

13.03.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Heard.

The appellant (Senior Scale Stenographer) who was appointed as Tehsildar on current charge basis has assailed the office order dated 17.08.2018 of his repatriation to his parent department.

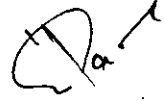
There is no cavil to the proposition that a civil servant has no right to question the order of his repatriation to his parent department.

Learned Deputy District Attorney stated that identical nature service appeals have already been rejected by this Tribunal vide common judgment passed in Service Appeal No.1133/2018 filed by Abdur Rehman.

Learned counsel for the appellant conceded the stance taken by learned Deputy District Attorney that identical nature service appeals have been dismissed.

Consequently the present service appeal is also dismissed in the light of judgment passed in service appeal mentioned above. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

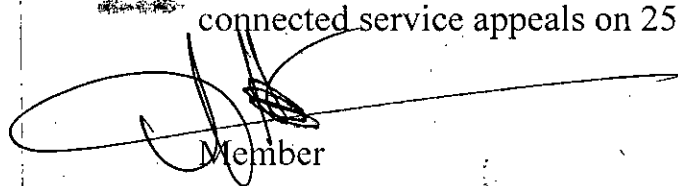
ANNOUNCED.

13.03.2019

02.01.2019

Learned counsel for the appellant present. Rejoinder submitted.

The ad-interim relief of status-quo issued vide order dated 17.10.2018 till the next date fixed as 09.11.2018 was not extended further. In the connected service appeals the ad-interim relief of status-quo was also not extended. As such the ad-interim relief in the shape of status-quo is no more in the field. Adjournment requested. Adjourn. To come up for arguments alongwith connected service appeals on 25.01.2019 before D.B.



Member



Member

25.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Arif, Superintendent for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 13.03.2019 for arguments before D.B.



(AHMAD HASSAN)  
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

17.10.2018

Appellant in person present. Mr. Javed, Assisnat alongwith Mr. Kabirulalh. Khattak, Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Granted. Case to come up for written reply/comments on 09.11.2018 before S.B. In the meanwhile status-quo be maintained till the date fixed.

(Ahmad Hassan)  
Member

09.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 23.11.2018. Written reply not received. Mr. Javid Assistant representative of respondents absent.

READER

23.11.2018

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Javed Iqbal, Senior Clerk for the respondents present. Written reply not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 21.12.2018 before S.B.

  
Muhammad Amin Khan Kundi  
Member

21.12.2018

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned AAG alongwith Muhammad Arif Superintendent present and submitted written reply. Adjourn. To come up for rejoinder/arguments on 03.01.2019 before D.B.

Member

03.10.2018

Counsel for the appellant Faiz Ullah Shah present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was initially inducted/appointed as Junior Scale Stenographer in the respondent department on proper recommendation of the Departmental Selection Committee vide office order dated 23.04.1986 and with the passage of time promoted to the post of Senior Scale Stenographer. It was further contended that on 23.04.2018 the respondent No. 2 issued an order whereby the appellant was placed at the disposal of Commissioner Malakand Division for further posting as Tehsildar (CCB) and vide order dated 02.05.2018 the appellant was further placed at the disposal of Commissioner Kohat Division on which Commissioner Kohat Division posted the appellant as Tehsildar Gumbat, District Kohat vide order dated 16.05.2018, the appellant <sup>was</sup> further posted as Tehsildar Thall District Hangu against the vacant post vide order dated 02.08.2018 and in response to the said orders the appellant performed his duty as Tehsildar quite efficiently and up to the entire satisfaction of his superiors and no complaint has been filed against him during performing his duty. It was further contended that astonishingly the Senior Member Board of Revenue i.e respondent No. 2 issued the impugned order dated 17.08.2018 whereby the appellant was reverted/repatriated to the post of Senior Scale Stenographer without any reason and clear justification. It was further contended that the normal tenure of the appellant was also not completed 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 17.10.2018 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. In the meanwhile status-quo be maintained till the date fixed.

Appellant Deposited  
Security & Process Fee



Muhammad Amin Khan Kundi)  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 1209/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/10/2018	<p>The appeal of Mr. Faiz Ullah presented today by Mr. Taimur Ali Khan 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 2/10/18</p>
2-	2-10-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>3-10-2018</u></p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1209 /2018

Faiz Ullah Shah

VS


Govt. of KPK

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2.	Copy of suspension application		5-6
3.	Copy of letter dated 22.05.20108	A	7
4.	Copy of letter dated 13.03.2009	B	8
5.	Copy of letter dated 22.03.2018	C	9
6.	Copy of notification dt: 23.04.2018	D	10
7.	Copy of notification dt:02.05.2018	E	11
8.	Copy of order dated 16.05.2018	F	12
9.	Copy of order dated 02.08.2018	G	13
10.	Copy of notification dt:17.08.2018	H	14
11.	Copy of departmental appeal	I	15-17
12.	Copy of judgment	J	18
13.	Copy of rejection order	K	19
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**APPELLANT**

THROUGH:

  
**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT,**  
**&**  
**(ASAD MAHMOOD)**  
**ADVOCATE PESHAWAR**

Room No. Fr-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar Cantt:  
Contact No. 0333-9390916

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1209 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No: 1445

Dated: 02/10/2018

Faiz Ullah Shah, Tehsildar, Current Charge Basis  
Thall District Hangu.

(Appellant)

**VERSUS**

1. The Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
3. The Board of Revenue through its Assistant Secretary Board of Revenue, Khyber Pakhtunkhwa Peshawar.

(Respondents)

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APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 17.08.2018, WHEREBY THE APPELLANT WAS REPATRIATED/REVERTED TO THE POST OF SENIOR SCALE STENOGRAPHER AND AGAINST THE ORDER DATED 28.09.2018, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

**PRAYER:**

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 17.08.2018 AND 28.09.2018 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO RESTORE THE APPELLANT ON THE POST OF TEHSILDAR (BPS-16) WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar

2/10/18

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was initially inducted/appointed as Junior Scale Stenographer in the respondent department on, proper recommendation of the Departmental Selection Committee vide office order dated 23.04.1986 and with the passage of time promoted to the post of Senior Scale Stenographer.
2. That due to the excellent performance and long experience, the District Coordination Officer Kohat wrote a letter on 22.05.2008 to Regional Coordination Officer Kohat that the appellant may be considered on priority for posting as Political Tehsildar/Political Naib Tehsildar Kohat. DCO also wrote a letter on 13.03.2009 to Deputy Secretary (L&O) in which he recommended the appellant for appointment/adjustment as a Political Tehsildar Kohat against the vacant post. Similarly the Political Agent Kurram Agency also wrote a letter to Secretary BOR KPK, Peshawar on 22.03.2018 and requested that the appellant having good working experience and skill, fit for selection is recommended to be selected against the vacant post of Tehsildar. **(Copy of letter dated 22.05.2008, 13.03.2009 and 22.03.2018 is attached as Annexure-A,B&C)**
3. That on 23.04.2018., the respondent no. 2 issued an order whereby the appellant was placed at the disposal of Commissioner Malakand Division for further posting as Tehsildar (CCB) and vide order dated 02.05.2018 the appellant was further placed at the disposal of Commissioner Kohat Division on which Commissioner Kohat Division posted appellant as Tehsildar Gumbat, District Kohat vide Order dated 16.05.2018, which was further posted as Tehsildar Thall District Hungu against the vacant post vide order dated 02.08.2018 and in response to the said orders the appellant performed his duty as Tehsildar quite efficiently and up to the entire satisfaction of his superiors and no complaint has been filed against him during performing his duty. **(Copies of order dated 23.04.2018, 02.05.2018, 16.05.2018 and 02.08.2018 are attached as annexure-D,E,F&G)**
4. That astonishingly the Senior Member Board of Revenue i.e. respondent No. 2 issued the impugned order dated 17.08.2018 whereby the appellant along with its colleague were reverted/repatriated to the post of Senior Scale Stenographer without any reason and clear justification. **(Copy of the impugned order is attached as Annexure-H)**



5. That appellant feeling aggrieved from the impugned order dated 17.08.2018, filed departmental appeal and where after filed writ petition No. 4182/2018 before the Peshawar High Court Peshawar, but the same was withdrawn by the appellant with the permission to approach the proper forum vide judgment dated 05.09.2018. **(Copies of Departmental Appeal and judgment are attached as Annexure-I&J)**
6. That vide appellate order dated 28.09.2018 the departmental appeal of the appellant has been rejected by the respondent No. 1 on no good grounds. Hence the present appeal on the following grounds amongst the other. **(Copy of rejection order are attached as Annexure-K)**


#### **GROUND:**

- A) That the impugned orders dated 17.8.2018 and 28.9.2018 are against the law, facts, norms of justice, material on record, hence not tenable and therefore liable to be set aside.
- B) That the order regarding posting of the appellant against the post of Tehsildar has been fully acted upon and attained finality thus past and closed and chapter/transaction, hence re-inquiring of it is not free from malafide also suggested involvement of hidden hands of depriving the appellant from the post of Tehsildar.
- C) That the respondent No.2 is competent who himself issued valid/legal order which has been acted upon thus subsequently he cannot be allowed to turn around after the lapse of about more four months.
- D) That the order dated 23.04.2018 was passed by the competent authority which was fully acted upon which created valuable right in the favour of the appellant, therefore, now the order dated 23.04.2018 could not be withdrawn under the principles of Locus Poenitentiae.
- E) That the appellant was discriminated as other officials namely Feroz Khan and Tariq Ahmad who were also reverted/repatriated along with the appellant in same impugned order have been again posted as Tehsildar on current charge basis and vide order dated 13.09.2018 and 13.08.2018. so much so those Kanungos who were posted as Tehsildar on current charge basis are still working against the said, but the appellant was reverted, therefore the impugned action needs to be declared illegal, against the law, have no legal effect and against the


Constitution of Pakistan. (copies of the record are attached as annexure-L)

- F) That even the show cause notice was not issued to the appellant before the issuing the impugned order dated 17.08.2018.
- G) That the respondents has not been treated the appellant in accordance with law and rules on the subject noted above and as such the respondents violated the Artice-4 and 25 of the Constitution of Pakistan.
- H) That the concerned authority acted in arbitrary and malafide manner while issuing the impugned order dated 17.08.2018 reverting the appellant to the post of Senior Scale Stenographer.
- I) That this Honourable Service Tribunal granted status quo in the favour of Saraf Ali on dated 01.10.2018 which was reverted/repatriated along with the appellant in same impugned order dated 17.08.2018. Similarly other official namely Karim Gul who was reverted/repatriated has also granted status quo by this Honorable Service Tribunal vide order dated 25/09/2018 and the appellant also expected the same relief from this august Service Tribunal under the rule of consistency. (Copies of order sheet dated 01.10.2018 and 25/09/2018 are attached as Annexure-M & N)
- J) That the appellant has more than 32 years of service and was also recommended for promotion to the post of Tehsildar by the competent authority different times heaving a lot of experience and skilled.
- K) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

  
APPELLANT  
Faiz ullah

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,  
&  
(ASAD MAHMOOD)  
ADVOCATE PESHAWAR

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2018

Faiz Ullah Shah

V/S

Revenue Deptt:

**APPLICATION FOR SUSPENDING THE OPERATION OF  
ORDER DATED 17.08.2018 TO THE EXTENT OF THE  
APPELLANT TILL THE DISPOSAL OF MAIN APPEAL.**

**RESPECTFULLY SHEWETH.**

1. That the appellant has filed an appeal along with this application in which no date is fixed so for.
2. That the appellant was discriminated as other officials namely Feroz Khan and Tariq Ahmad who were also reverted/repatriated along with the appellant in same impugned order have been again posted as Tehsildar on current charge basis vide order dated 13.09.2018 and 13.08.2018. so much so those Kanungos who were posted as Tehsildar on current charge basis are still working against the said, but the appellant was reverted, therefore the impugned action needs to be declared illegal, against the law, have no legal effect and against the Constitution of Pakistan.
3. That this Honourable Service Tribunal granted status quo in the favour of Saraf Ali on dated 01.10.2018 which was reverted/repatriated along with the appellant in same impugned order dated 17.08.2018. Similarly other official namely Karim Gul who was reverted/repatriated has also granted status quo by this Honorable Service Tribunal vide order dated 25/09/2018 and the appellant also expected the same relief from this august Service Tribunal under the rule of consistency
4. That the grounds of main appeal may also be considered as integral part of this application.
5. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.

It is therefore most humbly prayed that on the acceptance of this application, the operation of the impugned order dated 17.08.2018 may be suspended to the extent of the appellant till the decision of main appeal.



APPELLANT  
THROUGH:  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

&

(ASAD MAHMOOD)  
ADVOCATE PESHAWAR

#### AFFIDAVIT

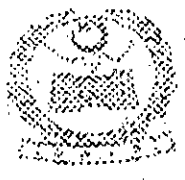
It is solemnly affirm that the contents of this application are true and correct to best knowledge and belief and nothing has been concealed from this Hon'ble Service Tribunal.



DEPONENT



A 7



OFFICE OF THE  
DISTRICT COORDINATION OFFICER  
KOHAT

No. 890 / DCO/PA  
Dated: 22/5/2008

To

The Regional Coordination Officer,  
Kohat.

SUBJECT: POSTING OF POLITICAL OFFICERS.

Memo

It is intimated that Mr. Faizullah Shah is serving in the office of Assistant Political Agent FR Kohat being S.S. Stenographer for the last (14) fourteen years. He rendered a valuable services in his capacity with AC(Dev), ACR(Rev/GA), AC Hangu and with AC, Kohat, have a total 23 years service in his credit. He has sufficient knowledge of Divisional & District Administration as well as Political affairs of FR Kohat.

Above in view, it is, requested that in case of transfer of any of the existing PT/PNTs in FR Kohat, Mr. Faizullah Shah may be considered on priority for posting as a PT/PNT in FR Kohat.

*[Handwritten Signature]*  
District Co-ordination Officer  
KOHAT

*[Handwritten Initials]*

B (B)

**OFFICE OF THE DISTRICT COORDINATION OFFICER  
K O H A T**

Dated: 13/03/09

No. 564/Dco /Posting/1

To

The Deputy Secretary (L&O),  
FATA Sectt: Peshawar.

SUBJECT: POSTING/APPOINTMENT AS POLITICAL TEHSILDAR.

Memo:

Consequent upon the nomination of Mr. Sajid Saleem Political Tehsildar FR Kohat for six month settlement training and as such the post of Political Tehsildar FR Kohat has become vacant due to which the official as well as field work pertaining to Political Tehsildar is suffering. Furthermore, it is submitted that one Mr. Faizullah Shah Senior Scale Stenographer (BPS-15) presently performing his duty as steno to APA FR Kohat has submitted an application for adjustment against the said vacant post of Political Tehsildar being deserving one. The total length of service of the official is 23 years and during this period he has served as Steno to ACD, ACR AC, Hangu and AC Kohat out of which 15 years service as steno to APA FR Kohat and as such he has ample expericne to deal political affairs effectively in FR Kohat.

Keeping in view the experience of the official as well as on going military operation in FR Kohat, his case for the appointment/adjustment as a Political Tehsildar FR Kohat against the vacant post is recommended in the best interest of public.

  
District Co-ordination Officer  
K O H A T

Jr



OFFICE OF THE  
POLITICAL AGENT KURRAM AGENCY

No. 2715 /PAK/St-

Dated 22-03- /2018

Email ID: pa.kurram786@gmail.com

Ph: No. 0926-310197 Fax No. 0926-310520

99

To

The Secretary Board of Revenue,  
Khyber Pakhtunkhwa Peshawar.

Subject: **SELECTION/POSTING OF TEHSILDAR.**

Memo:

It is intimated that Mr Faizullah Shah Senior Scale Stenographer (BPS-16) is serving in this office since November 2013 with the entire satisfaction of the undersigned. He has a vast experience in his job by serving as Steno to A.C. (Dev), A.C. (Rev/GA), Kohat, APA FR Kohat, A.C.Kohat, and Commissioner, Kohat. Having a length of **32 years** service and experience at Tehsil, District and Divisional level, he may please be selected as Tehsildar against the vacant the post in Kohat Division.

The above named official is the senior most official and has ample experience and capability to overcome all the office/field routine affairs.

In view of the above explained position, it is requested that Mr. Faizullah Shah Senior Scale Stenographer (BPS-16) having good working experience and skill, fit for selection, is recommended to be selected against the vacant post of Tehsildar in the best interest of general public.

Political Agent Kurram

Political Agent, Kurram

2715  
22-03-2018  
PAK



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 23/04/2018

20

NOTIFICATION

No.Esst:I/Posting / transfer/ \_\_\_\_\_ The Competent Authority is pleased to place the services of Mr. Faizullah Shah Senior Scale Stenographer of the office of Political Agent Kurram Agency at the disposal of Commissioner Malakand Division for further posting as Tehsildar (CCB) in the Division with immediate effect and in public interest.

By order of  
Senior Member

No.Esst:I/Posting / transfer/ 20161-65

Copy forwarded to the: -

1. Commissioners Malakand and Kohat Division.
2. Political Agent Kurram Agency with reference to his letter No. 2715/PAK/St date 22.03.2018.
3. Agency Account Officer Kurram Agency.
4. Official concerned.
5. Office order file.

Assistant Secretary (Estt.)

ATZ  
Ar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 02 /05/2018

E 11

NOTIFICATION.

No.Estt:I/PF/Azmat Ali/\_\_\_\_\_

The Competent Authority is pleased to order the following posting /transfer with immediate effect and in public interest: -

S.No	Name of officials	From	To
1.	Mr. Aftab Ahmad Tehsildar	Tehsildar Lora District Abbottabad	Service placed at the disposal of Commissioner Peshawar Division.
2.	Mr. Azmat Ali Khan Assistant	Tehsildar Laefli (CCB)	Service placed at the disposal of Commissioner Peshawar Division.
3.	Mr. Faizullah, Senior Scale Stenographer	Tehsildar (CCB) under transfer to Commissioner Malakand	Service placed at the disposal of Commissioner Kohat Division.
4.	Mr. Amir Zaman, Kanungo	Kanungo of Charsadda District	Service placed at the disposal of Commissioner Peshawar Division.

By order of  
Senior Member

No.Estt:I/PF/ Azmat Ali / 20944-50

Copy forwarded to the:-

1. Commissioners of the respective Division.
2. Deputy Commissioners of the respective District.
3. District Accounts Officer of the respective District.
4. P.S to Senior Member Board of Revenue.
5. Officer concerned.
6. Office Order file.

Assistant Secretary (Estt.)





OFFICE OF THE  
COMMISSIONER KOHAT DIVISION  
KOHAT.

F 12

No. 1793 /EA/Cmr-Kt

Dated Kohat May, 16 2018.

**ORDER:**

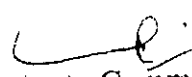
Mr. Faizullah Shah, Tehsildar (CCB), awaiting posting in this office, is hereby posted as Tehsildar Gumbat District Kohat with immediate effect, in the best public interest.


-Sd-  
COMMISSIONER, KOHAT DIVISION,  
KOHAT.

*Endst: No. & Date Even*

Copy forwarded to the:

1. Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Kohat.
3. District Accounts Officer, Kohat.
4. P.S to Commissioner, Kohat Division, Kohat.
5. Officer concerned.

  
Secretary to Commissioner,  
Kohat Division, Kohat.

ATTACHED  




OFFICE OF THE  
COMMISSIONER KOHAT DIVISION  
KOHAT

Ph: 0922-9260001-3  
0922-9260232

Fax: 0922-9260105  
0922-9260385

Commissioner Kohat Division, Kohat commissionerkht commissionerkohat@gmail.com

No. 276 /EA/Cmr-Kt

Dated Kohat July 2/8 2018

**ORDER:**

Mr. Faizullah Shah, Tehsildar (CCB), awaiting posting, is hereby posted as Tehsildar, Thall, Distt: Hangu, against the vacant post, with immediate effect, in the best public interest.

-Sd-  
COMMISSIONER, KOHAT DIVISION,  
KOHAT.

*Endst: No. & Date Even*

Copy forwarded to the:

1. Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Hangu.
3. District Accounts Officer, Hangu.
4. District Accounts Officer, Kohat.
5. Accounts Officer (Local).
6. P.S to Commissioner, Kohat Division, Kohat.
7. Officer concerned.

Secretary to Commissioner,  
Kohat Division, Kohat.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 17/08/2018.

See  
H/14

NOTIFICATION

No. 154/F.P.1  
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. Fariq Ahmad, Assistant	Tehsildar (CCB) Boom	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 Hyas, Assistant	Tehsildar (CCB) Loi Mamund	Repatriated to his parent office
8	Mr. Sarat Ali, Assistant	Tehsildar (CCB) FR Banno	Repatriated to his parent office
9	Mr. Fariq 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. 154/F.P.1/30193-430

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/initials]*

*[Handwritten signature/initials]*

PS/C.S Khyber Pakhtunkhwa  
Diary No. 83227/1E  
Date 31/8/2018

15

To  
The Worthy Chief Secretary  
Khyber Pakhtunkhwa, Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE  
IMPUGNED NOTIFICATION ESTT: 1/P/30393-  
430, DATED 17.08.2018 WHEREBY THE  
APPELLANT HAS ILLEGALLY BEEN  
REPATRIATED TO PARENT DEPARTMENT

Respected Sir,

1. That the appellant is performing his duties as Tehsildar on current charge basis as Tehsildar, Thal.
2. That the appellant is being subjected to persistent acts of discrimination on continuous basis and turned to be into shuttle cock as without observing the normal tenure of posting and transfer, the appellant is transferred and posted again and again.
3. That this was the case of appellant who had been initially transferred and posted vide order No. Estt./Posting/2016-17, dated 23.4.18 and lastly to the present place of posting vide order dated 2.8.18. (Copies of the transfer and posting orders are annexed).
4. That this was the background that yet, another herein impugned notification Estt: 1/P,1/30393-430, Dated 17.08.2018 was illegally issued whereby the appellant was repatriated to his present department in an illegal discriminatory, void and unwarranted manner. (Copies of the impugned office order is annexed).
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 S. Stenographer, BPS-16 but having the ability and potential, otherwise eligible as well, have been transferred and posted as Tehsildar on CCB wherein his rights are protected and governed by rule 9 of the Transfer Promotional and Appointment Rules 1989.

ATTACHED

*[Handwritten Signature]*

Grounds

(18)

- A. That persistent orders of transfer and posting 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 order are highly discriminatory ones and at the same time the repatriating 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 favorites 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.
- C. That without going into minute details in would 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 an even only on this score the impugned office order is void and illegal.
- D. 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 appellánt has repeatedly been transferred and repatriated for no reasons, which is certainly not a good omen.
- E. That posting and transferring any Civil Servant / Government on current charge basis is a defined mechanism of service law and procedure is detailed in ESta Code while the accrued rights, details are provided under rule 9 of Transfer, Promotion and Appointment Rules 1989. But here that situation is volte-face and the appellant is repatriated to parent department without any justification and the same tantamount to violation of only service law.
- F. That no one can condemned unheard, nor any one can be condemned for no wrong.

ATTESTED  
A

(7)

G. That from every angle and perspective the impugned transfer and posting orders are illegal, discriminations, 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 notification Estt: 1/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 struck 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 impugned transfer and posting order.;

Date\18.08.2018



Appellant

Faiz Ullah Shah  
Tehsildar Thal  
District Hangu.

ATTACHED





GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

No. Estt:I/PF/Faizullah/ 33372

Peshawar dated the 28/09/2018


To

Mr. Faizullah,  
Senior Scale Stenographer,  
Office of Deputy Commissioner,  
Kurram (Tribal).

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

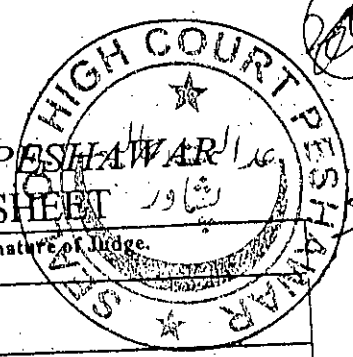
Your departmental appeal dated 18.08.2018 has been examined and  
rejected by the appellate authority.

  
Assistant Secretary (Estt)

**ATTACHED**  




**PESHAWAR HIGH COURT, PESHAWAR**  
**FORM OF ORDER SHEET**



Order of other Proceedings with Signature of Judge.

Date of Order of Proceedings: 1  
 2

06.09.2018 **WP No. 4172-P of 2018**

**Present:** Mr. Javed Iqbal Gulbella, advocate, for the petitioners.  
 Syed Sikandar Hayat Shah, AAG, for the respondents along with Mr. Saadullah Khan Superintendent Board of Revenue.

\*\*\*\*\*

**QAISER RASHID KHAN, J:-** Since the matter squarely falls within the terms and conditions of the service, therefore, in view of the specific bar envisaged in Article 212(2) of the Constitution of the Islamic Republic of Pakistan, the learned counsel for the petitioners seeks the withdrawal of the instant petition so as to approach the proper forum for the redressal of their grievance. Order accordingly.

Announced.  
 05.09.2018

*[Signature]*  
 Senior Puisne Judge

*[Signature]*  
 Judge

No. 5247  
 Date of Presentation of Application 11/7/18  
 No of Pages 18  
 Copying Fee .....  
 Urgent Fee .....  
 Total .....  
 Date of Preparation of Copy 11/7/18  
 Date of Delivery of Copy 11/7/18  
 Received By [Signature]

CERTIFIED TO BE TRUE COPY

Examiner  
 Peshawar High Court, Peshawar  
 Authorised Under Article 37 of  
 the Qanun-e-shahadat Order 1984

11 SEP 2018

"younas"

(DB) Hon'ble Mr. Justice Qaiser Rashid Khan  
 Hon'ble Mr. Justice Muhammad Ayub Khan.

*[Handwritten signature]*

OFFICE OF  
THE COMMISSIONER  
BANNU DIVISION

Post Box 12, Postal Code 24000, Bannu  
Tel. 8/5. Fataba 1/18  
Established September 13, 1974  
Phone 0820 - 827054 & 827020  
Fax 0820 - 827054

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OFFICE ORDER

Mr. Peroz Khan, Assistant (BS-16), Office of the Deputy Commissioner, Waziristan is hereby posted as Political Tehsildar Data Khel, North Waziristan (OPS) till further orders.

Sd/-  
Commissioner  
Bannu Division

No 816-19/Estab/DT/18:

Copy to:

Dated: 13/September

1. The Secretary Law & Order, FATA Secretariat, Peshawar.
2. The Deputy Commissioner, North Waziristan.
3. The Assistant Secretary (Estab) Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. Official concerned for compliance.

ATTESTED

*[Handwritten Signature]*

*[Handwritten Signature]*  
Secretary to Commissioner  
Bannu Division

AT

*[Handwritten Signature]*

23.	Assistant Mr. Waheed Ullah	Tehsildar Katlang	Tehsildar Swabi
-----	-------------------------------	-------------------	-----------------

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

PH: 0946 92-10087

Email: secretarytoceind@pmail.com

**OFFICE ORDER:**

(Dated 13/08/2018)

No. 4514/2/19/Estt:

The following posting/ transfer among the Tehsildars hereby ordered with immediate effect in the large public interest

**Sr. Name & Designation**

Mr. Tariq Ahmad.

Tehsildar (CCB)

**From**

Tehsildar Mastuj,  
Chitral

**To**

Tehsildar (CCB)  
Mulchow, Chitral  
against the vacant post.  
Tehsildar (CCB) Mastuj,  
Chitral vice S. No. 1

Mr. Nooruddin,

Assistant

Assistant DC, office  
Chitral

By Order

COMMISSIONER MALAKAND DIVISION

4514/2/19/Estt:

Forwarded to:-

Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

Deputy Commissioners. Chitral

Accounts Officer. Chitral

Officers concerned for compliance.

Per File

ATTESTED

(NAEEM AKHTAR)  
SECRETARY TO COMMISSIONER  
MALAKAND DIVISION

23.	Assistant Mr. Waheed Ullah	Tehsildar Katlang	Tehsildar Swabi
-----	-------------------------------	-------------------	-----------------

(1)

(22)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 09/07/2018

<b>RECEIVED</b>	
D.No	4193
Date	10/7/18
Retained by	1/1/18
Comd. of	

**NOTIFICATION**

No.Est:IP/T/27057

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 Stamps Peshawar	Tehsildar Charsadda
2.	Mr. Muhammad Iqbal	Tehsildar Charsadda	Inspector Stamps Peshawar
3.	Mr. Miraj Muhammad	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.	RO PESCO Khyber Circle
12.	Mr. Azmat Ali	Tehsildar (CCB) 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 Bhai	Tehsildar Mardan against vacant post
17.	Mr. Dil Nawaz	Awaiting for posting	Tehsildar Takhat Bhai
18.	Mr. Abdul Qayum	Inspector Stamps Mar Jan	Tehsildar Lahor
19.	Mr. Nawab Gul	Tehsildar (CCB) Lahor	Political Naib Tehsildar-II Upper Kurrum
20.	Mr. Said Rehman	Tehsildar Topi	Tehsildar Katlang
21.	Mr. Mustafa Shah Assistant	Tehsildar (CCB) Rustum	Repatriated to his parent office
22.	Mr. Saifur-Rehman Assistant	Tehsildar (CCB) Swabi	Repatriated to his parent office
23.	Mr. Waheed Ullah	Tehsildar Katlang	Tehsildar Swabi

TESTED

24.	Mr. Muhammad Hasrat	Upon completion of training	Tehsildar / Inspector Stamp Mardan.
25.	Mr. SherDil	Tehsildar (CCB) Alpuri	Tehsildar Battagram against the vacant post.
26.	Mr. Amjid Imran	Tehsildar (CCB) Mansehra	Repatriated to his parent office
27.	Mr. Arshad Memhood	Upon completion of training	Tehsildar Mansehra
28.	Mr. Iftikharud-Din	Tehsildar Lower Tanwal	TOSD Board of Revenue
29.	Mr. Qamar Zia Malik	Tehsildar BaffaPakhal	Tehsildar Khanpur.
30.	Mr. Javed	Tehsildar Havitain	Tehsildar Lower Tanwal
31.	Mr. Afsar Khan	Tehsildar Khanpur	Tehsildar Allai, Battagram
32.	Mr. Saadat Hussain Assistant	Tehsildar (CCB) Allai, Battagram	Repatriated to his parent office
33.	Mr. IjazJadoon	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. Umar Khitab	Tehsildar Mandanr	Tehsildar Matta Swat
40.	Mr. Ishtiaq 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. Nimatullah	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 Alpuri
50.	Mr. Said Manan Assistant	Tehsildar (CCB) Balambat	Repatriated to his parent office
51.	Mr. Muhammad Ghufra Kanungo	Tehsildar (CCB) LalQilla	Repatriated to his parent office
52.	Mr. Muhammad Ilyas	Tehsildar Adenzi	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 LalQilla

ATTESTED

*[Signature]*

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57.	Mr. Ishaq Ali	Upon completion of training	Tehsildar Domail against the vacant post
58.	Mr. Ghani Rehman Assistant	Tehsildar (CCB) Chamarkand Bajaur	Repatriated to his parent office
59.	Mr. Shahab Ud Din	PT Lower Orakzai	PT FR Kohat
60.	Mr. Muhammad Riaz	PT FR Kohat	PT Lower Orakzai
61.	Mr. Shafqat Ihsan Assistant	Tehsildar (CCB) Thall	Repatriated to his parent office
62.	Mr. Rashid Ali	Tehsildar Karak	Tehsildar Hangu
63.	Mr. Abudl Karim Assistant	Tehsildar (CCB) Hangu	Repatriated to his parent office
64.	Mr. Aminullah	Tehsildar Domail	Tehsildar SeraiNaurang
65.	Mr. Shafqatullah 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. Mofeed 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. Rahamduillah	RO PECO WAPDA Bannu	Political Tehsildar Dosalli.
73.	Mr. Shakil Assistant	PT (CCB) Mirali	Repatriated to his parent office

By Order Of Senior Member

No. Estt: I/57/95/2017/27058-77

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.

ATTESTED

*[Handwritten signature]*

*[Handwritten signature]*  
Assistant Secretary (Estt)

*[Handwritten signature]*

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**OFFICE OF  
THE COMMISSIONER  
BANNU DIVISION**

P.O. Box. 12, Postal code 28100, Bannu  
NO. 733 /Estab/DT/18  
Dated: Wednesday, August 15, 2018  
Phone 0925 - 9270044 & 9270220  
Fax 0928 - 9270041  
e-mail

**OFFICE ORDER**

Mr. Mufeed Alam, (BS-11) Political Moharar, Office of the Political Agent, North Waziristan is hereby posted as Political Naib Tehsildar Ghulam Khan in his own pay and scale till further orders.

Sd/-  
Commissioner  
Bannu Division

Dated. 15 /August/2018.

No 734-37 /Estab/DT/18.  
Copy to.

1. The Secretary Law & Order, FATA Secretariat, Peshawar.
2. The Deputy Commissioner, North Waziristan.
3. The Assistant Secretary (Estab) Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. Official concerned for compliance.

ATTESTED



*Rt. 15/18*  
Secretary to Commissioner,  
Bannu Division






GOVERNMENT OF KHYBER PAKHTUNKHWA  
 BOARD OF REVENUE  
 REVENUE & ESTATE DEPARTMENT  
 Phone No. 091-9218057  
 FAX No. 0919213969

Facebook ID: www.facebook.com/landrecordkpk Twitter ID: Landrecd

26

landrecd.kpk@gmail.com

**OFFICE ORDER**

No. LR-IV/SRP&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 service and subject to all further orders.

S.No	Name of official	From	To	Remarks
01	Mr. Imtiaz	Naib Tehsildar Pakhal Mansehra	Sub Registrar, Mansehra	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 05
04	Mr. Ichangir Khan	Senior Girdawar Peshawar	Sub Registrar-II, Peshawar (OPS)	Against vacant post
05	Mr. Saleem Ahmad	Sub Registrar-II, Peshawar	Report to Director Land Record office	

By order of  
Senior Member

Ref: No. LR-IV/SRP&T/Vol-II. 5360-80

Copy forwarded to the:

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

ATTACHED

Director Land Revenue  
 Inspector General

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Government of Khyber Pakhtunkhwa  
OFFICE OF  
COMMISSIONER  
BANNU DIVISION

32

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	To
1.	Mr. Habib ur Rehman, Political Muharrir	Political Naib Tehsildar, Razmak	Political Tehsildar, Mirali (OPS)
2.	Mr. Ghulam Abbas, Naib Tehsildar	Political Tehsildar, Mirali	Tehsildar, Kakki (OPS)

S/-  
Commissioner  
Bannu Division

Even no & date:-

Copy forwarded to the:-

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Additional Chief Secretary, FATA Secretariat.
3. Deputy Commissioner, Bannu.
4. Deputy Commissioner, North Waziristan.
5. District Accounts Officer, Bannu.
6. District Accounts Officer, North Waziristan.
7. PS to Commissioner, Bannu Division.
8. All concerned for compliance.

ATTESTED

17/9  
Secretary to Commissioner  
Bannu Division

ATTESTED

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In pursuance of Government of Khyber Pakhtunkhwa Board of Revenue  
Government Notifications No. 30367 & 30431 dated. 17.08.2018, the Commissioner  
Hazara Division is pleased to order the posting / transfer of the following Tehsildars  
& Naib Tehsildars in public interest with immediate effect.

Sr. No	Name	From	To
1	Mr. Farrukh Jadoon NT Acquisition Manshehra	Services placed at the disposal of Commissioner Hazara Division	Tehsildar (OPS) Bano Pakhal Manshehra is assigned the additional charge of NT Acquisition Manshehra to accelerate the acquisition process for Suki Kinan Hydra Power Project.
2	Mr. Muhammad Saleem NT Oghi	Services placed at the disposal of Commissioner Hazara Division	Tehsildar Oghi against the vacant post. He is assigned the additional charge of Tehsildar Darband, Manshehra.
3	Mr. Qamar Zia Malik	Tehsildar Khanpur	Tehsildar Judba Torghar vice S.No.6
4	Mr. Bilal Ahmed NT Khanpur	Services placed at the disposal of Commissioner Hazara Division	Tehsildar Khanpur vice S.No. 3.
5	Mr. Fazal ur Rehman NT Kohistan	Services placed at the disposal of Commissioner Hazara Division	Tehsildar Land & Assessment Unit DHPP, Kohistan Upper against the vacant post.
6	Mr. Raja Tasawar	Tehsildar Judba Torghar	Tehsildar Lower Tanawal Abbottabad vice S.No. 7
7	Mr. Javed	Tehsildar Lower Tanawal	Tehsildar Haveban Abbottabad against the vacant post
8	Mr. Mubarak Ahmed Kanungo	Services placed at the disposal of Commissioner Hazara Division District Kanungo	Naib Tehsildar (OPS) Oghi Manshehra
9	Mr. Jamroz Khan	District Kanungo BPS 14 Battagram	Naib Battagram S.No. 11 Tehsildar vice
10	Mr. Zakir Rehman Kanungo	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar (OPS) Khanpur vice S.No. 4
11	Mr. Gul Shezad	Naib Tehsildar Battagram	Naib Tehsildar Haripur against the vacant post.

ATTESTED

*[Signature]*

*[Signature]*

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12	Mr. Anwar Zeb Kanungo	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar (OPS) Darband 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 Alalm 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. Y Muhammad DRA (BPS-14) serving in the office of Deputy Commissioner Kohistan Lower.

ATTESTED

sd.  
Commissioner  
Hazara Division, Abbottabad

Endst: Even No & Date:

Copy forwarded for information to:

- 1 PS to Senior Member Board of Revenue, Government of K Paktunkhwa, Peshawar.
- 1 PS to Hazara Division

ATTESTED

ATTACHED

Handwritten mark

ATTACHED

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

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 PATA
7. PS to Commissioner Peshawar Division.
8. Officials concerned for compliance.

Copy forwarded to:

No: 6/7/EA/2018/11 / 11576-86

COMMISSIONER  
PESHAWAR DIVISION PESHAWAR

-Sd-

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

with immediate effect in the public interest.

The following posting / transfer amongst Naib Tehsildars are hereby ordered.

OFFICE ORDER

OFFICE OF THE  
COMMISSIONER PESHAWAR DIVISION  
PESHAWAR

No: 6/7/EA/2018/11 / 11576-86  
Dated: 07.09.2018



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FAX NO. :



OFFICE OF  
THE COMMISSIONER  
BANNU DIVISION

P.O. Box 12, Postal code 28100, Bannu  
NO. 733 /Estab/DT/18  
Dated: Wednesday, August 15, 2018  
Phone: 0925 - 9270044 & 9270220  
Fax: 0920 - 9270041  
e-mail: mailto:commissioner@bannu.gov.pk

OFFICE ORDER

Mr. Mufeed Alam, (BS-11) Political Moharrar, Office of the Political Agent, North Waziristan is hereby posted as Political Naib Tensildar Ghulam Khan in his own pay and scale till further orders.

Sd/-  
Commissioner  
Bannu Division

No 334-37 /Estab/DT/18.

Dated. 15 /August, 2018.

Copy to.

1. The Secretary Law & Order, FATA Secretariat, Peshawar.
2. The Deputy Commissioner, North Waziristan.
3. The Assistant Secretary (Estab) Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. Official concerned for compliance.

*[Handwritten signature]*

*[Handwritten signature]*  
Secretary to Commissioner,  
Bannu Division

*[Handwritten mark]*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**APPEAL NO. 1185 / 2018**

Mr. Saraf Ali, Tahsildar Current Charge Basis,  
FR Bannu .....

**APPELLANT**

Khyber Pakhtunkhwa  
Service Tribunal

Entry No. 1471

Dated 26/9/2018

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Senior Member Board of Revenue, Pakhtunkhwa, Peshawar.
- 3- The Board of Revenue through its Assistant Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE IMPUGNED ORDER DATED 17.8.2018  
WHEREBY THE APPELLANT WAS REPATRIATED/  
REVERTED TO THE POST OF ASSISTANT AND AGAINST  
THE APPELLATE ORDER DATED 25.9.2018 WHEREBY  
THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS  
BEEN REJECTED ON NO GOOD GROUNDS**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 17.8.2018 & 25.9.2018 may very kindly be set aside and the respondents may be directed to restore the appellant on the post of Tehsildar (BPS-16) with all consequential back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are**

**as under:-**

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

That appellant was initially inducted/ appointed as Assistant in the respondent Department on the proper recommendation of the Departmental selection committee vide office order dated 22.6.2006. Copy of the appointment order is attached as annexure ..... **A.**

- 2- That according to the service structure of the respondent Department Notified on 23.1.2015 twenty percent promotion quota was allocated for the cadre of Assistant

01.10.2018

33



Counsel for the appellant Saraf Ali Present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Revenue Department as Tehsildar. It was further contended that he was transferred from the post of Political Tehsildar, Dossali North Waziristan to the post of Political Tehsildar FR Bannu vide order dated 21.02.2018 but just after six months he has been again transferred from Tehsildar (CCB) FR Bannu and repatriated to his parent office vide impugned order dated 17.08.2018 before completing his normal tenure therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by 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 16.10.2018 before S.B. Learned counsel for the appellant also submitted application for suspension of impugned order. In the meanwhile status-quo be maintained till the date fixed.

Certified to be true copy

Member  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*M.A.*  
(Muhammad Amin Khan Kundi)  
Member

Date of Presentation of Application 2-10-2018  
Number of Copies 8  
Cost 600  
Urgency 200  
Total 800  
Name of Officer *SA*  
Date of Completion of Copy 2-10-2018  
Date of Delivery of Copy 2-10-2018

①

N 39

Peshawar

Khyber Pakhtunkhwa  
Services Tribunal

1446

17-9-2018

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

In Re S.A 1159 /2018

Karim Gul Tehsildar Reader to MBR-I.

-----*(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 Mardan Division Mardan.

-----*(Respondents)*

**SERVICE APPEAL U/S 04 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT  
1974 AGAINST THE IMPUGNED  
NOTIFICATION NO. 27057 DATED 09/07/2018  
OF THE OFFICE OF THE SENIOR MEMBER  
BOARD OF REVENUE, KHYBER  
PAKHTUNKHWA PESHAWAR WHEREBY  
THE APPELLANT WAS REPATRIATED TO  
HIS PARENT OFFICE AND IMPUGNED  
ORDER DATED 11-09-2018 WHEREBY  
DEPARTMENTAL APPEAL WAS DISMISSED**

Filed to-day

Registrar

17/9/18

**Respectfully Sheweth**

**ATTESTED**

**REGISTRAR**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

1. That the Appellant is performing his duties as Tehsildar on Current Charge Basis. (CCB) in Reader to MBR-I.



A-No. 1159/2018  
Karim Gul vs Govt



25.09.2018

Counsel for the appellant Karim Gul present.

Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was posted at Timergara as Tehsildar (CCB) and was transferred from there to Reader Member (I) Board of Revenue vide order dated 14.05.2018. It was further contended that the appellant was again transferred from the post of Reader to Member (I) Board of Revenue and was repatriated to his parent office vide order dated 09.07.2018 just after two months before completion of his normal tenure. It was further contended that the appellant preferred departmental appeal but the same was not responded hence, the present service appeal. It was further contended that the appellant was also discriminated therefore, the impugned order dated 09.07.2018 is illegal and liable to be set-aside.

The contentions raised by the learned counsel for the appellant need 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 15.10.2018 before S.B. Learned counsel for the appellant also submitted application for suspension of impugned order. Notice of the same be issued to the respondents. In the meanwhile status-quo to the extent of appellant be maintained till the date fixed.

Appellant Deposited  
Security Process Fee

Certified to be true copy

MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 2-10-18

Number of Writs 802

Copying Fee 6

Urgent 2

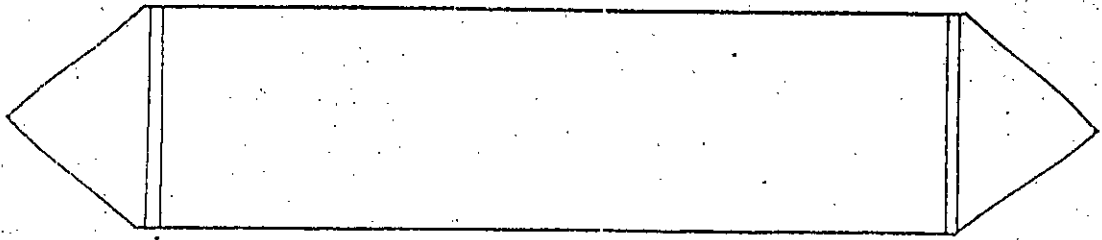
Total 8

Name of Copyist [Signature]

Date of Completion of 2-10-18

Date of Delivery of Copy 2-10-18

## بعد الت



2 منجانب  
بنام

موزخه

مقدمه

دعوی

جرم

## باعث تحریر آنکہ

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

آن مقام \_\_\_\_\_ کیلئے \_\_\_\_\_

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 ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بسورت ڈگری کرنے اجراء اور صولی چیک در و پیہ ار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برادگی اور منسوخی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ نیا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو کسی دہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانش التوائے مقدمہ کے سبب سے ہوگا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

20

ماہ \_\_\_\_\_

المرقوم

\_\_\_\_\_ گ \_\_\_\_\_ واہ \_\_\_\_\_

کے لئے منظور ہے۔

بمقام

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2014-15/ST

Dated 5/10/2018

To

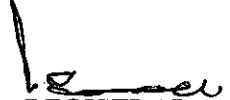
1. The Senior Member Board of Revenue,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
2. Commissioner,  
Government of Khyber Pakhtunkhwa,  
Kohat.

Subject: - ORDER IN APPEAL NO. 1209/2018, MR.FAIZULLAH SHAH.

I am directed to forward herewith a certified copy of order dated 03.10.2018 passed by this Tribunal on the above subject for further necessary action and strict compliance.

Encl: As above

O/C

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

Appeal No. 1209 of 20 18 *along with stay application*

Mr. Faizullah Khan Appellant/Petitioner

Versus

Chief Secretary K.P.K. Civil Court Respondent

Respondent No. 1

Notice to:

Chief Secretary K.P.K. Civil Court Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 17-10-2018 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

*along with stay application attached*  
Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 5th .....

Day of Oct ..... 2018 :

*[Signature]*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

IS  
C  
Govt. U

*Handwritten signature*

BY  
Mawa

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

Appeal No. 1209 of 20/8 along with  
Mr. Faizullah Shah Appellant/Petitioner  
Versus  
Chief Secretary K.P.K. etc Respondent  
Respondent No. 8

Notice to: Senior Member Board of  
Revenue, K.P.K. Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 17-10-2018 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

along with, 4 copies of application is attached  
Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 5th .....

Day of Oct ..... 20/8,

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

Appeal No. 1209 of 2018 *along with stay application*  
Mr. Faizullah Shah Appellant/Petitioner/  
*Chief Secretary, K.P.K. etc* Respondent  
Respondent No. 3

Notice to: *The Board of Revenue through its Assistant Secretary Board of Revenue K.P.K.*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 17-10-2018 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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*along with stay application attached*  
Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. .... dated. ....

Given under my hand and the seal of this Court, at Peshawar this 5th

Day of Oct 20 18

*[Signature]*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

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

Service Appeal No. 1209/2018.

Faiz Ullah Shah Tehsildar (CCB) Tehsil.

**VERSUS**

Senior Member Board of Revenue and others.

**PRELIMINARY OBJECTIONS.**

1. That the appellant has got no cause of action on locus stand.
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.
6. That the appellant has been repatriated to his parent department, hence there is no violation of terms and condition of appellant.

**PARAWISE COMMENTS OF RESPONDENT NO. 1,2&3 ARE AS UNDER.**

1. No comments. Pertains to record.
2. Correct to the extent that due to shortage of regular Tehsildars, the appellant was posted as Tehsildar (CCB). However, CCB cannot create right of the appellant to remain posted on the same.
3. As in para-2 above. However such posting against a post of different cadre cannot create right.
4. Incorrect. The appellant is basically Senior Scale Stenographer of the office of Deputy Commissioner Kurram 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 others (CCB) Tehsildars have been repatriated to their original post and offices. Posting of an official on Current Charge Base cannot 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 of required conditions.



5. Correct to the extent of judgment / order dated 05.09.2018 of Peshawar High Court.
6. Correct to the extent that Departmental appeal of the appellant was rejected by the appellate authority.

**GROUND.**

- A. Incorrect. Order dated 17.08.2018 and 28.09.2018 is according to law/rules.
- B. Incorrect. As in para-4 of the facts. Appellant has no vested right against the post of Tehsildar as he was not been regularly promoted but was posted on Current Charge Basis.
- C. As in para-4 of the facts.
- D. Respondent acted in accordance with law and rules.
- E. Incorrect. No discrimination has been done with the appellant. Discrimination is said to be committed when there is a right and the same has been negated to someone and given to others.
- F. Incorrect. No punitive action under Efficiency and Discipline Rules has been taken against the appellant. He is only repatriated to his parent office, therefore the question of condemned unheard does not arise.
- G. No violation of Article-4 and 25 of the constitution of Islamic Republic of Pakistan has been committed.
- H. As in para A above.
- I. No comments.
- J. Incorrect. The appellant is a junior most Senior Scale Stenographer, however, his case for promotion as Tehsildar will be placed before the Departmental Promotion Committee on his own turn for consideration.
- K. The respondent will also seek permission to submit additional grounds at the time of arguments.



Respondent No, 1, 2 & 3

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No.1209/2018

Faiz Ullah Shah

VS

Revenue Deptt:

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

- (1-6) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

1. Admitted correct by the department as the service record of the appellant is present with the department.
2. First portion of para 2 is admitted correct hence no comments, while the rest of para is incorrect hence denied as as the department itself posted the appellant on the post of Tehsildar which create certain the favour of the appellant which cannot be rescinded so easily under the principle of Locus poenitentiae.
3. Incorrect as replied in para 2 of the rejoinder.
4. Incorrect. The department itself adopted the pick and chose policy as other officials namely Feroz Khan and Tariq Ahmad who were also reverted/repatriated along with the appellant in same impugned order have been again posted as Tehsildar on current charge basis and vide order dated 13.09.2018 and 13.08.2018 which means that the appellant was discriminated which is violation of Article -25 of the constitution of Pakistan.
5. Admitted correct. Hence no comments.
6. Admitted correct by the respondents that departmental appeal of the appellant was rejected without good grounds.


**GROUND:**

- A) Incorrect. The impugned order are not in accordance with law and rules and liable to set aside.

- B) Incorrect. The competent authority promoted/posted the appellant on the post of Tehsildar which create certain the favour of the appellant which cannot be rescinded so easily under the principle of Locus poenitentiae.
- C) Incorrect. While para C of the appeal is correct.
- D) Incorrect. The respondents did not act in accordance with law and rules.
- E) Incorrect. The officials which were repatriated again posted on the post of Tehsildar on same footing with appellant but same benefits was not provided to the appellant which means that the appellant was discriminated which is against the constitution of Pakistan as well as norms of justice.
- F) Incorrect. While para F of the appeal is correct.
- G) Incorrect. While para G of the appeal is correct.
- H) Incorrect as par reply in para A above of the rejoinder.
- I) No comments endorsed by the respondents that para I of the appeal is correct.
- J) Incorrect. While para J of the appeal is correct.
- K) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

Through:

**APPELLANT**  
  
**(TAIMUR ALI KHAN)**  
**&**  
**(ASAD MEHMOOD)**  
**ADVOCATES HIGH COURT.**



**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

  
DEPONENT

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No.1209/2018

Faiz Ullah Shah

VS

Revenue Deptt:

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-6) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

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3. Incorrect as replied in para 2 of the rejoinder.
4. Incorrect. The department itself adopted the pick and chose policy as other officials namely Feroz Khan and Tariq Ahmad who were also reverted/repatriated along with the appellant in same impugned order have been again posted as Tehsildar on current charge basis and vide order dated 13.09.2018 and 13.08.2018 which means that the appellant was discriminated which is violation of Article -25 of the constitution of Pakistan.
5. Admitted correct. Hence no comments.
6. Admitted correct by the respondents that departmental appeal of the appellant was rejected without good grounds.

**GROUND:**

- A) Incorrect. The impugned order are not in accordance with law and rules and liable to set aside.

- ♥B) Incorrect. The competent authority promoted/posted the appellant on the post of Tehsildar which create certain the favour of the appellant which cannot be rescinded so easily under the principle of Locus poenitentiae.
- C) Incorrect. While para C of the appeal is correct.
- D) Incorrect. The respondents did not act in accordance with law and rules.
- E) Incorrect. The officials which were repatriated again posted on the post of Tehsildar on same footing with appellant but same benefits was not provided to the appellant which means that the appellant was discriminated which is against the constitution of Pakistan as well as norms of justice.
- F) Incorrect. While para F of the appeal is correct.
- G) Incorrect. While para G of the appeal is correct.
- H) Incorrect as par reply in para A above of the rejoinder.
- I) No comments endorsed by the respondents that para I of the appeal is correct.
- J) Incorrect. While para J of the appeal is correct.
- K) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

Through:

APPELLANT

(TAIMUR ALI KHAN)

&

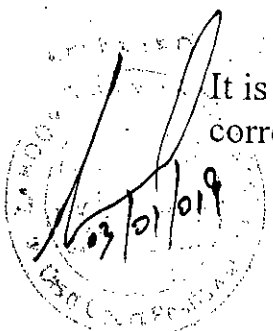
(ASAD MEHMOOD)

ADVOCATES HIGH COURT.

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief

DEPONENT



**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No.1209/2018

Faiz Ullah Shah

VS

Revenue Deptt:

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-6) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

1. Admitted correct by the department as the service record of the appellant is present with the department.
2. First portion of para 2 is admitted correct hence no comments, while the rest of para is incorrect hence denied as as the department itself posted the appellant on the post of Tehsildar which create certain the favour of the appellant which cannot be rescinded so easily under the principle of Locus poenitentiae.
3. Incorrect as replied in para 2 of the rejoinder.
4. Incorrect. The department itself adopted the pick and chose policy as other officials namely Feroz Khan and Tariq Ahmad who were also reverted/repatriated along with the appellant in same impugned order have been again posted as Tehsildar on current charge basis and vide order dated 13.09.2018 and 13.08.2018 which means that the appellant was discriminated which is violation of Article -25 of the constitution of Pakistan.
5. Admitted correct. Hence no comments.
6. Admitted correct by the respondents that departmental appeal of the appellant was rejected without good grounds.

**GROUND:**

- A) Incorrect. The impugned order are not in accordance with law and rules and liable to set aside.

- B) Incorrect. The competent authority promoted/posted the appellant on the post of Tehsildar which create certain the favour of the appellant which cannot be rescinded so easily under the principle of Locus poenitentiae.
- C) Incorrect. While para C of the appeal is correct.
- D) Incorrect. The respondents did not act in accordance with law and rules.
- E) Incorrect. The officials which were repatriated again posted on the post of Tehsildar on same footing with appellant but same benefits was not provided to the appellant which means that the appellant was discriminated which is against the constitution of Pakistan as well as norms of justice.
- F) Incorrect. While para F of the appeal is correct.
- G) Incorrect. While para G of the appeal is correct.
- H) Incorrect as par reply in para A above of the rejoinder.
- I) No comments endorsed by the respondents that para I of the appeal is correct.
- J) Incorrect. While para J of the appeal is correct.
- K) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

Through:

APPELLANT

(TAIMUR ALI KHAN)

&

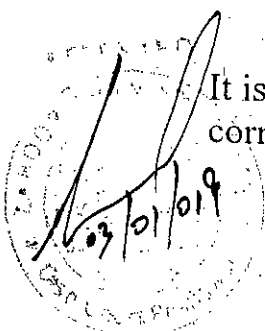
(ASAD MEHMOOD)

ADVOCATES HIGH COURT.

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief

DEPONENT



BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1209/2018

Khyber Pakhtunkhwa  
Service Tribunal

Dia: 1188

Date: 9-10-18

Revenue Deptt:

Put up to the court  
along with relevant appeal.

Faiz ullah Shah

V/S

10/10/18

Reader

APPLICATION FOR IMPLEADMENT OF  
COMMISSIONER KOHAT DIVISION KOHAT AS  
RESPONDENT.

RESPECTFULLY SHEWETH

1. That the appellant has filed the instant appeal against the order dated 17.08.2018 whereby the appellant was reverted/repatriated to the post of senior scale stenographer from the post of Tehsildar along with suspension application.
2. That the instant appeal was fixed for preliminary hearing on 03.10.2018 on which the Hon'ble Service Tribunal admitted the appeal and status quo was also granted in the favor of appellant and the notice was issued to the respondents.
3. That the appellant took the order sheet dated 03.10.2018 duly assigned by the Registrar of KPK Service Tribunal for the implementation of status quo granted by this Tribunal however, the Commissioner Kohat Division Kohat Office told to the appellant that Commissioner Kohat was not made respondent in the instant appeal to comply the order this Hon'ble Tribunal.
4. As the appellant is working under the control of Commissioner Kohat Division, therefore in the prevailing circumstances, it is necessary to implead the Commissioner Kohat as respondent in the instant appeal to comply the order dated 03.10.2018.

It is, therefore, most humbly prayed that the Commissioner Kohat Division Kohat may be arrayed as respondent in the instant appeal being necessary party and the notice may also please be issued for the date fixed.

APPELLANT

THROUGH:

(TAIMUR ALI KHAN)  
ADVOCATE HGH COURT

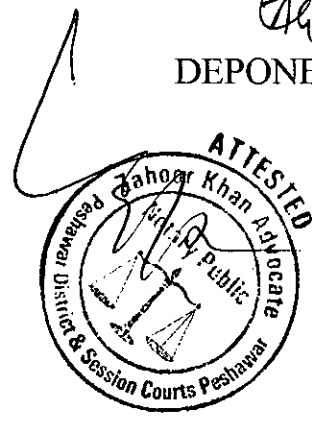


**AFFIDAVIT**

It is hereby solemnly affirm and declare that the contents of the application are true and correct to the best of my knowledge and belief.

*Ally*

DEPONENT



BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1209/2018

Faiz ullah Shah

V/S

Revenue Deptt:

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APPELLANT

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HGH COURT

**AFFIDAVIT**

It is hereby solemnly affirm and declare that the contents of the application are true and correct to the best of my knowledge and belief.

*Al*

DEPONENT

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. 1209/2018

Faiz ullah Shah

V/S

Revenue Deptt:

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**APPELLANT**

**THROUGH:**

  
**(TAIMUR ALI KHAN)  
ADVOCATE HGH COURT**

**AFFIDAVIT**

It is hereby solemnly affirm and declare that the contents of the application are true and correct to the best of my knowledge and belief.

*Al*

DEPONENT

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1209/2018

Faiz ullah Shah

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APPELLANT

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HGH COURT

AFFIDAVIT

It is hereby solemnly affirm and declare that the contents of the application are true and correct to the best of my knowledge and belief.



DEPONENT