

13.03.2019

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

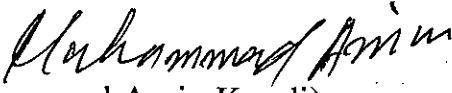
The appellant (Junior Scale Stenographer) who was appointed as Canal Naib Tehsildar on current charge basis has assailed the office order dated 17.08.2018 of his repatriation to his parent department.


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. Kabirullah 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.


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

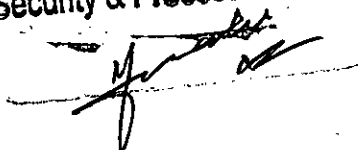
03.10.2018

Counsel for the appellant Nabi, Ullah present. Preliminary arguments heard. It was contended by learned counsel for the appellant that vide order dated 26.05.2017 the appellant was transferred from the post of Junior Scale Stenographer, Commissioner Office, Peshawar to the post of Canal Naib Tehsildar (CCB) Peshawar against the vacant post. It was further contended that vide impugned order dated 17.08.2018 the appellant was reverted/repatriated to his parent office from the post of Canal Naib Tehsildar (CCB) Peshawar without any reason or notice. It was further contended that vide same order one Feroz Khan was also repatriated to his parent department but he has been again adjusted by the competent authority vide order dated 13.09.2018 on the post of Political Tehsildar but the appellant was discriminated. 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.


(Muhammad Amin Khan Kundi)
Member

Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1208/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/10/2018 2-10-2018	The appeal of Mr. Nabi 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. REGISTRAR 2/10/18 This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>3-10-18</u> . MA MEMBER
2-		

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1208 /2018

Nabi Ullah

VS

Revenue Deptt:

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THROUGH:


APPELLANT

(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT,

&

(ASAD MAHMOOD)

ADVOCATE PESHAWAR

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

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1208 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1446

Dated 02/10/2018

Nabi Ullah, Canal Naib Tehsildar, Current Charge Basis
Peshawar.

(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)

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 JUNIOR SCALE STENOGRAPHER AND AGAINST THE ORDER DATED 13.09.2018, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

Filed to-day

Registrar

2/10/18

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 17.08.2018 AND 13.09.2018 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO RESTORE THE APPELLANT ON THE POST OF NAIB-TEHSILDAR (BPS-14) 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.

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 09.01.2009. **(Copy of appointment order is attached as Annexure-A)**
2. That due to the excellent performance, the appellant was posted on the vacant post of Canal Naib-Tehsildar Peshawar on current charge basis vide order dated 26.05.2017. **(Copy of the order dated 26.05.2017 is attached as Annexure-B)**
3. That in response to the said order the appellant started his duty as Canal Naib-Tehsildar Peshawar quite efficiently and up to the entire satisfaction of his superiors and no complaint has been filed against him during performing his duty.
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 Junior Scale Stenographer without any reason and clear justification. **(Copy of the impugned order is attached as Annexure-C)**
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. **Copy of Departmental Appeal and judgment are attached as Annexure-D&E)**
6. That vide appellate order dated 13.09.2018 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-F)**

GROUNDS:

- A) That the impugned orders dated 17.8.2018 and 13.9.2018 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 dated 26.05.2017 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 26.05.2017 could not be withdrawn under the principles of Locus Poenitentiae.
- C) That the order regarding posting of the appellant against the post of Naib 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 Naib Tehsildar.
- D) 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 than one year.
- E) That the appellant was discriminated as other officials namely Faroz 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. **(Copy of record is attached as Annexure-G)**
- 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 Article-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 Junior 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. **(Copy of order sheet dated 01.10.2018 and order sheet dated 25/08/2018 is attached as Annexure-H&I)**
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

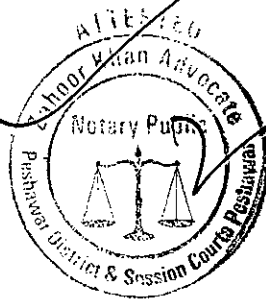
It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT
Nabi Ullah

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

&
(ASAD MAHMOOD)
ADVOCATE PESHAWAR



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2018

Nabi Ullah

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 far.
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,

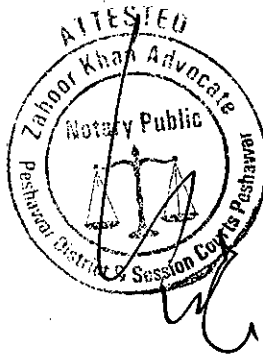
&

(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





COMMISSIONER
PESHAWAR DIVISION PESHAWAR

12th the Mall Peshawar Cantt (tel 9211334 fax.9214085)

Dated Peshawar the 2nd January, 2009

A ⑦

OFFICE ORDER.

No.PS/Commr/Pesh/1-2/2008/ On the recommendation of Departmental Selection Committee Mr. Nabi Ullah S/O Awal Khan r/o Mohallah Marab Khel Village Payan Peshawar is hereby appointed as Junior Scale Stenographer (BPS-12) on temporary basis on usual pay and allowances admissible under the rules against the vacant post subject to the terms & conditions mentioned below:-

TERMS AND CONDITIONS.

- 1 He will get pay at minimum of BPS-12 (Rs.4355-310-13655) including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
- 2 He will produce medical fitness certificates from Medical Superintendent, Services Hospital Peshawar.
- 3 He will be governed by the NWFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
- 4 He will, for all intents and purposes, be Civil Servant except pension/commutation/gratuity. In lieu of pension and gratuity, he will be entitled to receive such an amount contributed by him towards Community Provident Fund (CPF) alongwith contributions made by Govt. to his account in the said fund, in the prescribed manner.
- 5 His employment in the office of Commissioner Peshawar is purely on temporary basis and his services will be liable to terminate at any time without assigning any reason before the expiry of the period of probation/extended period of probation. If his work during this period was not found satisfactory in such an event, he will be given a month's notice of termination from service or one month pay in lieu thereof. In case he wishes to resign at any time a month's notice shall be necessary or in lieu thereof one month pay shall be forfeited.
- 6 He shall initially be on probation for a period of two years extendible upto 3 years.
- 7 If the above terms & conditions are accepted to him, he should report to the office of Commissioner Peshawar Division Peshawar on or before 16.01.2009, failing to which the order of appointment shall stand null and void.
- 8 His services are transferable anywhere in the Divisional level.

-Sd-

COMMISSIONER PESHAWAR

Dated 02/01/2009

Endst: No.PS/Commr/Peshawar/1-2/2008/16

Copy forwarded to:-

1. The Senior Member Board of Revenue NWFP, Peshawar.
2. The Accountant General NWFP, Peshawar.
3. The District Coordination Officer, Peshawar.
4. The Section Officer (FATA), Home & TAs Department.
5. The Assistant to Commissioner (P/D), Peshawar.
6. The Budget Assistant O/O Commissioner, Peshawar.
7. Mr. Nabi Ullah S/O Awal Khan r/o Mohallah Marab Khel Village Payan Peshawar
8. Personal file/office order file.

(MUNTAZIR KHAN)

Assistant to Commissioner (Revenue)

Re

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
Dated Peshawar dated the 26 May, 2017.

B (8)

NOTIFICATION:

No. Estt:/G.Ghazi/ _____ The following posting /transfer amongst Tehsildar,
Naib Tehsildar is hereby ordered with immediate effect in public interest:-

S.No	Name of official.	From	To
1.	Mr.Gul Ghazi Khan	Tehsildar Dargai	Services placed at disposal of FATA Secretariat.
2.	Mr. Muhammad Dawood	Inspector Stamps(CCB), Kohat.	District Kanungo Peshawar
3.	Mr. Muhammad Younas.	Assistant, Board of Revenue, Peshawar.	Tehsildar/Recovery Officer(CCB), PESCO, Peshawar Circle.
4.	Mr. Shafqat Ihsan.	Assistant, Board of Revenue, Peshawar	Tehsildar/Recovery Officer(CCB), PESCO, Khyber Circle.
5.	Mr. Iftikhar-ur-Din	District Kanungo Peshawar	Canal Naib Tehsildar Charsadda against the vacant post.
6.	Mr. Jehanzeb	Naib Tehsildar Dargai	Naib Tehsildar Chakesar Shangla.
7.	Mr. Inayat-ur-Rehman	Settlement Naib Tehsildar(CCB), Nowshera	Naib Tehsildar (CCB), Dargai.
8.	Mr. Kifayatullah	Senior Scale Stenographer, PA Office N.W. Agency	Tehsildar Land Acquisition(CCB) Abbottabad against the vacant post.
9.	Mr. Nawab Ali.	Senior Clerk, office of the Deputy Commissioner, Swat.	Naib Tehsildar(CCB) Khadu Khel against the vacant post.
10.	Mr. Nabi-Ullah.	Junior Scale Stenographer, Commissioner's Office, Peshawar.	Canal Naib Tehsildar, (CCB)Peshawar, against the vacant post.
11.	Mr. Mehmood Shah.	Naib Tehsildar, awaiting posting in BOR.	Naib Tehsildar, PDA Peshawar, against the vacant post.

By Order of
Senior Member

No. Estt:/PF/G.Ghazi/ 11088-1110

Copy forwarded to the:-

1. Additional Chief Secretary FATA, FATA Secretariat, Peshawar.
2. Commissioners of the respective Divisions.
3. Director General, Peshawar Development Authority, Peshawar.
4. Political Agent, N.W. Agency.
5. Deputy Commissioners of the respective districts.
6. Director Land Records Khyber Pakhtunkhwa.
7. Settlement Officer, Nowshera.
8. Section Officer(L&O), FATA Secretariat, Peshawar w/r to his letter No.FS/L&O/37-Transer/1368 dated 22-5-2017.
9. District Accounts Officers of the respective districts.
10. Officials concerned.
11. Personal Files.



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 17/08/2018.

(Handwritten initials and date)
17.8.18

NOTIFICATION

No. Est/E.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:-

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. Attique Rehman, Assistant	Tehsildar (CCB) Drosh	Repatriated to his parent office
4	Mr. Tariq Ahmad, Assistant	Tehsildar (CCB) Hooni	Repatriated to his parent office
5	Mr. Muhammad Younas, Assistant	Tehsildar (CCB) Limergara	Repatriated to his parent office
6	Mr. Arifullah, Assistant	Tehsildar (CCB) 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 Hannu	Repatriated to his parent office
9	Mr. Tariq Aziz, Assistant	Naib Tehsildar (CCB) Miranshah	Repatriated to his parent office
10	Mr. Sarazeb, Assistant	Tehsildar (CCB) Shawal	Repatriated to his parent office
11	Mr. Kifayatullah, SSS	Tehsildar (CCB) Tank	Repatriated to his parent office
12	Mr. Zardad Khan, Assistant	Tehsildar (CCB) WAPDA Abbottabad	Repatriated to his parent office
13	Mr. Khalid Azmat, Assistant	Tehsildar Takht-e-Nasrati	Repatriated to his parent office
14	Mr. Faizullah Senior Scale Stenographer	Tehsildar (CCB) Thal	Repatriated to his parent office
15	Mr. Feroz Khan, Assistant	Tehsildar (CCB) Mirali	Repatriated to his parent office
16	Mr. Malak Zahid, Assistant	Tehsildar (CCB) Bannu	Repatriated to his parent office
17	Mr. Nabiullah, Junior Scale Stenographer	Canal N.T (CCB) Peshawar	Repatriated to his parent office

By order of
Senior Member

No. Est/E.P.1/30393-430

Copy forwarded to the:-

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

(Handwritten signature and scribbles)

PS/SMBR
Dy No. 620
Date 28/8/18
Govt. of Khyber Pakhtunkhwa

D (10)

PS/C.S Khyber Pakhtunkhwa
Diary No. 8228 LNF
Date 27-8-2018

To,
The Worthy Chief Secretary,
Khyber Pakhtunkhwa, Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION ESTT: I/P.I/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 Naib Tehsildar on current charge basis.
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 s 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:I/PF/G-Ghazi/11088-11110, dated 26/05/2017 and lastly to the present place of posting vide order dated 20/12/2018. (Copies of the transfer and posting orders are annexed as annexure "A")
4. That this was the background that yet another herein impugned notification Estt: I/P.I/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 as annexure B).
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 Junior Scale Stenographer BPS-14 but having the ability and potential, otherwise eligible as well, have been transferred and posted as Naib Tehsildar on CCB wherein his rights are protected and governed by Rule-9 of the Transfer Promotional and Appointment Rules 1989. (Copy of Rule 9 is annexed as annexure C).
6. That besides the above the normal tenure of any transfer and posting order is 3 years while in the last one year more than 02 times the transfer orders of the appellant were issued which is against the fundamental rights and highly discriminatory in nature.

PA to Chief Secretary
Govt. of Khyber Pakhtunkhwa

27/8/18
Afe

Grounds: -

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- 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 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 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 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 appellant 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 servant on current charge basis is a defined mechanism of service law and 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 1989. But here the situation is volte-face and the appellant is repatriated to parent

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

F. That no one can be condemned unheard, nor any one can be condemned for no wrong.

G. 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 notification Estt: I/P.I/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 Naib Tehsildar on Current Charge basis likewise others of the same impugned transfer and posting orders.

Dated: 27/08/2018

Appellant

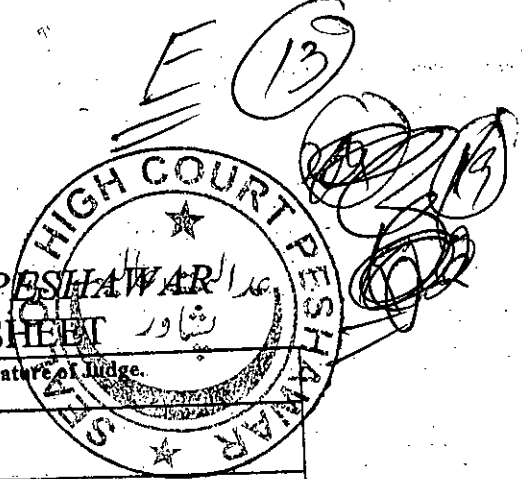
Nabi Ullah,
Naib Tehsildar CCB

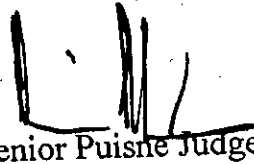
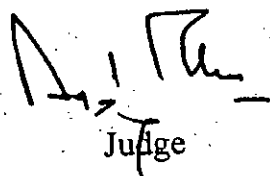
ATTESTED

GR

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

Order of other Proceedings with Signature of Judge.



Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
06.09.2018	<p><u>WP No. 4172-P of 2018</u></p> <p>Present: Mr. Javed Iqbal Gulbella, advocate, for the petitioners.</p> <p>Syed Sikandar Hayat Shah, AAG, for the respondents along with Mr. Saadullah Khan Superintendent Board of Revenue.</p> <p align="center">*****</p> <p><u>QAISER RASHID KHAN, J:-</u> 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.</p> <p>Announced. 05.09.2018.</p> <p align="right">  Senior Puisne Judge </p> <p align="right">  Judge </p>
Received By.....	

No..... 5247

Date of Presentation of Application..... 11/9/18

No of Pages.....

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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.

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt:V/ Nabiullah/Pesh/ 32118
Peshawar dated the 13/09/2018

F (14)

To


Mr. Nabiullah,
Junior Scale Stenographer
office of Commissioner Peshawar

Through Commissioner Peshawar Division.

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

Your departmental appeal dated 27.08.2018 has been examined and rejected by the
Appellate Authority.


Assistant Secretary (Estt)


RECEIVED



OFFICE OF
THE COMMISSIONER
BANNU DIVISION

Office No. 12 Postal Box, Bannu
No. 8/5
Date: September 13, 2018
Phone: 0922 - 0270224 & 0270230
Fax: 0922 - 0270231

(Handwritten initials and number 15)

OFFICE ORDER

Mr. Feroz 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

(Handwritten signature)

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

29

BETTER COPY
OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

10

16

PH: 0946 92-10087
Email: secretarytoemdc@pmail.com

Dated: 13/08/2018

OFFICE ORDER:

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

Name & Designation	From	To
Mr. Fariq Ahmad Tehsildar (CCB)	Tehsildar Mastuj, Chitral	Tehsildar (CCB) Mulkhaw, 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

15/19/2/19/Estt.

Copy forwarded to:

The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

The Deputy Commissioners: Chitral

The District Accounts Officer: Chitral

The officers concerned for compliance.

Office Order 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

RECEIVED	
D.No.	4193
Date	10/7/18
Retained by	1/17
Collected by	

NOTIFICATION

No. Est: MP/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 (QPS) 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 Mardan	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

500
 11/11/18
 AGS
 TESTED

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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 Mansehra (CCB)	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 Havilain	Tehsildar Lower Tanwal
31.	Mr. Afsar Khan	Tehsildar Khanpur	Tehsildar Ailai, Battagram
32.	Mr. Saadat Hussain Assistant	Tehsildar (CCB) Ailai 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. Ishiaq Ahmad	Tehsildar Matta Swat	Tehsildar Babuzai against the vacant post
41.	Mr. Munawar Shah	Tehsildar Khadukhel	Tehsildar Khwazakhela
42.	Mr. Afzal Khan	Tehsildar Khwazakehla	Tehsildar Mandanr
43.	Mr. Nimatullah	Tehsildar Kabal	Tehsildar WariDir Upper
44.	Mr. Muhammad Jawad	Tehsildar Barilkot	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 Ghufran Kanungo	Tehsildar (CCB) LalQilla	Repatriated to his parent office
52.	Mr. Muhammad Ilays	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 LalQila

ACCEPTED

[Signature]

[Signature]

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. Abdul Karim Assistant	Tehsildar (CCB) Hangu	Repatriated to his parent office
64.	Mr. Aminullah	Tehsildar Domail	Tehsildar Serai Naurang
65.	Mr. Shafqatullah Assistant	Tehsildar (CCB) Serai Naurang	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 Khe	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. Rahamdullah	RO PECO WAPDA Bannu	Political Tehsildar Dosa'li
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:-

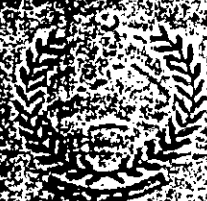
1. Election Commission of Pakistan with reference to his letter No. F.2(18)/2018-Cord., dated 05.07.2018.
2. Additional Chief Secretary FATA, Fata Secretariat, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa Peshawar.
4. Commissioners of the respective Divisions.
5. PSO to Chief Secretary, 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

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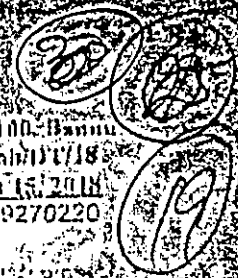
[Handwritten signature]
Assistant Secretary (ESU)

APPROVED
[Handwritten signature]



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 0923 - 9270044 & 9270220
Fax 0923 - 9270041
e-mail: mailto:comd@fata.gov.pk



OFFICE ORDER

Mr. Mufeed Alam, (BS-11) Political Moharrar, 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 334-37 /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. 15/8
Secretary to Commissioner,
Bannu Division

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
Phone No. 091- 9210057
FAX No. 0919213969

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

Email: landrecordkpk@gmail.com

Peshawar dated the 25/08/2015.

(20)

20

OFFICE ORDER

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

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

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

By order of
Senior Member

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.

ATTESTED

64

Director Land Record
Inspector General Registry

257 91

Government of Khyber Pakhtunkhwa
OFFICE OF
COMMISSIONER
BANNU DIVISION

3.

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)

Sd/-
Commissioner
Bannu Division

Even no & date:-

Copy forwarded to the:-

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Additional Chief Secretary, F.A.A 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.

ATTACHED

[Handwritten Signature]

H/17/9
Secretary to/Commissioner
Bannu Division

[Handwritten Signature]

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No. CHD/Esty/4/9/3158-19
Dated: 05/09/2018



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

No.	Name	From	To
1	Mr. Farrulch Jadoon NT Acquisition Manshira	Services placed at the disposal of Commissioner Hazara Division	Tehsildar (OPS) Baris Pakhal Manshira. He is assigned the additional charge of NT Acquisition Manshira to accelerate the acquisition process of Suki-Kinara Hydro 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, Manshira.
3	Mr. Qamar Zia Malik	Tehsildar Khanpur	Tehsildar Jueba 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 Jueba Torghar	Tehsildar Lower Tanawal vice S.No. 7 Abbottabad
7	Mr. Javed	Tehsildar Lower Tanawal	Tehsildar Havelian Abbottabad against the vacant post
8	Mr. Mubarik Ahmed Kamungo	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar (OPS) Oghi Manshira
9	Mr. Jamroz Khan	District Kamungo (IPS 14) Battagram	Naib Tehsildar Battagram S.No. 11 vice
10	Mr. Zakir Rehman Kamungo	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

ATTESTED

93

Anwar Zeb Kanungo	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar (OPS) Darband Manshra
Syed Sabir Hussain Shah Kanungo	Services placed at the disposal of Commissioner Hazara Division	Naib Tehsildar (OPS) Manshra
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.
5 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



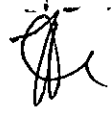
sd.
Commissioner
Hazara Division, Abbottabad

Endst: Even No & Date:

Copy forwarded for information to:

OPS to Senior Member Board of Revenue, Government of K
Pakhtunkhwa, Peshawar.

ATTESTED



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11576-86

OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

No: 6/7/EA/2018/11
Dated: 07.09.2018

OFFICE ORDER

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

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

-Sd-

COMMISSIONER
PESHAWAR DIVISION PESHAWAR

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

Copy forwarded to:

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

ATTACHED

[Handwritten signature]

[Handwritten signature]
(SALEEM JAN MARWAT)
ASSISTANT TO COMMISSIONER (REV/GA)
PESHAWAR DIVISION PESHAWAR

[Handwritten signature]

25

FAX NO. :



P.O. Box 12, Postal code 28000, Bannu
SO. 733 /Estab/DT/18
Dated, Wednesday, August 15, 2018
Phone 0929 - 9270044 & 9270220
Fax 0929 - 9270041
e-mail : commissioner@bannu.gov.pk



OFFICE OF
THE COMMISSIONER
BANNU DIVISION

OFFICE ORDER

Mr. Mufeed Alam, (BS-11) Political Moharrar, 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

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.

ATTACHED

Secretary to Commissioner
Bannu Division

H (27)
Khyber Pakhtunkhwa
Service Tribunal
Date: 26/9/2018

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 1185 /2018

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

APPELLANT

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

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3

01.10.2018



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
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

MA
(Muhammad Amin Khan Kundi)
Member

Date of Presentation of Application 2-10-2018
No. 8
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Total 8
Name of SA
Date of Completion of Copy 2-10-2018
Date of Delivery of Copy 2-10-2018

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BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A 1159 /2018

Karim Gul Tehsildar Reader to MBR-I.

Khyber Pakhtunkhwa
Services Tribunal
Peshawar

1446

17-9-2018

-----(*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 on day

17/9/18

Respectfully Sheweth

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal

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

A

A.No. 1159/2018
Karim Gul vs Govt

30

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.

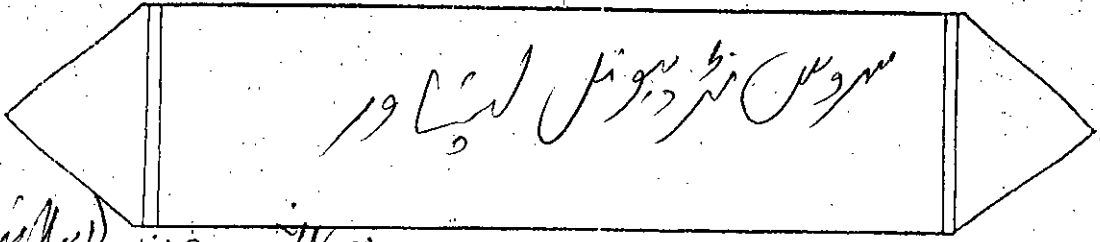
Amount Deposited
Security & Process Fee

Certified to be true copy

Signature
Khyber Pakhtunkhwa
Services Tribunal,
Peshawar

Date of Presentation 2-10-18
Number of Pages 802
Copying Fee 6
Urgent 2
Total
Name of Applicant
Date of Copying 2-10-18
Date of Delivery of Copy 2-10-18

بعد الت



سہی البتہ ۲۰۰۰ منجانب (ایڈوائسٹ)
 سہی البتہ بنام عدلہ مان

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل کاروائی متعلقہ
 آن مقام لیسٹا اور کیلئے سہی البتہ اور اسد محرز (ایڈوائسٹ)

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
 بصورت ڈگری کرنے اجراء اور صولی چیک در و پیہار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی 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 بھی دہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے وہ ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ نکھدیا کہ سند ہے۔

Accepted
Attestation

المرقوم _____ ماہ _____ 20 _____

_____ واہ _____

کے لئے منظور ہے۔

بمقام _____

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 1208/2018.

NabiullahAppellant

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary and others.Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2 & 3 ARE AS UNDER RESPECTFULLY SHEWETH.

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action or locus standi.
2. That the appeal is bad for mis- joinder and non- joinder of necessary parties.
3. That appellant is estopped by his own conduct to institute the instant appeal.
4. That the appellant has not come to the Tribunal with clean hands.

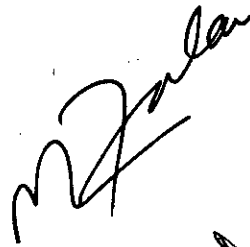
ON FACTS

1. Petain to record.
2. Correct to the extent of posting as Naib Tehsildar (CCB).
3. No comments. Pertains to record.
4. Incorrect. The appellant is basically Junior Scale Stenographer of the office of Commissioner Peshawar Division who was posted as Naib Tehsildar (CCB) due to non availability of regular Naib Tehsildar for smooth running of official business. Consequent upon the Departmental Promotion Committee meetings, the newly promoted Naib 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) Naib Tehsildars have been repatriated to their original post and offices. Posting of an official on current charge basis cannot create right of out of turn promotion, however their case will be placed before the Departmental Promotion Committee for promotion as Naib Tehsildar as and when vacancies occur in their share on their own turn after fulfillment required conditions.
5. No comments. Pertains to record.
6. Correct to the extent that Departmental Appeal of the appellant was rejected by the Appellate Authority.

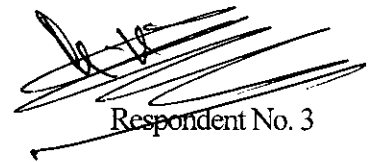
GROUNDS.

- A Incorrect. Order dated 17.08.2018 and 13.09.2018 is according to law / rules.
- B Incorrect. As in para - 4 of the facts.
- C Incorrect. As stated above the appellant is Junior Scale Stenographer who was posted as Naib Tehsildar (CCB) which does not create any right of regular and out of turn promotion.
- D Correct to the extent that order dated 17.08.2018 passed by Respondent No. 2 is according to law / rules.
- E Incorrect. No discrimination has been done with the appellant.
- F Incorrect. Posting / Transfer is part of service and can anytime be made by the Competent Authority.
- G Incorrect. The respondent has been treated in accordance with law / rules.
- H Incorrect. Order dated 17.08.2018 passed by the Competent Authority is according to law / rules.
- I No comments.
- J The respondent will also submit additional grounds at the time of arguments.

In view of the above, the appeal of the appellant having no legal ground may be dismissed with costs.



Respondent No. 1, 2



Respondent No. 3

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.1208/2018

Nabiullah

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. Admitted correct hence no comments.
3. Admitted correct by the department as the service record of the appellant is present with the department.
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 by the department as the service record of the appellant is present with the department.
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 repatriated were 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

