

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 252/2014

Date of Institution ... 19.02.2014

Date of Decision ... 24.07.2017

Waheed Ahmed, Tehsildar(Acting Charge Basis),
Haripur.

... (Appellant)

VERSUS1. Chief Secretary Khyber Pakhtunkhwa,
Peshawar and 3 others.

... (Respondents)

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate ---

For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney ...

For respondents.

MR. AHMAD HASSAN, ...
MR. MUHAMMAD HAMID MUGHAL ...MEMBER(Executive)
MEMBER(Judicial)JUDGMENTAHMAD HASSAN, MEMBER.-

This judgment shall dispose of the instant service appeal as well as connected service appeals No. 253/2014 titled Abdul Haleem and No. 254/2014 titled Muhammad Taj as similar question of law and facts are involved therein.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The brief facts of the case are that the appellant alongwith 38 officials on 04.06.2013 were promoted as Tehsildar on regular basis on the recommendations of

Departmental Promotion Committee. However, vide order dated 23.01.2014 the appellant was reverted to the Post of Distt: Kanongo.

ARGUMENTS

4. The learned counsel for the appellant argued that the appellant joined Revenue Department as Patwari in 1986 and was promoted as District Kanongo in 2007. Appellant and others were promoted as Tehsildar on the recommendations of the Departmental Promotion Committee vide order dated 04.06.2013. That some junior Naib Tehsildars not belonging to the cadre of appellant (DK cadre) filed a writ petition no. 1720-P/2013 in Peshawar High Court against the promotion order of appellant and other promoted officials. The said writ petition was sent to the appellate authority to treat the same as departmental appeal and decide it according to law and rules. Vide impugned order dated 23.01.2014 the appellant was reverted to his original post on the ground of not possessing the required qualification prescribed in the invogue Service Rules for promotion to the post of Tehsildar. The appellate authority (respondent no.1) without any notice to the appellant issued reversion orders and as such was condemned unheard. It is also worth mentioning that the appellant was again posted as Tehsildar on Acting/Current Charge Basis on 24.01.2014. Reliance was placed on 2003 SCMR 410, 2006 SCMR 1938 and 2007 SCMR 1835.

5. On the other hand Deputy District Attorney argued that as the appellant did not have the basic qualification prescribed in the Service Rules for promotion to the post of Tehsildar, as such he was reverted to his original post of Dist: Kanongo.

CONCLUSION.

6. Perusal of record reveals, that the appellant did not meet the conditions prescribed in the Service Rules for promotion to the post of Tehsildar and as such the respondents reverted him to his original position vide impugned order dated

23.01.2014. Graduation was a basic requirement for promotion, while the appellant did not possess the same. It may not be out of place to mention here that in pursuance of order dated 05.11.2013 passed by Peshawar High Court in a writ petition wherein departmental appeal was forwarded to the appellate authority (Chief Secretary) which was accepted and the appellant was reverted to his original post. Though appellant was reverted to his original position but action was not taken against those who approved the promotion in the meeting of the DPC. They owe an explanation why ineligible officials were promoted to higher scale? It amounts to ill-gotten gains and is without any justification. The Supreme Court of Pakistan in 2014 SCMR 949 exhaustively dilated on this issue and held that ill-gotten gains cannot be defended/protected under any cannon of law or even on humanitarian considerations. Orders passed by the respondents were duly supported by the relevant rules and as such there is hardly any force in the appeal filed by the appellant.

7. In view of the afore-going, the present appeal being devoid of any merits is dismissed. Departmental action may be initiated against those responsible for illegal promotions of Tehsildars. Parties are however, left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(AHMAD HASSAN)
MEMBER

ANNOUNCED
24.07.2017

Order


24.07.2017

Learned counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for respondents present.

Vide separate judgment of today of this Tribunal placed on file, the present appeal in hand is dismissed. Departmental action may be initiated against those responsible for illegal promotions of Tehsildars. No order as to cost. File be consigned to the record room.

Announced:
24.07.2017


(Muhammad Hamid Mughal)
Member


(Ahmad Hassan)
Member

21.07.2016

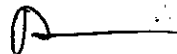
Counsel for the appellant and Mr. Mukhtiar Ali, Supdt alongwith Addl: AG for respondents present. Counsel for the appellant requested for adjournment. Adjournment granted. To come up for arguments on 19.09.2016.


Member


Member

22.11.2016

Counsel for the appellant and Mr. Muhammad Ibrar, Assistant Secretary (Litigation) alongwith Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 22.3.17



(ABDUL LATIF)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

22.03.2017

Counsel for the appellant and Mr. Muhammad Ibrar, Assistant Secretary alongwith Addl. AG for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 24.07.2017 before D.B.


(AHMAD HASSAN)
MEMBER

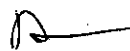
17.08.2015


Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl: A.G for official respondents present. The learned Member (Executive) is on official tour to Abbottabad therefore, arguments could not be heard. File to come up for arguments on 20-11-2015.


Member

20.11.2015

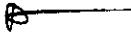
Counsel for the appellant and Mr. Mukhtiar Ali, Supdt: alongwith Addl: AG for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 6-4-16 for arguments.


Member


Member

06.04.2016

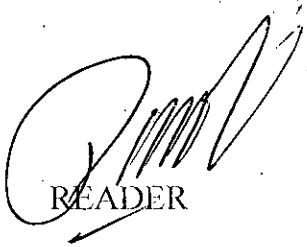
Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Clerk to counsel for the appellant stated that due to death of father of learned counsel for the appellant therefore, case may be adjourned. Adjourned for arguments to 21-7-16 before D.B.


Member


Member

22.12.2014

Clerk to counsel for the appellant and Mr Muhammad Jan, GP with Mukhtiar Ali, Supdt for the official respondents present. The Tribunal is incomplete. To come up for the same on 06.02.2015.



READER

6.2.2015


Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the official respondents present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned GP. To come up for arguments on 11.6.2015.



MEMBER

11.06.2015

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt alongwith Muhammad Jan, GP for official respondents present. Counsel for the appellant requested for adjournment. Request accepted To come up for arguments on 17.08.2015.



Member



Member

03.07.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for respondents No. 1 & 2 present, who already filed written reply. Respondents No. 3 sent letter, wherein it has been stated that he has no role in the appeal and requested for exemption. None is available on behalf of respondent No. 4 nor his written reply received, hence Respondent No. 3 & 4 are placed ex-parte. To come up for rejoinder on 15.9.2014.


MEMBER


MEMBER

15.09.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for respondents present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up as before on 10.11.2014.


READER

10.11.2014

Counsel for the appellant and Mr. Mir Qasim, Assistant Secretary, for the respondents present. The Tribunal is incomplete. To come up for the same on 22.12.2014.


READER

24.4.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for respondents No. 1 & 2 present and requested for further time. Fresh notices be issued to respondents No. 3 and 4. To come up for reply/arguments on stay application on 12.5.2014.

MEMBER

MEMBER

12.5.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for respondents No. 1 & 2 present, reply on main appeal submitted and requested for time to file reply on stay application. Copy handed over to counsel for the appellant. None is available on behalf of respondents No. 3 & 4. Fresh notices be issued to them. To come up for written reply of respondents No. 3 & 4 on main appeal as well as reply/arguments on stay application on 06.06.2014.

MEMBER

6.6.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for respondents No. 1 & 2 and Syed Iqbal Shah, Assistant for respondents No. 3 & 4 present and requested for time. To come up for written reply of respondents No. 3 & 4 on main appeal as well as reply/arguments on stay application on 3.7.2014.

MEMBER

MEMBER

Appeal No. 253/2014
Mr. Waheed Ahmed

11.03.2014

Counsel for the appellant and Mr. Mir Qasim Khan, Assistant Secretary with Mr. Zia Ullah, GP for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. He further contended that the order dated 23.01.2014 passed by the Board of Revenue, Revenue & Estate Department is the final order and there is no need to file separate appeals, in support he filed copy of unreported judgment of Supreme Court of Pakistan in Civil Petitions No. 500 & 501-P/2003 dated 27.04.2005.

The learned Government Pleader while assisting the Tribunal was of the view that the order dated 23.01.2014 is original order and the appellant was to file departmental appeal.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments. Appellant has also filed an application for suspending the operation of order dated 23.01.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 28.05.2014 as well as reply/arguments on application on 27.03.2014.

Appellant deposited
Process fee & Security
Rs. 2000 - Bank Receipt
attached with file

11.03.2014

This case be put before the Final Bench 11 for further proceedings.

Member

Chairman

27.3.2014.


Counsel for the appellant, Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for respondents No. 1 & 2, Mr. Bahadar Khan, Assistant for respondent No. 3 present and requested for time. None is available on behalf of respondent No.4. Fresh notice be issued to him. To come up for written reply on main appeal as well as reply/arguments on stay application on 24.4.2014.

MEMBER

MEMBER


3,
25.02.2014

Counsel for the appellant present. Preliminary arguments partially heard and case file perused. Through the instant appeal the appellant has impugned the order dated 23.01.2014, whereby the appellant has been reverted to District Kanongo post without any justification. Perusal of the record reveals that no Departmental Appeal has been filed by the appellant against the impugned order, however, the learned counsel for the appellant was of the view that since impugned order has been passed upon the Departmental Appeal of some others colleagues of the appellant, therefore, there is no need of filing separate Departmental Appeal by the appellant. Since the point raised by the counsel for the appellant required further consideration, therefore, Pre-admission notice be issued to the Government Pleader to assist the Tribunal on this point
07.03.2014.


Member

6,
07.03.2014



Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. The learned GP requested for time to contact the respondents. To come up for preliminary hearing on 11.03.2014.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 252/2014


| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 24/02/2014 | <p>The appeal of Mr. Waheed Ahmad resubmitted today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | 24-2-2014 | <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>25-2-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p> |

The appeal of Mr. Waheed Ahmad Tehsildar Haripur received today i.e. on 19.02.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal/review against impugned order is not attached with the appeal which may be placed on it.
- 2- Annexures-A & B of the appeal are illegible which may be replaced by legible/better one.

No. 265 /S.T.

Dt. 20/02 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M. Asif Yousafzai Adv. Pesh.

As the main copy was sent to the appellate authority, which is not available with the appellant. The same may be requisitioned from the Deptt.

Resubmitted

Mr. Asif

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 252 /2014.

Waheed Ahmed.

Vs

Chief Secretary KPK etc.

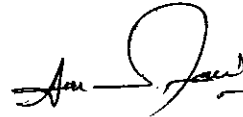
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APPELLANT 

WAHEED AMED.

THROUGH:



M.ASIF YOUSAFZAI

ADVOCATE.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 252 /2014.

Waheed Ahmed, Tehsildar (Acting Charge Bases),
Haripur.....Appellant.

VERSUS

229
19-2-14

- 1- The Chief Secretary KPK Peshawar.
- 2- The Secretary Revenue Deptt: /SMBR KPK Peshawar.
- 3- The Commissioner Hazara Division Abbottabad.
- 4- The D.C Haripur.

.....Respondents.

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE APPELLATE ORDER DATED. 23.1.2014 WHEREBY THE APPELLANT HAS BEEN REVERTED TO DISTT: KANONGO POST AT THE BACK OF APPELLANT.

PRAYER: *That on acceptance of this appeal the order dated. 23.1.2014 may be set-aside being one sided, arbitrary and passed in violation of law and rules. The respondents may further please be directed to restore the appellant as Tehsildar with all back and consequential benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.*

19/2/14

re-submitted to-day and filed.
24/2/14.

FACTS:

- 1- That the appellant joined the Revenue Deptt: in 1986 as Patwari. The appellant was later on promoted as Girdawar in 1993 and as D.K in the year 2007. The appellant has also passed the Tehsildari Exam. All the dates are recorded in the seniority list the copy of which is attached as Annexure - A.
- 2- That according to the rules of 2001 the post of Tehsildar was to be filled in as: 20% initial recruitment, 30% from Naib Tehsildars, 30% from Asstt: / Sr. Scale Stenographer, D.K with three Service, Head Clerks (Revenue) of Distt: Collector. Copy of Rules of 2001 is attached as Annexure – B.
- 3- That the Rules of 2001 were superseded by Rules of 2008 and the post of Tehsildar was to be filled in as: 20% Initial Recruitment, 60% from amongst Graduate Naib Tehsildars with 5 years service, 20% on joint seniority basis from amongst Graduate Asstt:/ Sr. scale Stenographer of BOR, DLR, revenue Appellate Court/ sub Registrar with five years service. Thus the cadre of D.K was omitted in the Rules of 2008. Copy of Rules of 2008 is attached as Annexure – C.
- 4- That on 30.3.2011 the rules of 2008 were amended and the entries against S.No.1 (b) & (c) were substituted as: 60% from amongst Naib Tehsildars, D.K, DRA and Head Clerk (Revenue) with five years service. 20% amongst graduate Asstt:/Sr. Scale Stenographers of BOR, DLR, Sr. scale stenographers of Commissioners, Addl: Commissioners, Political Agents and Sub registrar with 5 years service. Thus the cadre of D.K was again included in the Rules notified on 30.3.2011. Copy of rules is attached as Annexure – D.

- 5- That on 2.12.2011 again the entries against S.No.1 of Rules of 2008 are amended and substituted 1(a) (b) & (c) as: 20% initial recruitment. 60% on joint seniority from amongst Naib Tehsildars, DRa, DK & Sub registrar with 5 years service, 20 % on joint seniority from amongst Supdt: of BOR, Commissioners, DOR & Political Agents and Sr. Scale Stenographer of BOR, Commissioners, Addl: Commissioners 7 Political Agents with 5 years service. Copy of rules is attached as Annexure – E.
- 6- That on 4.6.2013 the appellant along with 38 officials was promoted as Tehsildar on regular basis after the recommendation of properly conducted , legally competent DPC because the appellant was senior and having the eligibility for Tehsildar post as per Rules. Copy of order is attached as Annexure – F.
- 7- That some junior Naib Tehsildars who were not belonging to the cadre of appellant (DK cadre) filed a writ petition No. 1720-P/2013 against the promotion order of appellant and other promoted officials. The said writ petition was heard on 5.11.2013 and the writ petition was sent to the appellate authority to treat the same as departmental appeal and decide the same according to law and rules. Copy of order sheet is attached as Annexure – G.
- 8- That the appellate authority (Respondent No.1), without any notice to appellant and without hearing the appellant, accepted the appeal and resultantly the appellant was reverted on 23.1.2014. It is also worth to mention here that the appellant was posted as Tehsildar on acting/ current

charge basis on 24.1.2014. Copies of orders are attached as Annexure – H&I.

- 9- That as the order dated. 23.1.2014 is an appellate order, therefore the appellant comes to this august Tribunal on the following grounds amongst the others.

GROUND:

- A- That the order dated. 23.1.2014 is against the law, rules, norms of justice, material on record and arbitrary, therefore, not sustainable in the eyes of law and rules.
- B- That the appellant has been condemned unheard as neither notice was served on appellant nor chance of hearing was provided to appellant which is the total violation of principles of Audi Alteram Partem.
- C- That even no proper procedure as required under E&D Rules 2011 was observed before passing the reversion order. Thus the reversion order is in total violation of law and rules.
- D- That the appellant was promoted by competent authority after the properly conducted DPC and on the basis of that the appellant remained as Tehsildar for more that 6 months which created valuable rights in favour of appellant. Thus the reversion order could not be so simply passed under the principles of Locus Poenitentiae.
- E- That the appellant was senior , eligible as per rules and correctly promoted by the competent authority after the

recommendations of properly conducted DPC. Thus the appellant was rightly and correctly promoted as Tehsildar according to the rules.

- F- That the appellate authority did not act with independent mind and arbitrarily passed the reversion order in total violation of principles of justice and norms of justice.
- G- That the appellant has not been treated according to law and rules.
- H- That the appellant seeks permission to advance other 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


WAHEED AHMED

THROUGH:


M.ASIF YOUSAFZAI

ADVOCATE.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. _____/2014.

Waheed Ahmed.

Vs

Chief Secretary KPK etc.

**APPLICATION FOR SUSPENDING THE OPERATION
OF ORDER DATED. 23.1.2014⁴ TO THE EXTENT OF
APPELLANT TILL THE DISPOSAL OF MAIN APPEAL.**

R.SHEWETH.

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the order dated. 23.1.2014 is one sided, arbitrary and passed in violation of law and rules.
- 3- That if the order dated. 23.1.2014 is not suspended then the appellant would suffer a lot because in general public the appellant was stood promoted and as such by reversion order the appellant has been faced to suffer from degradation in general public.
- 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 ingredients are in favour of appellant.
- 6- That the appellant is hopeful for the success of his appeal and the august Tribunal has the jurisdiction to suspend the operation of order dated. 23.1.2014.

It is therefore, most humbly prayed that the operation dated. 23..1.2014 may be suspended till the disposal of main

appeal. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

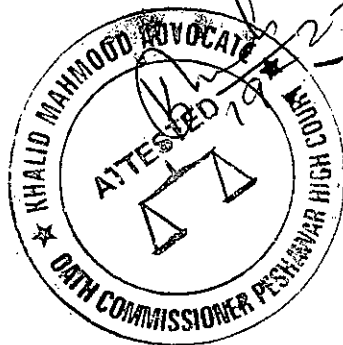
APPELLANT
[Signature]
WAHEED AMED.

THROUGH:

[Signature]
M.ASIF YOUSAFZAI
ADVOCATE.

AFFIDAVIT.

It is affirmed that the contents of this application are true and correct.



[Signature]
DEPONENT.

A (B)

FINAL / UNREGULATED SENIORITY LIST OF DISTRICT KANNUR, KERALA AS IT STOOD ON

10/2011

| S/N | NAME OF OFFICIALS (ORIGINALS) | DATE OF BIRTH | EDUCATIONAL QUALIFICATION | DOMICILE | DATE OF ENTRY INTO THE PRESENT POST (S/N) | DATE OF PROMOTION TO THE PRESENT POST (S/N) | REMARKS | METHOD OF RECRUITMENT |
|-----|-------------------------------|---------------|---------------------------|-----------|---|---|---------|-----------------------|
| 1 | Abdul Haleem | 04/04/1954 | Metric | Battagram | 05/04/1973 | 12/03/2003 | | Promotee |
| 2 | Challan | 25/03/1954 | F.A | Charsadda | 20/5/1976 | 23-8-2006 | | Promotee |
| 3 | Muhammad Hujar | 10/01/1967 | F.A | Mansehra | 29/01/1986 | 26/01/2007 | | Promotee |
| 4 | Shahar-Berman | 12/11/1955 | Metric | Swat | 10/07/1987 | 09/03/2007 | | Promotee |
| 5 | Shovrin Shah | 01/05/1957 | M.A | Charsadda | 02/04/1981 | 16/07/2007 | | Promotee |
| 6 | Ibrahim Shah | 04/04/1967 | F.A | Malakand | 17/09/1990 | 06/03/2008 | | Promotee |
| 7 | Muhammad Saleem Akhtar | 22/26/1956 | F.A | Mansehra | 15/01/1999 | 10/03/2008 | | Promotee |
| 8 | Rahim Taji | 20/01/1958 | Metric | Mardan | 07/09/1982 | 19/03/2008 | | Promotee |
| 9 | Jan Nisar | 03/08/1957 | Metric | Charsadda | 20/03/1976 | 10/06/2008 | | Promotee |
| 10 | Shah Bahram | 20/11/1975 | B.A | Tank | 28/06/1997 | 14/06/2008 | | Promotee |

ATTESTED

9

| | | | | | | |
|-----|---------------------|-----------|-----|----------|------------|------------|
| 13. | Muhammad Rafiq | 1.3.64 | SA | Kohat | 6.3.1988 | 15.10.08 |
| 14. | Akbar Ali | 20.2.64 | SA | Swabi | 19.12.1985 | 27.11.2008 |
| 15. | Ajam Khan | 15.6.63. | SA | Peshawar | 1-6-1987 | 29.11.2008 |
| 16. | Muhammad Javed Khan | 22.4.66 | SA | Hanspur | 15.9.1990 | 29.11.2008 |
| 17. | Shah Kadeem | | BSC | Mardan | 9-8-2004 | 29.11.2008 |
| 18. | Fazl Muhammad | 20.5.1966 | SA | Swabi | 21.9.95 | 25.5.2009 |

DIRECTOR LAND RECORDS
 KHYBER PAKHTUNKHWA

B

10

GOVERNMENT OF THE NORTH WEST FRONTIER PROVINCE
REVENUE AND ESTATE DEPARTMENT

NOTIFICATION

DATE: PESAWAR, THE 27TH NOVEMBER, 2001

No. 27944

Ad-1- In pursuance of the provisions

contained in Sub-rule (2) of rule 3 of the North-West Frontier Province

Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, read

with the Cabinet Division Notification No. SRO 475(1/2001, dated the

26th June, 2001, and in supersession of all previous rules issued in this

behalf, the Revenue and Estate Department, in consultation with the

Establishment Department and the Finance Department, hereby lays down

the Method of recruitment, qualifications and other conditions specified in

column 3 to 6 of the Appendix to this notification, which shall be

applicable to posts borne on the cadre strength of Revenue and Estate

Department specified in column 2 of the said Appendix.

S.O

SECRETARY TO GOVERNMENT
OF THE NORTH-WEST FRONTIER PROVINCE
REVENUE DEPARTMENT.

ATTESTED

(11)

53

220

27945-51 / Ad-

Dated: 27-11-2001.

A copy is forwarded for information and necessary action to:-

The Secretary's to Govt. of NWFP:-

- (i) E&A Department.
- (ii) Finance Department.
- (iii) Law Parliament, Affairs Department.

The Secretary's NWFP, Public Service Commission.

The Registrar, Peshawar High Court, Peshawar.

The Accountant General, NWFP, Peshawar.

The All D.O (R/E) / Collector, NWFP.

The Private Secretary to Minister for Revenue, NWFP.

The Controller, Govt. Printing Press, NWFP, Peshawar with the

request that the notification may be published in the official
gazette and to supply fifty printed copies to the undersigned.

DEPUTY SECRETARY TO GOVT. OF
THE NWFP, REVENUE DEPARTMENT.

ATTESTED

SCHEDULE

| Nomenclature of the post. | Qualification for appointment by initial recruitment. | Qualification for appointment by Promotion. | Age limit for initial recruitment. | Method of recruitment. | Remarks. |
|---------------------------|---|--|------------------------------------|--|---|
| 2 | 3 | 4 | 5 | 6 | 7 |
| Tehsildar | graduation from a recognised university. | Passing of Tehsildari Departmental Examination and Successful completion of training as may be prescribed by the Government. | 21 to 28 (a) Years. (b) | <p>20% by initial recruitment; -</p> <p>50% by promotion on the basis of seniority-cum-fitness from amongst paid Tehsildars; and the remaining 30% vacancies shall be filled in by selection on merit from amongst;</p> <p>(i) Assistants and Senior Scale Stenographers working in the office of Board of Revenue and District Collectors who are graduates and have atleast three years service as such;</p> <p>(ii) District Khansamas with atleast three years service as such; and</p> <p>iii) Head Clerks (Revenue) in the District Collector's offices with at least three years service as such;</p> | Joint seniority list of personnel of subordinate service for the purpose of promotion against 30% quota of the post of Tehsildars shall be caused with reference to their respective date of eligibility. |

ATTESTED

13

Designation of the post.

2

Maib Tehsildar

Qualification for appointment by initial recruitment.

3

Graduation from a recognized university.

Qualification for Appointment by Promotion.

4

Passing of Maib Tehsildari Departmental Examination and such training as may be prescribed by the Government.

Age limit for initial recruitment.

5

21 to 28 Years.

Method of recruitment.

6

- (a) 50% by initial recruitment, of which 10% shall be reserved for ex-service men, through public service Commission based on the merit of a competitive examination conducted by it in accordance with the syllabus.
- (b) 25% by promotion on the basis of seniority cum-fitness from amongst Managers in the Division with at least five years service as such;
- (c) 12% by selection on merit from amongst Assistants and Steno-graphers working in the office of Board of Revenue, District Collector and District Land Revenue Officer and have five years service as such;

Remarks.

7

ATTESTED

14

| No. Nomenclature of the post. | Qualification for Appointment by initial recruitment. | Qualification for Appointment by Promotion. | Age limit for initial recruitment. | Method of recruitment. | Remarks. |
|---|--|--|------------------------------------|--|--|
| District Karnungon (Sadar Karnungo). | 5 | Passing of Naik Tehsildari Departmental Examination and such training as may be prescribed by the Government. | 35 | 6 | By promotion, on the basis of seniority-cum-fitness, from amongst the Karnungos with three years service as such. |
| Patwaris. | F.A. or equivalent qualification. | Passing of Karnung Departmental Examination and successful completion of such training as may be prescribed by Government. ✓ | 18 to 30 Years | By promotion on the basis of seniority-cum-fitness, from amongst the patwaris in the District with five years service as such. | By initial recruitment. |
| Tehsil Revenue Accountant Wakil Sadr Wakil Khair Wakil Naib Wakil | F.A. or equivalent qualification from a recognized Board. | By transfer from amongst the holder of the post of Patwaris who have under gone 6 weeks training in a Central Govt. the post of Wakil Rev. Khair and have passed Patwaris Examination. | | | |

ATTESTED

C (15)

GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE REVENUE AND ESTATE DEPARTMENT

(Tehsildar, Naib Tehsildar / Subordinate Revenue Service Rules 2008)

Peshawar dated the 26/12/2008.

No. /Admn.135/SSRC.

In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO. 457 (1) / 2001 dated 28th June, 2001 and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts borne on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

Appendix

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|------|--------------------------|---------------------------------|---|---|---------------------------------------|---|
| S.No | Nomenclature of the post | Appointing Authority | Minimum Qualification for appointment by initial recruitment or by transfer | Minimum Qualification for appointment by promotion | Age limit | Method of recruitment |
| 1. | Tehsildar (BPS 16) | Administrative Secretary (SMBR) | Second class Graduation from any University recognized by the Higher Education Commission | Second class Graduation from any University recognized by the Higher Education Commission | 21 - 30 years For initial recruitment | (a) Twenty percent by initial recruitment; and (b) Sixty percent by promotion, on the basis of Seniority - cum - fitness From amongst the Graduate Naib Tehsildar with at least Five Years Service as such. The condition of Graduation will be applicable after five years from the date of issuance of this Notification; and (c) Twenty percent by Promotion, on the basis of Joint Seniority -cum - fitness from amongst the Graduate Assistants / Senior Scale Stenographer of Board of Revenue NWFP Director Land Record NWFP Revenue Appellate Court / Sub - Registrar with at least Five Years Service as such. |

ATTES

| 2 Naib Tehsildar (BPS 14) | 3 Administrative Secretary (SMBR) | 4 Second class Graduation from any University recognized by the Higher Education Commission | 5 Second class Graduation from any University recognized by the Higher Education Commission | 6 21 - 30 years For initial recruitment | 7 (a) Fifty percent by initial recruitment, through NWFP Public-Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and (b) Thirty percent by promotion, on the basis of Seniority - cum - fitness from amongst Graduate Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. The condition of Graduation will be applicable after five years from the date of issuance of this Notification. (c) Twenty percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Junior Scale Stenographer and Assistants in the office of Political Agent and Assistant Political Agent Frontier Region, Assistant / Junior Scale Stenographer of Ex - Deputy Commissioner / Commissioners offices presently working in the offices of DCO / ACO / EDO (F&P) and DOR, who are Graduate with five Years Service as such. |
|---|--|--|---|--|--|
| 3. District Kanungo (Saddar Kanungo) (BPS 14) | | | | | By transfer from amongst Naib Tehsildar |
| 4. Head Clerk (Revenue) (BPS 14) | | | | | By transfer from amongst Naib Tehsildar |
| 5. District Revenue Accountant (BPS 14) | | | | | By transfer from amongst Naib Tehsildar |

No. 32103-61 /Admin/135/SSRC

Copy forwarded for information and necessary action :

1. Secretary to Government of NWFP Establishment Department
2. Secretary to Government of NWFP Finance Department
3. Secretary to Government of NWFP Law & Parliamentary Affairs Department
4. Secretary NWFP Public Service Commission
5. Secretary to Governor NWFP.
6. Registrar Peshawar High Court Peshawar
7. Advocate General, NWFP
8. Accountant General NWFP Peshawar
9. Private Secretary to Chief Secretary NWFP
10. All District Coordination Officer, in NWFP
11. All District Officer (Revenue & Estate) /Collector, in NWFP
12. Director Land Record NWFP
13. The Controller, Government Printing Press, NWFP Peshawar with the request that the notification may be published in the official gazette and to supply one hundred printed copies to the undersigned

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Deputy Secretary
Government of NWFP
Revenue & Estate Department

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(18)

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

Peshawar dated the 30/03/2011

NOTIFICATION

No. _____ /Admin:1/296/Amendment. In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West Frontier Province Civil Services (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment and Finance Departments hereby directs that in this Departments Notification No. 32102/Admin:135/SSRC, dated 26.12.2008, the following further amendments shall be made, namely :-

AMENDMENTS

In the Appendix:-

(i) against S.No. 1, in column No. 7, for the existing entries, at clauses (b) and (c), the following shall be substituted, namely;

“(b) & By promotion on the basis of seniority-cum-fitness in the following manner:

(i) sixty percent from amongst the Naib Tehsildars, District Kanungos, District Revenue Accountants and Head Clerk (Revenue) with at least five year service as such.

Note:- The seniority of existing District Kanungos, District Revenue Accountants and Head Clerks (Revenue) will be merged with Naib Tehsildars and further promotion to these cadres will not be made henceforth; and

(ii) twenty percent from amongst graduate Assistant, Senior Scale Stenographer of Board of Revenue, Director Land Record, Senior Scale Stenographer of the offices of Commissioners, Additional Commissioners, Political Agents and Sub-Registrar with at least five years service as such.

Note: The officials in sub-clause (ii), so promoted, shall undergo Settlement / Revenue Training and pass “Kanungo Certificate Examination.”;

ATTESTED



(2) after serial No. 1, as so amended, the following new entries shall be inserted in the respective columns, namely;

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|------|--|---|---|---|---|--|
| "1-A | Reader to Senior Member / Members Board of Revenue | - | - | - | - | By transfer from amongst Tehsildars and; |

(3) against S.No. 2, in column No. 7, for the existing entries, the following shall be substituted, namely;

- "(a) Fifty percent, by initial recruitment; and
- (b) Fifty percent by promotion, on the basis of seniority-cum-fitness, in the following manner within the Division.
 - (i) thirty percent, from amongst Kanungos of the Division concerned with at least five years service as such who have passed the Departmental Examination of Naib Tehsildar; and
 - (ii) twenty percent from amongst graduate Assistants of the offices of Commissioners, Additional Commissioners, District Coordination Officers, District Officer (R&E)/Collectors, and Executive District Officers (P&P), Political Moharrirs of the office of Political Agents and Assistant Political Agents (FR), with at least five years service as such.

Note: Age and qualification for initial recruitment of Naib Tehsildars, remain intact passing of Departmental Examination and prescribed training as per rules 52, 53, 54 and 55 of the West Pakistan Tehsildar and Naib Tehsildar Departmental Examination and Training Rules, 1969 shall remain intact;

M. ...

SECRETARY

ATTESTED
[Signature]

No

1479
/Admin:11/296/Amendment

Copy forwarded for information and necessary action to the :-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
8. All District Officers (R&E)/Collectors, in Khyber Pakhtunkhwa.
9. Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
10. Controller, Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.

M. A. P.
DEPUTY SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

ATTESTED
[Signature]



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21

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 00000000000, 00TH SEPTEMBER, 2012.

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

NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

No. Estt:1/296/Amendment/29174.—In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment, Finance and Law Departments hereby directs that in this Department Notification No. 32102/Admn:1/135/SSRC, dated 26-12-2008 read with Notification No. 23497/Admn:1/296/Amendment, dated 30.03.2011, the following further amendments shall be made, namely:-

AMENDMENTS

In the Appendix:-

| | | |
|----|---|---|
| 1. | Tehsildar (BPS-16) | <p>Against S.No. 1, in column No. 7, for the existing entries, at clauses (a), (b) and (c), the following shall be substituted, namely:</p> <p>(a) Twenty percent by initial recruitment, through Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and</p> <p>(b) Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrar with at least five years service;</p> <p>(c) Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Superintendents of the office of Board of Revenue (Revenue & Estate and Land Settlement & Consolidation Department) Commissioners, DOR and Political Agents and Senior Scale Stenographers of the offices of Board of Revenue, Commissioners, Additional Commissioners, DCOs and Political Agents having five years service.</p> |
| 2. | Naib Tehsildar (BPS-14) (Divisional Cadre) | <p>Against S.No. 2, in column No. 7, for the existing entries, at clause (b), (c) and (d), the following shall be substituted, namely:</p> <p>(b) Twenty five percent by promotion, on the basis of seniority-cum-fitness from amongst Kanungos with at least five years service as such and have passed the departmental examination of Naib Tehsildar;</p> <p>(c) Twenty-five percent by promotion on the basis of joint seniority-cum-fitness from amongst Assistants of the office of BOR, Commissioners, Additional Commissioners, DCOs, DOR office and Executive District Officers (F&F), with at least five years service, Political Moharrirs of the office of Political Agent/Assistant Political Agents, with 10 years service.</p> |

ATTENTION

| | | |
|----|--|--|
| | | <p>(d) The official so appointed shall successfully complete Settlement/Revenue training and pass Kanungo Certificate Examination.</p> <p>EXPLANATION:- Ministerial employees of the Board of Revenue eligible for appointment to the post of Naib Tehsildar under the provision of clause (c) shall, for the purposes of the said clause, be deemed to belong to the division and zone respectively in which their home district is situated.</p> <p>Note:- Vacancy in a division will be filled on respective divisional basis.</p> |
| 3 | District Kanungo (BPS-14) | <p>Against S.No. 3, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By selection on seniority-cum-fitness with due regard to seniority from amongst Intermediate passed Kanungos with at least 03 years.</p> |
| 4. | Head Clerk (Revenue) BPS-14 (Divisional cadre) | <p>Against S.No. 4, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>Assistant having dealt with revenue or acquisition matters for at least 03 years.</p> |
| 5. | District Revenue Accountant (BPS-14) | <p>Against S.No. 5, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By promotion on the basis of selection on seniority from amongst Kanungos with at least 03 years service.</p> |
| 6. | Kanungo (BPS-9) | <p>Against S.No. 6, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By promotion on the basis of joint seniority-cum-fitness, on District level from amongst the patwaris/Tehsil Revenue Accountant who have passed the Departmental Examination of Kanungo.</p> |
| 7. | Patwari (BPS-5) | <p>Against S.No. 7, in column No. 7, for the existing entries, at clause (a) and (b) the following shall be substituted, namely:</p> <p>(a) By initial appointment from amongst the Patwari passed candidates entered in the Register maintained by the District Collector of the district concerned having one year certificate in information technology from any Institution Recognized by Board of Technical Education.</p> <p>(b) Successfully completed 09 months Settlement training. This condition will be applicable w.e.f. January, 2014.</p> |

Sd/-x-x-x
SECRETARY.



F (22)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 04/06/2013

NOTIFICATION

No. FARI/26/2013 consequent upon the recommendation of Departmental Promotion Committee, the Competent Authority is pleased to order the promotion the following Naib Tehsildar, District Kanungo, District Revenue Accountant & Sub-Registrar (BPS - 14) to the post of Tehsildar (BPS - 16) on regular basis with immediate effect:-

| S.NO | NAME OF OFFICER |
|------|-----------------------|
| 1. | Mr. Hazrat Qamar |
| 2. | Mr. Muhammad Siddique |
| 3. | Mr. Misri Khan |
| 4. | Mr. Bashir Ahmad |
| 5. | Mian Saadullah Jan |
| 6. | Mr. Abdul Lateef |
| 7. | Mr. Asghar Shah |
| 8. | Mr. Ali Sher Khan |
| 9. | Mr. Abdul Gaffar |
| 10. | Mr. Muhammad Taj |
| 11. | Mr. Saif Raza |
| 12. | Mr. Qasim Khan |
| 13. | Mr. Najib Ullah |
| 14. | Mr. Muhammad Goulan |
| 15. | Mr. Muhammad Ehyat |
| 16. | Mr. Waheed Ahmad |
| 17. | Mr. Muhammad Hamayun |
| 18. | Mr. Saif Ahmad |
| 19. | Mr. Muhammad Riaz |
| 20. | Muhammad Nawaz |
| 21. | Mr. Mir Taj |
| 22. | Mr. Nauman Ali Shah |
| 23. | Mr. Shouqia Shah |
| 24. | Mr. Hidayat Ullah |
| 25. | Mr. Ghulam Sarwar |
| 26. | Mr. Farzaneh Ali |
| 27. | Mr. Saif Raza |
| 28. | Mr. Fazli Raziq |
| 29. | Mr. Asmat Ullah |
| 30. | Mr. Hussain Bakhsh |
| 31. | Mr. Abdur Rashid |
| 32. | Mr. Fatch Ullah |
| 33. | Mr. Mulazim Hussain |
| 34. | Mr. Muhammad Israr |
| 35. | Mr. Afzal Khan |
| 36. | Mr. Gul Saif |
| 37. | Mr. Jehanzeb |
| 38. | Mr. Anwar ul-Haq |
| 39. | Mr. Faraz Khan |

ATTESTED

On promotion the above officers will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules - 1989.

Consequent upon above, the following postings / transfers are orders with immediate effect:

| S.No. | NAME OF OFFICER | FROM | TO |
|-------|-----------------------|---|--|
| 1. | Mr. Hazrat Qamar | District Revenue Accountant Buner | Services placed at the disposal of Commissioner, Malakand for further posting. |
| 2. | Mr. Muhammad Siddique | District Revenue Accountant Peshawar | Reader to Member - II, Board of Revenue |
| 3. | Mr. Miaz Khan | Sub-Registrar Malakand | Services placed at the disposal of Commissioner, Mardan for posting as Tehsildar Takht Bhai. |
| 4. | Mr. Bashir Ahmad | Tehsildar Swabi | Retained on the same post. |
| 5. | Mian Samiullah Jan | Tehsildar Tangi | Retained on the same post. |
| 6. | Mr. Abdul Haleem | District Kanungo Battagram | Services placed at the disposal of Commissioner, Hazara for further posting. |
| 7. | Mr. Agha Shah | Tehsildar / Recovery Officer NHA Abbottabad | Services placed at the disposal of Commissioner, Hazara for posting as Tehsildar Balakot. |
| 8. | Mr. Ali Sher Khan | Tehsildar on Special Duty Board of Revenue | Retained on the same post. |
| 9. | Mr. Anwar Chahar | Tehsildar of Serai Naurang | Retained on the same post. |
| 10. | Mr. Muhammad Taj | District Kanungo Haripur | Services placed at the disposal of Commissioner, Hazara for further posting. |
| 11. | Mr. Saif Rehman | Tehsildar Anti-corruption Peshawar | Retained on the same post. |
| 12. | Mr. Qasim Khan | Tehsildar (FR) Bannu | Retained on the same post. |
| 13. | Mr. Hajeer Ullah | Special Tehsildar Irrigation (Kandkobi) DKhan | Retained on the same post. |
| 14. | Mr. Muhammad Ghulam | District Kanungo Karak | Services placed at the disposal of Commissioner, Kohat for further posting. |
| 15. | Mr. Muhammad Hayat | Tehsildar (OPS) National Accountability Bureau | Retained on the same post. |
| 16. | Mr. Walid Ahmad | Tehsildar (OPS) Abai | Retained on the same post. |
| 17. | Mr. Muhammad Hamayun | Sub-Registrar District Lower | Services placed at the disposal of Commissioner, Malakand for further posting. |
| 18. | Mr. Saif Ghulam | Tehsildar Nowshera | Retained on the same post. |
| 19. | Mr. Muhammad Riaz | Tehsildar / Recovery Officer Peshawar Circle Peshawar | Services placed at the disposal of Commissioner, Peshawar for posting as Tehsildar Pabli. |
| 20. | Muhammad Nawaz | Tehsildar Battagram | Retained on the same post. |
| 21. | Mr. Mir Laiq | Tehsildar Mardan | Retained on the same post. |
| 22. | Mr. Nauran Ali Shah | JP Lower Orakzai | Retained on the same post. |
| 23. | Mr. Shouin Shah | Tehsildar (OPS) Shahqadar | Retained on the same post. |
| 24. | Mr. Hidayat Ullah | Tehsildar (OPS) Behrain | Retained on the same post. |
| 25. | Mr. Ghulam Sarwar | Naib Tehsildar Martung | Services placed at the disposal of Commissioner, Malakand for further posting. |
| 26. | Mr. Farzad Ali | Naib Tehsildar Chargagh | Services placed at the disposal of Commissioner, Malakand for further posting. |

ATTESTED

| S. NO. | NAME OF OFFICER | GRADE | TO |
|--------|-----------------------|---|---|
| 7 | Mr. Zahiruddin | Tehsildar / Recovery Officer (OPS) Swat | Services placed at the disposal of Commissioner, Malakand for posting as Tehsildar Pargara. |
| 8 | Mr. Jaleel Faiziq | Naib Tehsildar (Revenue) DC Office Swat | Services placed at the disposal of Commissioner, Malakand for further posting. |
| 9 | Mr. Anwar Ullah | District Revenue Accountant Lakki | Services placed at the disposal of Commissioner, Bannu for further posting. |
| 10 | Mr. Hameed Bakhsh | Head Clerk (Revenue) DIKhan | Services placed at the disposal of Commissioner, DIKhan for further posting. |
| 11 | Mr. Adur Rashid | District Revenue Accountant Tank. | Services placed at the disposal of Commissioner, DIKhan for further posting. |
| 12 | Mr. Rashid Ullah | At the disposal of FATA Secretariat | Retained on the same position |
| 13 | Mr. Iqbalazam Hussain | Settlement Naib Tehsildar Panyala | Services placed at the disposal of Commissioner, DIKhan for further posting. |
| 14 | Mr. Muhammad Israr | D/R DC Office Gamau | Services placed at the disposal of Commissioner, Bannu for further posting. |
| 15 | Mr. Adil Khan | Tehsildar Khaon Khel (OPS) Puner | Retained on the same post. |
| 16 | Mr. Gul Saad | Sub-Registrar Fugu | Recovery Officer NE SP Mardan |
| 17 | Mr. Jemal | Sub-Registrar Mardan | Services placed at the disposal of Commissioner, Mardan for further posting. |
| 18 | Mr. Arwan ul-Haq | Naib Tehsildar Chakaiser | Services placed at the disposal of Commissioner, Malakand for further posting. |
| 19 | Mr. Kutab Khan | Head Clerk (Revenue) Tank | Services placed at the disposal of Commissioner, DIKhan for further posting. |

By order of
Secretary to Government of Khyber Pakhtunkhwa
Revenue & Estate Department

No. Estt./20/11/339-922

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. All Commissioners, in Khyber Pakhtunkhwa.
3. All Deputy Commissioners, in Khyber Pakhtunkhwa.
4. All Political Agents in Khyber Pakhtunkhwa.
5. Superintending Engineer (O) PESCO Peshawar Circle Peshawar.
6. Regional Operating Officer, National Rural Support Programme Khyber Pakhtunkhwa Peshawar.
7. Deputy Secretary (Law & Order) FATA Secretariat Khyber Pakhtunkhwa.
8. Office concerned.

ATTESTED


Deputy Secretary to Government of Khyber Pakhtunkhwa
Revenue & Estate Department.

4 (25)

PESHAWAR HIGH COURT, PESHAWAR
FROM 'A'

FORM OF ORDER SHEET

COURT OF
CASE NO.

| | | |
|---------------------------|-----------------------------|---|
| SERIAL NO. OF ORDER SHEET | DATE OF ORDER OR PROCEEDING | ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY |
|---------------------------|-----------------------------|---|

2
05.11.2013

W.P No. 1720-P/2013.

Present:

Mr. Abdul Matin, Advocate, for the petitioners.

ROOH-UL-AMIN KHAN, J.

Through the instant petition, the petitioners have prayed for issuance of appropriate writ directing the cancellation of the impugned notification, thereby setting aside the illegal promotions and with further prayer for reconsideration of the entire case strictly in accordance with law and rules.

On the previous date learned counsel for the petitioners was confronted with the proposition that ultimately the Court would determine the question of rights of a civil servant under the Civil Servants Law which is beyond the jurisdiction of

Rooh-ul-Amin Khan

ATTESTED

Service Tribunal. On request of the learned counsel for the petitioners the case was adjourned for further study and preparation of the case. Today the learned counsel for the petitioners, when occupied the Rostrum; stated at the bar that through the instant Writ Petition he has challenged the impugned order on the grounds that he is eligible for promotion but the department has denied him to consider, wherein the jurisdiction of this Court is barred under Article 212 of Constitution of Pakistan and the same question is amendable to the jurisdiction of Service Tribunal constituted under the Article ibid. The learned counsel for the petitioner, however, submitted that the instant petition has been filed on 18/6/2013 and since than is pending adjudication for decision, in motion. He requested that the instant writ petition be transmitted to respondent No.1, as departmental.

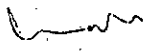
Local


appeal for decision. The request of the counsel for the petitioner is genuine, thus, copy of this Writ Petition be transmitted to respondent No.1 i.e. Secretary Revenue and Estate Department Khyber Pakhtunkhwa shall be treated as Departmental Appeal and be decided in the prescribed limits of time strictly in accordance with Rules and Law.

With the above observations, this Writ Petition is disposed off accordingly.

Announced:
5th November, 2013.


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(28)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

23
Peshawar dated the 7/01/2014

NOTIFICATION

No. Estt./26/_____ Upon acceptance of appeal filed by Mr. Shakirullah & others, the Competent Authority held the promotion order to post of Tehsildar issued vide this department Notifications No. Estt./26/11338 dated 04.06.2013, No. Estt./26/12401 and No. Estt./26/12342 dated 18.06.2013 in respect of following officials as not having the prescribed qualification for the post of Tehsildars. Accordingly, the promotion orders of the officials listed below are withdrawn and they are reverted to the post held before prior to their promotion.

| S.NO | NAME OF OFFICIAL |
|------|----------------------|
| 1. | Mr. Misri Khan |
| 2. | Mr. Bashir Ahmed |
| 3. | Mr. Abdul Haleem |
| 4. | Mr. Asghar Shah |
| 5. | Mr. Muhammad Taj |
| 6. | Mr. Said Rehman |
| 7. | Mr. Muhammad Hayat |
| 8. | Mr. Waheed Ahmad |
| 9. | Mr. Muhammad Hamayun |
| 10. | Mr. Sarir Ahmad |
| 11. | Mr. Muhammad Riaz |
| 12. | Muhammad Nawaz |
| 13. | Mr. Mir Laiq |
| 14. | Mr. Ghulam Sarwar |
| 15. | Mr. Farzand Ali |
| 16. | Mr. Said Rahim |
| 17. | Mr. Fazli Raziq |
| 18. | Mr. Asmat Ullah |
| 19. | Mr. Hussian Bakhsh |
| 20. | Mr. Abdur Rashid |
| 21. | Mr. Fateh Ullah |
| 22. | Mr. Molazim Hussain |
| 23. | Mr. Afzal Khan |
| 24. | Mr. Kurab Khan |
| 25. | Mr. Gul Ghazi Khan |

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| S.NO | NAME OF OFFICIAL |
|------|---------------------|
| 26. | Mr. Mukhtiar Ali |
| 27. | Mr. Mushtaq Ahmad |
| 28. | Mr. Liaqat Ali |
| 29. | Mr. Naz Amin |
| 30. | Mr. Shafi-ur-Rehman |
| 31. | Mr. Attaullah |
| 32. | Mr. Musadiq Hussain |
| 33. | Mr. Abdul Qayum |
| 34. | Muhammad Bashir |
| 35. | Mr. Ifrikhar Ahmad |
| 36. | Muhammad Akram |
| 37. | Mr. Ghulam Qasim |
| 38. | Mr. Attaullah |
| 39. | Mr. Tils Muhammad |

(29)

6

By order of
Secretary

No. Estt: 1/26/1984-2064

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. All Commissioners, in Khyber Pakhtunkhwa.
3. All Deputy Commissioners, in Khyber Pakhtunkhwa.
4. All Political Agents in Khyber Pakhtunkhwa.
5. Deputy Secretary (Law & Order) FATA Secretariat Khyber Pakhtunkhwa.
6. Official concerned.

Secretary-I

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 24/01/2014.

No.Estt;1/26/_____ On issuance of Notifaction No.Estt;1/26/1983, dated 23.01.2014 the Competent Authority is pleased to post the following Naib Tehsildars, District Kanunges, District Revenue Accountants, Sub-Registrars and Superintendents as Tehsildar on Current Charge Basis with immediate effect and in public interest: -

| S.No. | NAME | DESIGNATION & PRESENT POSTING | TO |
|-------|----------------------|------------------------------------|--|
| | Mr. Misri Khan | Tehsildar Lahore, District Swabi | Retained on the same post (On current Charge basis) |
| 2. | Mr. Bashir Ahmad | Tehsildar Swabi | Retained on the same post (On current Charge basis) |
| 3. | Mr. Abdul Halcom | Tehsildar Battagram | Retained on the same post (On current Charge basis) |
| 4. | Mr. Asghar Shah | Tehsildar Mardan | Retained on the same post (On current Charge basis) |
| 5. | Mr. Muhammad Taj | Tehsildar Manshera | Retained on the same post (On current Charge basis) |
| 6. | Mr. Said Rehman | Tehsildar Anti-Corruption | Retained on the same post (On current Charge basis) |
| 7. | Mr. Muhammad Hayat | Tehsildar Tangi District Charsadda | Tehsildar Tangi District Charsadda (C.C. 15) |
| 8. | Mr. Waheed Ahmad | Tehsildar Haripur | Retained on the same post (On current Charge basis) |
| 9. | Mr. Muhammad Hamayun | Tehsildar Upper Dir | Retained on the same post (On current Charge basis) |
| 10. | Mr. Sarir Ahmad | Tehsildar Nowshera | Tehsildar Nowshera (C.C. 15) |
| 11. | Mr. Muhammad Riaz | Tehsildar Pabbi | Retained on the same post (On current Charge basis) |
| 12. | Muhammad Nawaz | Tehsildar Charsadda | Retained on the same post (On current Charge basis) |
| 13. | Mr. Mir Laiq | Tehsildar Peshawar | Retained on the same post (On current Charge basis) |
| 14. | Mr. Ghulam Sarwar | Tehsildar Behrain | Retained on the same post (On current Charge basis) |
| 15. | Mr. Farzand Ali | Tehsildar Mandar | Retained on the same post (On current Charge basis) |
| 16. | Mr. Said Rahim | Tehsildar Timergara | Retained on the same post (On current Charge basis) |
| 17. | Mr. Fazli Raziq | Tehsildar Gagra | Retained on the same post (On current Charge basis) |
| 18. | Mr. Asmat Ullah | Tehsildar Banna | Retained on the same post (On current Charge basis) |
| 19. | Mr. Hussian Baksh | Tehsildar Land Acquisition DIK | Retained on the same post (On current Charge basis) |
| 20. | Mr. Abdur Rashid | Tehsildar Kulachi | Retained on the same post (On current Charge basis) |
| 21. | Mr. Fateh Ullah | Political Tehsildar Dossali (NWA) | Retained on the same post (On current Charge basis) |

Mr. Kurub Khan

24

| | | | |
|-----|------------------------|---------------------------------------|--|
| 24. | Mr. Kutab Khan | Tehsildar Havelian | Retained on the same post (On current Charge basis) |
| 25. | Mr. Gul Ghazi Khan | Tehsildar/RO Khyber Bank Peshawar | Retained on the same post (On current Charge basis) |
| 26. | Mr. Mukhtiar Ali | Tehsildar Inspector Stamp Mardan | Retained on the same post (On current Charge basis) |
| 27. | Mr. Mushtaq Ahmad | Tehsildar/Reader to SMBR | Retained on the same post (On current Charge basis) |
| 28. | Mr. Liaqat Ali | Tehsildar Razzar | Retained on the same post (On current Charge basis) |
| 29. | Mr. Naz Amin | Tehsildar Kallot | Retained on the same post (On current Charge basis) |
| 30. | Mr. Attaullah | Tehsildar/RO PESCO Peshawar Circle | Retained on the same post (On current Charge basis) |
| 31. | Mr. Musadiq Hussain | Tehsildar Thal | Retained on the same post (On current Charge basis) |
| 32. | Muhammad Bashir | Tehsildar Katlang | Retained on the same post (On current Charge basis) |
| 33. | Mr. Iftikhar Ahmad | Tehsildar/LAC NHA Hazara | Retained on the same post (On current Charge basis) |
| 34. | Muhammad Akram | Tehsildar Babulal Swat | Retained on the same post (On current Charge basis) |
| 35. | Mr. Ghulam Qasim | Tehsildar Irrigation DIK | Retained on the same post (On current Charge basis) |
| 36. | Mr. Attaullah | Tehsildar Daggar | Retained on the same post (On current Charge basis) |
| 37. | Mr. Tila Muhammad | Tehsildar/RO PESCO Khyber Circle | Retained on the same post (On current Charge basis) |

31

By order of
Secretary

No. Estt: 1/26/2271-79.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. All Commissioners in Khyber Pakhtunkhwa.
3. All Deputy Commissioners in Khyber Pakhtunkhwa.
4. All Political Agents in Khyber Pakhtunkhwa.
5. Official Concerned.
6. Personal Files.

Secretary-I

ATTACHED

Estt: 1-9-11/266

24.

Mr. Kutab Khan

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Waheed Ahmed

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Revenue Dept

(Respondent)
(Defendant)

I/We Waheed Ahmed (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20


(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

"A"

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

PH

No.

APPEAL No. 252 of 2014

Waheed Ahmad

Appellant/Petitioner

Versus

Chief Secretary Peshawar.

RESPONDENT(S)

Notice to GP Appellant/Petitioner Govt Pleader Service
Tribunal Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 7-3-2014 at Sir A.D.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

[Handwritten signature]
J/C

02/02/14

[Handwritten signature]

[Handwritten signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

s/c

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Faqir Muhammad Khokhar

Mr. Justice M. Javed Buttar

CA 507 to 503/03
Civil Petitions No.500 & 501-P/2003.

(On appeal from orders dated 14.6.2003 of
the NWFP Service Tribunal, Peshawar,
passed in Service Appeals No.223 & 224/2002)

Habib Ahmed. (in C.P.500-P/03)

Petitioners.

Fazal Raziq (C.P.501-P/03)

Versus

Presiding Officer, Revenue Appellate Court
No.3 and others.

Respondents.

For the petitioners:

Mr Khushdil Khan, ASC.
Mr Zahoor Qureshi, AOR.

For respondent No.3-4:

Mr Jam Muhammad Khan, ASC/AOR.

No.1-2:

Shah Jehan (Estt. Asstt)

Date of hearing:

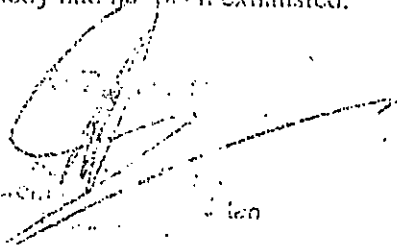
27.4.2005

ORDER

FAQIR MUHAMMAD KHOKHAR, J. - The petitioners seeks leave to appeal from orders dated 14.6.2003, passed by the NWFP Service Tribunal, Peshawar, (hereinafter referred to as the Tribunal) in Service Appeals No.223 and 224 of 2002.

2. The petitioners felt aggrieved by order dated 25.2.2002 passed by the appellate authority in respect of their place of seniority as *Fatwari*. They preferred Service Appeals No.223 and 224 of 2002 (here-against which were dismissed by the Tribunal, by the separate impugned orders dated 14.6.2003.

3. The learned counsel for the petitioners submitted that the order which was called in question in appeal before the Tribunal, was itself an appellate order passed by the departmental authority. Therefore, the Tribunal had taken an erroneous view of the matter in dismissing the service appeals of the petitioners on the ground that the departmental remedy had not been exhausted.


Faqir Muhammad Khokhar

The learned counsel for the respondents could not controvert the above-position.

5. We have heard the learned counsel for the parties and have also perused the available record. We find that the respondents being aggrieved of the original order of the departmental authority in respect of their seniority had availed the remedy of appeal which was accepted by the appellate authority. It was against the order of the appellate authority that the petitioners had preferred the service appeals. In these circumstances, it could not be said that the departmental remedy had not been exhausted. The impugned orders of the Tribunal are not sustainable at law.

6. For the foregoing reasons, both these petitions are converted into appeals and the same are allowed. The impugned orders dated 14.6.2003 of the Tribunal are set aside. Consequently, the Service Appeals No.223 and 224 of 2002 of the petitioners shall be disposed of by the Tribunal afresh in accordance with law. There shall be no order as to costs.

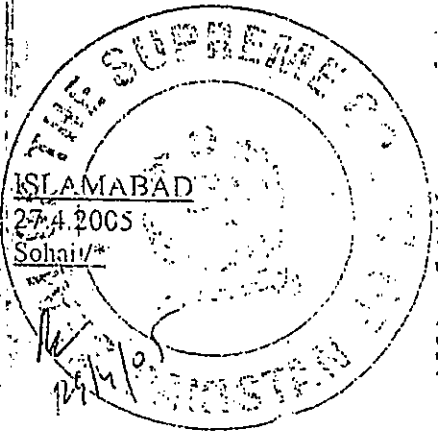
Sd/- Fajir Muhammad Khokhar, J.

Sd/- M. Tameed Butt, J.

Certified to be a true copy

Secretary, Supreme Court of Pakistan
ISLAMABAD

11-5-08



27/4/05
Sohail

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No: 252/2014

Waheed Ahmad, Tehsildar (CCB)Appellant

VERSUS

Senior Member Board of Revenue and othersRespondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2 ARE AS UNDER: -

PRELIMINARY OBJECTIONS

1. That appellant has got no cause of action.
2. That appellant is estopped by his own conduct to institute the appeal.
3. That the appeal is not maintainable in its present form.
4. The appellant has no grounds in support of his Appeal and no cause of action.
5. That the appeal is not maintainable and bad for mis-joinder & non-joinder of necessary parties.
6. That the Hon'ble Tribunal has no jurisdiction to entertain the appeal.
7. That the appeal is badly time barred.

RESPECTFULLY SHEWETH.

ON FACTS.

- 1 Pertains to record.
- 2 Correct to the extent of Rules 2001 that 30% quota was reserved for the ministerial employees, however, Tehsildari/Naib Tehsildari Service Rules 2001 were superceded in the year, 2008.
- 3 Correct.
- 4 Correct to the extent of amendments on 30.03.2011 wherein District Kanungo and District Revenue Accountant were included for promotion as Tehsildar (B-16).
- 5 Correct.
6. Pertains to record.
7. Correct to the extent that order dated 05.11.2013 passed by Peshawar High Court in a writ petition wherein departmental appeal was forwarded to appellate authority (Chief Secretary) which was accepted and the appellant was reverted being non graduate.
8. Incorrect. The reversion order was issued by the competent authority in accordance with law.
9. No Comments.

ON GROUNDS

- A. Incorrect. Reversion order was issued in accordance with law/ rules.
- B. Incorrect.
- C. Incorrect. Reversion order was issued with the approval of appellate authority under the law/rules, after following due process.
- D. Correct, however, on receipts of writ petition, it was brought into the notice of the authority that graduation condition is still intact in the existing Tehsildari/Naib Tehsildari Rules amended on 02.12.2011. Thus reversion orders were issued according to rules.
- E. As explained in preceding para.
- F. Incorrect. No discrimination has been done.
- G. Incorrect. The appellant was treated under the law.
- H. No comments.

The appeal may please be dismissed with costs.



Respondent No. 1&2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No: 252/2014

Waheed Ahmad, Tehsildar (CCB)Appellant

VERSUS

Senior Member Board of Revenue and othersRespondents

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GROUNDS

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- G. Incorrect. The appellant was treated under the law.
- H. No comments.

The appeal may please be dismissed with costs.

In answer

Respondent No. 1&2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No: 253/2014

Abdul Haleem, Tehsildar (CCB)Appellant

VERSUS

Senior Member Board of Revenue and othersRespondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2 ARE AS UNDER: -

PRELIMINARY OBJECTIONS

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RESPECTFULLY SHEWETH.

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- E. As explained in preceding para.
- F. Incorrect. No discrimination has been done.
- G. Incorrect. The appellant was treated under the law.
- H. No comments.

The appeal may please be dismissed with costs.



Respondent No. 1&2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 254/2014

Muhammad Taj, Tehsildar (CCB)Appellant

VERSUS

Senior Member Board of Revenue and othersRespondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2 ARE AS UNDER: -

PRELIMINARY OBJECTIONS

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2. That appellant is estopped by his own conduct to institute the appeal.
3. That the appeal is not maintainable in its present form.
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7. That the appeal is badly time barred.

RESPECTFULLY SHEWETH.

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ON GROUNDS

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- H. No comments.

The appeal may please be dismissed with costs.



Respondent No. 1&2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No: 253/2014

Abdul Haleem, Tehsildar (CCB)Appellant

VERSUS

Senior Member Board of Revenue and othersRespondents

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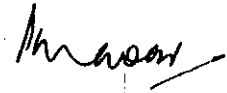
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Respondent No. 1&2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No: 254/2014.

Muhammad Taj, Tehsildar (CCB)Appellant

VERSUS

Senior Member Board of Revenue and othersRespondents

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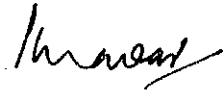
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Respondent No. 1&2