB) Tangi vice No.8.
10.	Mr. Waqar Ahmad	Inspector Stamps (CCB) Abbottabad.	Naib Tehsildar Pattan against the vacant post.
11.	Mr. Muhammad Fayaz.	Tehsildar/Recovery Officer (CCB), PESCO, Abbottabad.	Naib Tehsildar Kandar Hassanzai Torghar against the vacant post.
12.	Mr. Gohar Ali.	Tehsildar (CCB), Lakki Marwat.	Naib Tehsildar/Reader to Commissioner, Bannu against the vacant post

By Order of
Senior Member

No: Estt./M.Shafiq/ 15472-505

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Commissioners of the respective Divisions.
3. Superintending Engineer WAPDA Abbottabad
4. Deputy Commissioners of the respective districts.
5. District Accounts Officers of the respective districts.
6. Officers/Officials concerned.
7. Personal Files.


Assistant-Secretary (Estt.)



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 12 /02/2018

NOTIFICATION

No.Estt:I/PF/Asad Umair/_____ Consequent upon requisition letters of Commissioner Peshawar Division bearing No. 6/7/EA/I/149 dated 29.11.2017 and No. 6/7/EA/I/16185 dated 28.12.2017, the services of the following Tehsildar / Naib Tehsildar are hereby placed at the disposal of Commissioners noted against their names with immediate effect for further posting in the Division:-

S No.	Name of Tehsildar / Naib Tehsildar	From	To
1.	Mr. Shah Nadeem Tehsildar	Tehsildar Takhti Nasrati	Services placed at the disposal of Commissioner Peshawar Division.
2.	Mr. Fazal Karim Naib Tehsildar	Tehsildar (CCB) Chakdara	Services placed at the disposal of Commissioner Peshawar Division.
3.	Mr. Mohammad Akram Tehsildar	Tehsildar Nowshera	Services placed at the disposal of Commissioner DIKhan Division.
4.	Mr. Sultan Haider Naib Tehsildar	A waiting posting in Board of Revenue	Services placed at the disposal of Commissioner Peshawar Division.
5.	Mr. Asad Umair Assistant	Tehsildar (CCB) Tangi	Report. to Board of Revenue.

By order of
Senior Member

No.Estt:I/PF/Asad Umair/ 10359-63

Copy forwarded to the:-

1. Commissioners of the respective Division.
2. Deputy Commissioner of the respective Districts.
3. Section Officer-V Chief Ministers Secretariat Khyber Pakhtunkhwa with reference to his letter No:SOV/CMS/KPK/Rev/2018/1194-w.e
4. District Accounts Officer of the respective Districts.
5. P.S to Senior Member Board of Revenue.
6. Officer concerned.


Assistant Secretary (Estt.)



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 05/03/2018

NOTIFICATION

No.Estt:I/PF/Asad Umair/_____ The Competent Authority is pleased to order the following posting /transfer amongst the following Tehsildars (CCB) with immediate effect and in public interest: -

S.No	Name of officials	From	To
1.	Mr. Asad Umair	Awaiting posting in Board of Revenue	Tehsildar / Recovery Officer (CCB) PESCO Peshawar Circle.
2.	Mr. Mohammad Younis	Tehsildar / Recovery Officer (CCB) PESCO Peshawar Circle.	Report to Board of Revenue.

By order of
Senior Member

No.Estt:I/PF/Asad Umair/ 12892-96

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Superintendent Engineer (Opr) PESCO Peshawar Circle Peshawar.
3. Bill Assistant Board of Revenue.
4. P.S to Senior Member Board of Revenue.
5. Officials concerned.


Assistant Secretary (Estt:)

وکالت نامہ




سروس ٹریبونل

بعدالت:

اسد گلبرگ نام: حیف سکریٹری KPK دفتر
منجانب سائل دعویٰ سروس اسٹیل
تاریخ 7/9/18

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی
بمقام ~~سائل~~ کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ ہائی کورٹ کو بدلی شرط وکیل
مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل
صاحب موصوف کو اطلاع دے کر حاضر عدالت کرونگا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے
کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر
مقام پچھری کی کسی اور جگہ یا پچھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر
مقدمہ علاوہ صدر مقام پچھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پچھری کے اوقات کے آگے پیچھے پیش ہونے پر
من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی
صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور
صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء 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 اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل
کرنے اور ہر قسم کے بیان دینے اور سپروٹا لشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور
بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری کی طرف درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف
کو بشرط ادائیگی علیحدہ مختار نہ 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 دوسرے وکیل یا بیرٹر کو بجائے اپنے یا اپنے ہمراہ
مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل
ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو
پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا 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 مختار نامہ لکھ دیا کہ سندر ہے۔
مورخہ 7/9/18 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by:

50	53128			
ایڈریس:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر:				
رابطہ نمبر:				

بعدالت جناب:

منجانب:	دعویٰ: <u>سوی ایل</u>
<u>اسد حمید</u>	علت نمبر: <u>1114/18</u>
بنام	مورخہ:
<u>چیت سلیٹی و عہدہ</u>	جرم:
	تھانہ:

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام حیاحہ کیلئے محمد عدنانہ شیخ کو پیش کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی 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
 کارروائی 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:-

مقام _____ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Accepted
 Hassan

17301-6971568-1

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1997 /ST

Dated 04/10/2018

To,

The SMBR,
KPK Peshawar.

Subject:- SERVICE APPEAL NO. 1114/2018 ASAD UMAIR VS CHIEF SECRETARY AND OTHERS

Sir,

I am directed to forward herewith a certified copy of order dated 4/10/2018 passed by this Tribunal in the subject appeal for strict compliance and further necessary please.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
04/10/18

Asad Umair Tehsildar / Recover Officer Peshawar Circle (CCB).

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 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. Correct to the extent of repatriation to his parent office as he is basically Office Assistant.
4. Incorrect. The appellant is Assistant which is a separate cadre. Beside, he is the junior most and his case will be placed before the Departmental Promotion Committee for promotion as Tehsildar on his own turn.
5. Incorrect. The appellant is basically Assistant who was temporarily posted as Tehsildar (CCB) due to non-availability of regular Tehsildars. On completion of training of regular Tehsildar, the appellant alongwith others repatriated to their parent offices. The question of completion of 03 years tenure does not arise.

6. Correct to the extent that his departmental appeal was filed by the appellate authority.
7. Incorrect. All the Assistants / Senior Clerks who were posted as Tehsildars/Naib Tehsildars (CCB) have been repatriated to their parent offices including 17 officials who have recently been repatriated to their parent offices on 17.08.2018 (Annexure-A).
8. Incorrect. Appeal of the appellant is not entertainable.

GROUND.

- A. No comments.
- B. Incorrect. As stated in para-2 & 3 of the facts.
- C. Incorrect. No discrimination has been done with the appellant.
- D. Incorrect. Reshuffling was made with the prior approval of Election Commission of Pakistan.
- E. As in para-02 of the facts:
- F. Incorrect. As stated in para-2 of the facts, the appellant is basically Assistant, therefore on availability of regular Tehsildar the appellant was repatriated to his original post
- G. Incorrect. The appellant was posted as Tehsildar (CCB) and then repatriated to his parent office in the light of provision exist in Khyber Pakhtunkhwa Government servant (Appointment, Promotion and Transfer) Rules, 1989. No violation of any rules committed.
- H. Incorrect. No punitive action under (Efficiency and Discipline) Rules have been taken against the appellant. He was only repatriated to his parent office, therefore the question of condemned unheard does not arise.
- I. Incorrect. No discrimination has been done with the appellant Incorrect. Order dated 17.08.2018 is legal, fair, according to law and issued with the prior approval of the Competent Authority.
- J. Correct. Departmental appeal has been dismissed by the Competent Authority.
- K. The respondent will also seek permission to submit additional grounds at the time of arguments.

It is requested that the appeal may be dismissed.


(Respondent No. 1, 2 & 3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1114/2018

Asad Umair Tehsildar (CCB)Appellant.

VERSUS

Senior Member Board of Revenue and othersRespondents

COMMENTS ON APPLICATION FOR INTERIM RELIEF ARE AS UNDER:-

1. No comments.
2. Incorrect. The appellant is basically Assistant of the office of Commissioner Peshawar who was posted as Tehsildar (CCB) 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 alongwith other (CCB) Tehsildars have been repatriated to their original post and offices. Posting of an official on Current Charge Basis can not create right of out of turn promotion, however their case will be placed before the Departmental Promotion Committee for promotion as Tehsildars as and when vacancies occur in their share on their own turn after fulfillment required conditions.
3. Incorrect. As stated above the appellant is Assistant (BS-16) and repatriated to his original post, therefore the question of irreparable loss does not arise.
4. Incorrect. Balance of convince is in favour of respondent.
5. Incorrect. As stated in para-2 and 3 above.

Keeping in view of the above application for suspension of order is not maintainable may be dismissed with costs.



Respondent No. 1, 2 & 3

GOVERNMENT OF KHYBER PAKHTUNKHWA

BOARD OF REVENUE

REVENUE & ESTATE DEPARTMENT

Peshawar dated the 17/08/2018.

NOTIFICATION

33

No. 30367. The Competent Authority is pleased to place the services of the following senior most Naib Tehsildars/District Kanungos/Sub-Registrars at the disposal of the Commissioners noted against their names for further posting as Tehsildars in their own pay and scales against the vacant posts in their Divisional jurisdiction.

S#	Name	Present Posting	Services placed at the disposal of Divisional Commissioner.
1.	Mr. Fazal Rehman	N.T DHPP	Hazara
2.	Mr. Farruk Jadoon	N.T Manshra	Hazara
3.	Mr. Bilal Ahmad	N.T Khanpur	Hazara
4.	Mr. Ejaz Ahmad	Tehsildar (OPS) Abbottabad	Already posted
5.	Mr. Muhammad Saleem	N.T Oghi	Hazara
6.	Mr. Sher Dil	Tehsildar (OPS) Battagram	Already posted
7.	Mr. Gohar Ali	N.T Lakki Marwat	Bannu
8.	Mr. Qiyanoos Khan	N.T Hangu	Bannu
9.	Mr. Muhammad Shoaib	Naib Tehsildar Karak	Bannu
10.	Mr. Muhammad Arshad	Reader to Commissioner Kohat	Bannu
11.	Mr. Zafar Iqbal	N.T Kohat	Bannu
12.	Mr. Nawab Gul	PNT Kurram	Bannu
13.	Mr. Tanzil-ur-Rehman	N.T Ambar	Bannu
14.	Mr. Muhammad Rafiq	District Kanungo Kohat	Kohat
15.	Mr. Roohul Amin	N.T South Waziristan	Kohat
16.	Mr. Sher Bahadur	N.T South Waziristan	D.I.Khan
17.	Mr. Simakat Iqbal	N.T.L.A Tank	D.I.Khan
18.	Mr. Adil Waseem	N.T Shabqadar	Peshawar
19.	Mr. Mahmood Shah	N.T PDA	Peshawar
20.	Mr. Gohar Ali	District Kanungo Swabi	Mardan
21.	Muhammad Yar,	Naib Tehsildar Chamla	Malakand
22.	Mr. Rab Nawaz	Sub Registrar Chitral	Malakand
23.	Mr. Abdul Qayum	Tehsildar (OPS) Barikot	Already posted
24.	Mr. Amir Zareen	N.T Chakesar	Malakand
25.	Mr. Shah Wazir	N.T Gagra	Malakand
26.	Mr. Abdur Rashid	N.T Lahore	Malakand
27.	Mr. Ahmad Ali	N.T Ekkaghund	Malakand
28.	Mr. Faiz Muhammad	D. K (N.T Dargai)	Malakand

By order of
Senior Member

Copy forwarded to the:-

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

[Signature]
Assistant Secretary (Estt.)

[Signature]
Assistant Secretary (Estt.)