

25th July, 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Attaullah Khan, Assistant Commissioner, Bannu for official respondents No. 1 to 3 and counsels for private respondents No. 17 to 24 present. None present on behalf of private respondents No. 12 to 16.

On 23.12.2021 when converting the appeal into this execution application, the bench had allowed the respondents to file reply/comments as to execution which the respondents are now intending to file. They may file the same within 10 days. Similarly learned counsels for private respondents No. 17 to 24 submitted that the case may be fixed for arguments on the points of maintainability. Private respondents No. 12 to 16 be summoned through TCS, the expenses of which be deposited by the petitioner within three days. To come up for arguments on the point of maintainability as well as further proceedings on 20.09.2022 before S.B.

*Noted by Counsel (R/R to 16).
Dn. 2/8/2022*


(Kalim Arshad Khan)
Chairman

besides inherent powers under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 to pass orders to meet with ends of justice.

04. With the foregoing discussion this appeal is converted in to execution petition. Office is directed to delete this appeal from register of the appeal and enter the same in register of execution petitions. To come up for reply/comments as to execution, if the respondents are so advised to file the same.

Adjourned to 08.03.2022 before S.B


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

08.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to ~~01.06~~ 01.06.2022 for the same as before.


Reader.

Ist June, 2022

Counsel for the petitioner present. Nobody is present on behalf of the respondents nor any Law Officer is present.

Notices be issued to the respondents to appear in person alongwith implementation report on 25.07.2022 before S.B.


Chairman

Appeal No. 661/2017
Gul Umar Ayaz vs Govt

23.12.2021

Arbab Saiful Kamal, Advocate for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Wali Muhammad Reader for official respondents No. 1 to 3 present, Counsel for private respondent No. 23 also present.

02. Arguments have been heard at certain length and have also perused the judgment of this Tribunal discussed in Para 5 of the memorandum of appeal and annexed with the appeal as Annexure-B. Accordingly, appeal No. 336/2007 alongwith two other connected appeals was decided on 05.05.2008 by this Tribunal and operative part of the judgment is as follow:-

"In view of the above, we partially accept all the three appeals, and direct the official respondents to reconsider the cases of the appellants, within a period of two months from the date of receipt of this judgment, appoint the appellants as regular Patwaris from their respective dates of entitlement according to their seniority on the corrected register of candidate Patwaris, and either retain them as regular Patwaris for their official work and promotion, or, as the case may be, declare them on deputation under the settlement authorities in district Chitral, till return to their original cadre or till their chance of promotion in their cadre, whichever is earlier. We, however, leave the parties to bear their own costs".

03. We have also scanned the order of appointment of the appellant Annexed with the appeal as Annexure-C. The said appointment order has been passed in pursuance to aforementioned judgment of this Tribunal with immediate effect. Obviously, the question of seniority apt to arise through present appeal is the outcome of the appointment order dated 12.01.2009 issued in consequences of the judgment of this Tribunal, therefore, the question of seniority with particular reference to the judgment of this Tribunal is a question which relates to the execution of the judgment whether the same has been executed having regard to operative para are not. As this Tribunal has got the power of Civil Court within the meaning of sub-section (2) of Section 7 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974

29.03.2021

The concerned D.B is not available today, therefore, the appeal is adjourned to 21.05.2021 for the same.

21.5.21

Due to COVID-19, the case is adjourned to 13.9.21 for the same.


Reader


Reader

13.09.2021

Appellant with counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Wali Muhammad Reader for the respondents present.

Counsel for the appellant requested for adjournment to further prepare the brief. Adjourned. To come up for arguments before the D.B on 23.12.2021.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

25.08.2020

Due to summer vacation case to come up for the same on 29.10.2020 before D.B.



Reader

29.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 05.01.2021 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)
Member

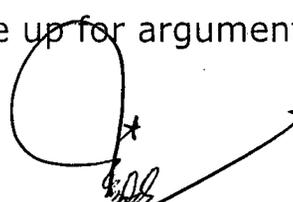


Chairman

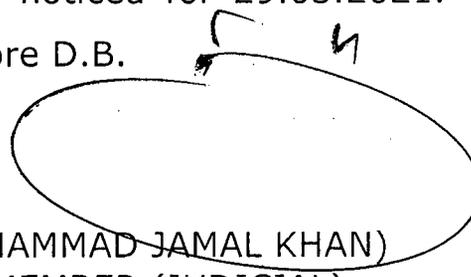
05.01.2021

Appellant in person alongwith Mr. Arbab Saif-ul-Kamal, Advocate, are present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Farmanullah, Superintendent, on behalf of official respondents are also present.

Learned counsel for appellant submitted that he has not prepared the brief and is seeking time for its preparation. The case is adjourned, however, private respondents and their counsel be noticed for 29.03.2021. File to come up for arguments before D.B.



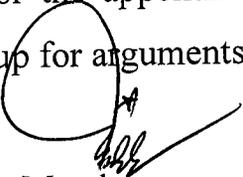
(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

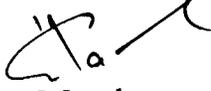


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

12.02.2020

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Ismail Shah, Assistant and Mr. Afan, Junior Clerk for official respondents. Learned counsel for private respondents no. 12,14,15 and 16, private respondent no. 19 in person and as Attorney for private respondents no. 17,18,20,21 and 23 present. Learned DDA states that the parties have been promoted in next higher scale, therefore, the present service appeal has become infructuous. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.03.2020 before D.B.


Member


Member

26.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 12.06.2020 before D.B.


Reader

12.06.2020

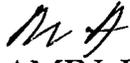
Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 25.08.2020 before D.B.


Reader

15.07.2019

Appellant in person present. Mr. Muhammad Jan, Deputy District Attorney alongwith M/S Ismail Shah, Assistant and Muhammad Arif, Superintendent for official respondents No. 1 to 3 and private respondent No. 17 in person alongwith junior counsel for private respondents No. 18, 19, 20, 21 & 23 present. Junior counsel for private respondents No. 18, 19, 20, 21 & 23 requested for adjournment on the ground that learned senior counsel for private respondents no. 18, 19, 20, 21 & 23 has proceeded to Dar-ul-Qaza, Swat. Adjourned to 26.09.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

26.09.2019

Junior counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Attaullah, Assistant Secretary for official respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court and cannot attend the Tribunal today. Adjourned to 10.12.2019 for arguments before D.B.

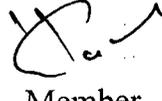

(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

10.12.2019

Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 12.02.2020 before D.B.


Member


Member

27.02.2019

Junior to counsel for the appellant and Assistant A.G alongwith Muhammad Arif, Superintendent for the respondents present.

Request for adjournment is made on account of engagement of learned senior counsel for the appellant before the Honourable High Court today.

Adjourned to 16.05.2019 before ~~S~~B.

~~Member~~


Chairman

16.05.2019

Counsel for the appellant, Mr. Ziaullah, DDA alongwith Muhammad Arif, Superintendent for the official respondents and private respondent No. 19 in person present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 15.07.2019 for arguments before the D.B.


Chairman

06.11.2018

Due to retirement of Hon'able Chairman, the Tribunal is defunct. Therefore, the case is adjourned for the same on ~~16.11~~ 2018 before D.B.



Reader

16.11.2018

The Hon'able Chairman has not yet been assumed the charge, therefore, the case is adjourned for the same on 28.12.2018 before D.B.



Reader

28.12.2018

Appellant in person, Mr. Ziaullah, DDA alongwith Muhammad Arif, Superintendent for official respondents, Junior to Mr. Muhammad Usman Torlandi, Advocate for private respondents No. 17, 18, 19, 20, 21 & 23, Mr. Taimuir Ali Khan, Advocate for private respondents No. 12, 14, 15 and 16, Malik Zeeshan, Advocate for private respondent No. 22 present. Private respondents No. 19 in person also present.

Learned counsel for the appellant is reported to be out of station due to personal engagements. Adjourned to 27.02.2019 for arguments before the D.B.



Member

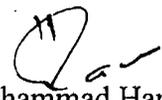


Chairman

06.06.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Assistant Secretary for the respondents present. Learned counsel for the appellant seeks time to file rejoinder. Granted. To come up for rejoinder/final hearing on 08.08.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

08.08.2018

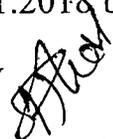
Appellant Gul Umer Ayaz in person present. Mr. Ziaullah, DDA for official respondents and Mr. Taimur Ali Khan, Advocate counsel for private respondents no. 12,14,15 and 16 present. Rejoinder not submitted. Appellant made a request for adjournment. Granted. Case to come up for rejoinder and arguments on 03.10.2018 before D.B.


Member


Chairman

03.10.2018

Counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Ismail Shah Assistant for the respondents present. Private respondents no.23 also present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.11.2018 before D.B.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

25.01.2018

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Learned Additional Advocate General along with Mr. Yousaf Khan superintendent for official respondents present. Written reply not submitted. Malik Zeeshan Advocate submitted wakalat nama on behalf of private respondent No.24 which is placed on file. Private respondents No. 17, 18, 19, 22, 20 & 21 in person present. Learned counsel for private respondents No.12, 14, 15 & 16 present. None present on behalf of respondents No.4 to 11, hence proceeded ex-parte. Adjourned. To come up for written reply/comments on 20.02.2018 before S.B. ~~status quo be maintained till further orders.~~


(Muhammad Hamid Mughal)
MEMBER

20.02.2018

Clerk of the counsel for appellant present. Mr. Muhammad Jan, DDA alongwith Yousaf Khan, Superintendent for official respondent No. 1 to 3 and clerk of the counsel for private respondent No. 12, 14, 15 & 16 present, and counsel for private respondent No. 17 to 22 present and submitted fresh wakalat which is placed on file. None present on behalf of private respondent no. 12, 13, 23, 24. Therefore, fresh notice be issued on behalf of private respondent no. 12, 13, 23, 24 for attendance. Written reply not submitted on behalf of official respondent. Written reply submitted on behalf of private respondent No. 12, 14, 15 & 16. Requested for adjournment. Request accepted. Last opportunity granted. To come up for written reply/comments on 14.03.2018 before S.B.


(Gul Zeb Khan)
Member

14.03.2018

Clerk of the counsel for appellant present. Mr. Riaz PindaKhel, Assistant AG alongwith Mr. Yousaf Khan, Superintendent & Mr. Muhammad Ibrar Khan, Assistant Secretary for official respondent No. 1 to 3 and clerk of the counsel for private respondent No. 12, 14, 15 & 16 present, and counsel for private respondent No. 17 to 22 present, and counsel for private respondent No. 23 also present. Written reply submitted on behalf of respondent No. 1. Representative of the respondent No. 2 & 3 rely on the same submitted by Respondent No. 1. Written reply submitted on behalf of private respondent No. 12, 14, 15 & 16. Written reply submitted on behalf of private respondent No. 17 to 22. None present on behalf of private respondent No. 13 & 24 despite last opportunity hence, proceeded ex-parte. Counsel for private respondent No. 23 submitted application for short time. Application is accepted. To come up for written reply/comments on behalf of respondent No. 23 with cost of Rs. 1000/- on 28.03.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

28.03.2018

Appellant alongwith junior counsel present. Mr. Kabir Ullah Khattak, Addl: AG alongwith Mr. Ismail Shah, Assistant for official respondent No. 1 to 3 and Junior counsel for private respondent No. 12, 14, 15 & 16 present, and counsel for private respondent No. 17 to 22 present, and counsel for private respondent No. 23 also present. Written reply already submitted on behalf of official respondent 1 to 3 as well as private respondent No. 12, 14, 15 & 16 as well as private respondent No. 17 to 22. None present on behalf of private respondent No. 4 to 11, 13 & 24 have been already ex-parte. Now written reply submitted on behalf of private respondent No. 23 alongwith cost of Rs. 1000/- also paid and receipt thereof obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing on 06.06.2018.


Member

30/11/2017

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Mr. Muhammad Yousaf Khan, Supdt. for official respondent No. 1 to 3 present. Private respondents No. 16,17,22,23 and 13 present. Written reply not submitted by the respondents and AAG seeks further time. Last opportunity granted. To come up for written reply on 29/12/2017 before SB.



(Ahmad Hassan)
Member

29.12.2017

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Addl: AG alongwith Muhammad Yousaf Khan, Superintendent for official respondent No. 1 to 3 present. Mr. Taimur Ali Khan Advocate appeared on behalf of private respondents No. 12, 14, 15 & 16 submitted fresh wakalat nama which is placed on file. None present on behalf of respondents No. 4 to 11, 13 and 17 to 24. Therefore, fresh notice be issued to the respondents No. 4 to 11, 13 and 17 to 24 for attendance. Written reply not submitted and AAG seeks further time. Adjourned. Another last opportunity granted. To come up for written reply/comments on 25.01.2018 before S.B.



(Gul Zeb Khan)
Member (E)

Service Appeal No. 661/2017

25.09.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG alongwith Mr. Mukhtiar Ali, Assistant Secretary for the respondents also present. None present on behalf of private respondents No. 4 to 24 therefore, fresh notice be issued to private respondents 4 to 24 for attendance and submission of written reply. Written reply on behalf of official respondent also not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 30.11.2017 before S.B.



(Muhammad Amin Khan Kundi)
Member

30.10.2017

Appellant in person and Addl:AG for respondents present. Notices to the respondents have not been issued due to non-submission of copies of appeal. Appellant is directed to submit copies of the instant appeal, thereafter notices be issued to the respondents for submission of written reply/comments. To come up for further proceedings on 21.11.2017 before S.B.



Ahmad Hassan
(Member)

21.11.2017

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 also present. None present on behalf of private respondents No. 4 to 24 therefore, fresh notice be issued to them for attendance. Representative of official respondents also not in attendance therefore, notice be also issued to official respondents with the direction to direct the representative to attend the court on the next date positively. Adjourned. To come up for written reply/comments on 30.11.2017 before S.B.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

05.. 18.07.2017

Learned counsel for the appellant present. Gul Umar Ayaz Khan, Patwari, Halqa District Bannu has filed present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the Deputy Commissioner, Bannu and others wherein he made impugned the tentative seniority list circulated vide order dated 03.02.2017 on the ground that his name should have been placed at Sr. No. 21 instead of Sr. No. 43.

The points raised need consideration. The present appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security fee within (10) days and notices be issued to the respondents for written reply/comments on 22.08.2017 before S.B.

Appellant Deposited
Security & Process Fee


(Muhammad Hamid Mughal)
Member

22/8/2017

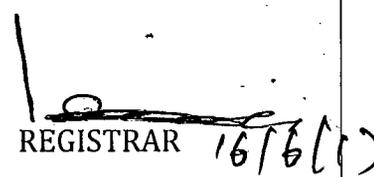
Clerk of counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. Clerk of counsel for the appellant requested for adjournment as his counsel is not available due to strike of the bar. To come up for written reply on 25/9/2017 before SB.


(GUL ZEB KHAN)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 661 /2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/06/2017	<p>The appeal of Mr. Gul Umar Ayaz Khan resubmitted today by Mr. Saadullah Khan Marwat Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 16/6/17</p>
2-	30/6/17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/7/17</u>.</p> <p> CHAIRMAN</p>

The appeal of Mr. Gul Umar Ayaz Khan son of Muhammad Din Patwari Mandave Bannu received today on 17.05.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 4- Annexure-A of the appeal is missing.
- 5- Annexures of the appeal may be attested.
- 6- Annexures of the appeal may be flagged.
- ⑦- 26 more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

Not removed

No. 1343/S.T,

Dt. 18/5/2017

Gul Umar 18/5/17
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Peshawar.

Sir

*Resubmitted after completion of
3/copies shall be submit after admission
to case.*

BEFORE THE KPK SERVICE TRIBUNAL PESHAWARS.A. No 661 /2017*Execution petition no. 38/2022*

Gul Umar Ayaz Khan

versus

D.C & Others

INDEX

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-5
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3.	Judgment of Tribunal, 05-05-2008	"B"	7-13
4.	Appointment order, 12-01-2009	"C"	14
5.	Seniority List, 31-12-2016 / 3-2-2017	"D"	15-19
7.	Representation, dated 09-02-2017	"E"	20
8.	Rejection order dated 18-04-2017	"F"	21

Appellant

Through

Dated: 16-05-2017



Saadullah Khan Marwat
Advocate.
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676
0311-9266609

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. _____ / 2017

Execution Petition No. 38/2022

Gul Umar Ayaz Khan S/o Muhammad Din,

Patwari, Halqa Mandeve,

Bannu

Appellant

*Appeal is converted into E.P
vide order dt. 23/12/2021.*

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 519

Dated 17-5-2017

1. Deputy Commissioner, Bannu.
2. District Officer, Revenue
& Estate / Collector, Bannu.
3. Senior Member, Board of Revenue,
Govt. of KP, Peshawar.
4. Ghaffar Ali, Khan Patwari, Halqa
Ghuri Wala Kot Mehter.
5. Muhammad Khan, Patwari,
Halqa Ghouri Wala
6. Farid Ullah, Patwari, Halqa Kaki.
7. Nasib Zaman, Patwari, Halqa
Metha Khel, Khalfoba
8. Wresham Khan, Patwari, Halqa Domail.
9. Malik Nawaz Khan, Patwari, Halqa Mera Khel.
10. Adalat Khan, Patwari, Halqa Haati Khel Banochi.
11. Bashir Hussain Shah, Patwar, Halqa Jhando Khel.
12. Munawar Khan, Patwari, Halqa Kaki Khel.
13. Abdur Rasheed, Patwari, Halqa Nurrer.
14. Ghareeb Nawaz, Patwari, Halqa Kaki.
15. Hokum Khan, Patwari, Halqa Kaki.
16. Habib Jan, Patwari, Halqa Khojarri.
17. Taibullah, Patwari, Halqa Hindi Khel Wazir.
18. Yaqoob Nawaz, Patwari, Halqa Kaki.

Filed to-day

Registrar

17/5/17.

19. Turab Shah, Patwari, Halqa Kaki.
20. Muhammad Kashif, Patwari, Halqa
Bannu Town Ship.
21. Sakhi Shah, Patwari, Halqa Kaki.
22. Muhammad Kamran (1), Patwari,
Halqa Sabo Khel Khattak.
23. Kamran, Patwari, Halqa Kot Meñther.
24. Abdul Nawab, Patwari, Halqa
Jando Khel Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 657-53/AE, DATED
03-02-2017 WHEREBY APPELLANT BEING
SENIOR, WAS PLACED AT S. NO. 43 INSTEAD OF
AT S. NO. 21 ABOVE THE NAME OF GHAFAR ALI
OR OFFICER ORDER NO. 2331 / DC / AE, DATED
18-04-2017 OF R. NO. 1 WHEREBY
REPRESENTATION OF APPELLANT AGAINST THE
IMPUGNED SENIORITY LIST WAS REJECTED
FOR NO LEGAL REASON:**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That on 14-04-1992, appellant was appointed as Patwari but in Settlement Organization Bannu and performed duty till 30-06-1994.
2. That appellant passed the examination of Patwar in the year 1995 from Patwar Training School, D.I. Khan / Kohat. Prior to the same, appellant performed duty at Panyala D.I. Khan in Settlement Organization. (Copy as Annex "A")
3. That the name of appellant was entered in the Register of Indraj-e- Naam on 22-05-1995.

4. That on 16-07-2002, appellant was again appointed as Patwari B-05 and served the Organization till 31-12-2008.
5. That appellant filed appeal on 07-04-2007 which was partially accepted direction official respondents to reconsider the cases of appellants within a period of two(02) months from the date of receipt of this judgment, appoint the appellants as regular Patwari's from their respective dates of entitlement according to the Seniority on the corrected Register of candidates Patwari's, and either retain them as regular Patwari's for their official work and promotion, or as the case may be, declare them on deputation under the Settlement authorities in district Chitral, till their return to their original cadre or till their chance of promotion in their cadre, whichever is earlier, meaning thereby that they are entitled for regular appointment when his name was entered in the Register of candidates Patwari's, i.e. 22-05-1995 vide judgment dated 05-05-2008. (Copy as annex "B")
6. That vacancy of Patwar was occurred and appellant was appointed as Patwari on 17-12-2008 on regular basis and was posted at Halqa Mandeve, Bannu on the selection of Departmental Selection Committee and then order of appointment was issued on 12-01-2009. (Copy as annex "C")
7. That on the other hand the contesting respondents from S. No. 4 to 24 had the educational qualifications of Matric and were not eligible and qualified for appointment as Patwari except the candidates at S. No. 05, 06, 09, 12, 18. to 24, yet they were appointed as such on 20-02-1983, 24-02-1983, 27-02-1983, 11-06-1986, 11-06-1986, 19-07-1986, 20-07-1986, 23-10-1986, 17-03-1987, 15-04-1987, 09-05-1987, 18-07-1987, 15-08-1987, 23-09-1987, 23-09-1987, 23-09-1987, 19-12-1987, 12-09-1988, 12-05-2005, 12-05-2005, 12-05-2005, 12-05-2005, 10-08-2006, 10-10-2006 (09 No), 12-03-2007 (06 No), 20-12-2008 and 23-12-2008 respectively.
8. That Tentative Seniority list of 31-12-2016 was circulated on 03-02-2017, wherein appellant was assigned incorrect position at S.

No. 43 instead of at S. No. 21, above the name of Ghaffar Ali.
(Copy as annex "D")

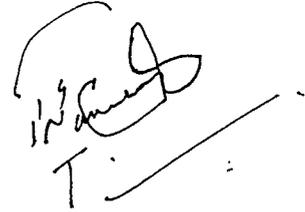
9. That on 09-02-2017, appellant submitted departmental appeal against the impugned Seniority List for correction but the same was rejected on 18-04-2017 by R. No. 1. (Copies as annex "E" & "F")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

- a. That as is evident from the educational qualification appellant has the same as FA.
- b. That in the Rules, FA is the basic qualification for appointment as Patwari which appellant possessed.
- c. That most of the respondents were Matric and were not qualified and eligible for appointment as Patwari as they were not fulfilling the criteria of FA for appointment as such.
- d. That in the judgment of the hon'ble Tribunal was not appreciated in letter and spirit and was misinterpreted by the respondents in preparing the impugned Seniority List.
- e. That if seniority position of appellant is counted from registration of Indraj-e-Naam, then he becomes senior to the respondents.
- f. That respondents were not eligible for appointment as Patwari having basic qualification of Matric, so they were not entitled for seniority over the qualified incumbents, like appellant.
- g. That order of rejection and circulation of Seniority List are in total disregard of Law and Seniority Rules, so are liable to struck down.
- h. That in the impugned Seniority List the name of appellant should have been placed at S. No. 21, above the name of Ghaffar Ali, instead of at S. No. 43.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 31-12-2016 circulated on 03-02-2017 be set aside / corrected along with order dated 18-04-2017 and the name of appellant be placed at S. No. 21 above the name of Ghaffar Ali Khan instead of at S. No. 43 with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

Through



Saadullah Khan Marwat

Arbab Saiful Kamal
Advocates.

Dated.16-05-2017

B 7
BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 336/2007

Date of Institution. .. 07.04.2007

Date of Decision .. 05.05.2008

Gul Umar Ayaz Khan S/O Muhammad Din,
Kanungo, Settlement Department, Chitral. (Appellant)

VERSUS

1. District Officer (Revenue & Estate). Bannu.
2. Senior Member Board of Revenue, NWFP Peshawar.
3. Bashir Hussain Shah S/O Mir Hussain Shah, Patwari
Halqa Takhti Khel, Lakki Marwat and Eight(8) others. (Respondents)

APPEAL AGAINST OFFICE ORDER NO. 1985-2000/BOR/ESTB. DATED 09.10.2006 OF RESPONDENT NO. 1 WHEREBY APPELLANT BEING SENIOR, ELIGIBLE AND QUALIFIED WAS IGNORED FROM APPOINTMENT/REGULARIZATION BY APPOINTING JUNIOR MOST INCUMBENTS AS PATWARIS OR OFFICE ORDER DATED 15.3.2007 OF RESPONDENT NO. 2 WHEREBY REPRESENTATION OF APPELLANT WAS REJECTED FOR NO LEGAL REASON.

MR. SAADULLAH KHAN MARWAT,
Advocate .. For appellant.

MR. TAHIR IQBAL,
Addl. Government Pleader .. For respondent No. 1 & 2

MR. GOHAR ALI,
Advocate .. For respondents No.3 to 11

MR. JUSTICE (R) SALIM KHAN, .. CHAIRMAN
DR. ABDUR RAUF, .. MEMBER.

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.- The legal issues in
this appeal No. 336/2007 by Gul Umar Ayaz Khan, Appeal No. 337/2007

NWFP Service Tribunal
EXAMINER
ATTESTED

by Islam Qadar and Appeal No. 338/2007 by Habib-ur-Rahman are the same. All these three appeals are, therefore, taken together for arguments and disposal.

2. Gul Umar Ayaz contended that he got training from Patwar School, Panyala D.I.Khan after passing his F.A and he was appointed as Patwari for settlement operation at Bannu on 14.4.1992 but was relieved on 30.6.1994 when the settlement operation ended. It was in 1995 that he passed his Patwar Examination from Patwar School at D.I.Khan. The issue date of certificate is 29.12.1997. In the year 2001. the list of Patwar candidates contained the name of the appellant at S.No. 18, but on 27.11.2001, new rules were adopted which enhanced the qualification for appointment as Patwaris to F.A or equivalent qualification.

3. He was appointed as Patwari on 16.7.2002 on contract basis by the District Coordination Officer, Chitral and he was appointed as Field Kanungo on contract basis for lands settlement in Chitral on 1.7.2004. He contended that his seniority was changed in the list dated 6.6.2006. On 9.10.2006, the private respondents were appointed as Patwari, but the appellant was ignored. He submitted his departmental appeal on 18.10.2006, which was dismissed on 15.3.2007. This appeal was filed on 7.4.2007.

4. Islam Qadar contended that he passed his Patwar Examination in 1995, that his seniority was changed in the same manner as in the case of Gul Umar Ayaz, and that the private respondents were appointed but the appellant was ignored. He also submitted departmental appeal on 18.10.2006, which was dismissed on 15.3.2007, and this appeal was filed on 7.4.2007. The certificate of passing the examination from Patwar School, produced by the appellant shows that the examination was for the period of the years 1995/96. It means that the certificate was issued in 1996 or after. As mentioned in the other

NWFP
Service Tribunal
EXAMINER

ATTES
2007

case, the examination of Gul Umar Ayaz Khan was also for the year, 1995-96. It means that the certificate was issued either in 1995 or thereafter.

5. Habib-ur-Rahman was appointed as Patwari for settlement Operation at Bannu. He passed his Patwar Examination in the year, 2005. His certificate is undated, but it shows that it was issued in 1995 or afterwards. The appellant could be registered as Patwari with the district administration only on the basis of the mentioned certificate after it was found genuine. The name of appellant was shown at S.No. 17 in the seniority list of candidates of Patwari for the year, 2001. After adopting the prescribed rules, the new qualification for appointment of Patwari was F.A or equivalent qualification. On 16.7.2002, the appellant was appointed as Patwari by District Coordination Officer, Chitral. Vide order dated 01.07.2004, he was appointed as Field Kanungo on contract basis by Settlement Officer, Chitral. Through seniority list circulated on 6.6.2006, the seniority position of the appellant was illegally changed, and, on 9.10.2006, the private respondents were appointed as Patwaris by ignoring the appellant. It was alleged by these appellants that under section 19 (2) of the Civil Servants Act, 1973, as amended in 2005, the appellants became regular civil servants. On 15.3.2007, the request of the appellant for regular adjustment/appointment was dismissed. Hence this appeal was filed on 7.4.2007.

6. The respondents contested the appeal on various legal and factual grounds. It was alleged by the respondents that the names of the appellants were entered in the incorrect list of Patwar candidates wrongly, that the rules were changed on 10.9.1990 and cases were decided by this Tribunal and by the August Supreme Court of Pakistan in favour of certain candidates.

We heard the arguments and perused the record.

7.
 EXAMINER
 Service Tribunal

8. All the appellants had not passed their Patwar Examination regularly except the examination of the year, 1995. Their names could not be registered in the list of candidates Patwaris before their passing the Patwar Examination in the light of the Land Records Manual. They were, however, entitled to the entry of their names in the said registers of the candidates Patwaris after they qualified the Patwar Examination regularly. It was for the authorities concerned to check that the certificates produced by the appellants regarding their passing Patwar examination regularly were genuine or otherwise.

9. As mentioned above, all the three appellants were recruited as Patwaris for the purposes of settlement operation. It means that they were considered fit persons for such appointments. Their appointments as such Patwaris before their passing the Patwar examination, however, was not based on record, though they worked against the posts and were entitled to the salaries of those posts. The appellants were to be appointed as Patwaris on regular basis on their turns according to the list maintained by the Revenue authorities of the districts of their domiciles, irrespective of the fact that they were working in any settlement operation or not at that time.

10. They were to become regular Patwaris first, and were to continue as such if they were not working with the settlement operation. In the other case, they were to be appointed as Patwaris on regular basis within their districts, and were to be declared on deputation to the settlement authorities in district Bannu or, as the case may be, in district Chitral. As the names of the appellants were already registered, they had achieved a vested right, though from a date after passing Patwar Examination. Their names could not be removed from the list with the change of rules after registration of their names, though their names were not to be entered in the register if they were not eligible for such

registration at initial stage and were not properly qualified in accordance with the rules by then existing.

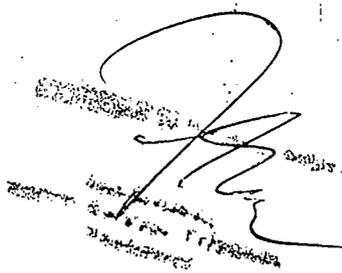
11. The respondents did not deny that all the three appellants had worked with settlement staff, and their names were entered in the register of candidates Patwaris. Official respondents were, therefore, duty bound to consider the names of the appellants for regular appointment on their own turn, and they could not be ignored for regular appointment as Patwaris due to their engagement with settlement authorities.

12. In view of the above, we partially accept all the three appeals, and direct the official respondents to reconsider the cases of the appellants, within a period of two months from the date of receipt of this judgment, appoint the appellants as regular Patwaris from their respective dates of entitlement according to their seniority on the corrected register of candidate Patwaris, and either retain them as regular Patwaris for their official work and promotion, or, as the case may be, declare them on deputation under the settlement authorities in district Chitral, till their return to their original cadre or till their chance of promotion in their cadre, which-ever is earlier. We, however, leave the parties to bear their own costs.

ANNOUNCED
05.05.2008

Sd/ Justice (R) Salim Khan.
Chairman.

Sd/ Dr. Abdul Rauf
Member



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محمد علی خان
کلیئر

Number of pages of copy	5/5/08
Number of words	2000
Copying fee	12-00
Stationery	12-00
Total	24-00
Date of receipt	11/5/08
Date of completion of copy	11/5/08
Date of delivery of copy	11/5/08

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

N.W.F. Province
Service Tribunal

Diary No. 372

Date 7-4-07

S.A.No. 337 /2007

Islam Qadar S/O Gul Alam Khan
Kanungo, Settlement Department, Chitral Appellant

Versus

1. District Officer, Revenue & Estate,
Bannu.
 2. Senior Member, Board of Revenue, NWFP,
Peshawar.
 3. Bashir Hussain Shah S/O Mir Hussain Shah,
Patwari Halqa, Takhti Khel, Lakki.
 4. Adalat Khan S/O Rasool Khan,
Patwari Halqa Pir Bakhal, Bannu.
 5. Habib Jan S/O Wali Jan,
Patwari Halqa, Naseer, Bannu.
 6. Gharib Nawaz S/O Muhammad Nawaz
Patwari Halqa, Latozai, Bannu.
 7. Munawar Khan S/O Qamar Zaman,
Patwari Halqa, Mamush Khel, Bannu.
 8. Hukam Khan S/O Mir Baz Khan
Patwari Halqa Abiz Abad, Bannu.
 9. Abdur Rashid S/O Khan,
Patwari Halqa, Sulman Nixandar Khel, Bannu.
 10. Rasham Khan S/O Mir Ahmad,
Naib Wasil Baqi Navis, Bannu.
- Malik Nawaz S/O Ahmad Nawaz
Patwari Halqa, Hindi Khel, Bannu. Respondents

FILED
18/4/07

Submitted to-day
and filed.
M. A. J.
Registrar

1874107

Appeal against office order No.1985-2000/BOR/Estb dated 09.10.2006 of Respondent No.1 whereby appellant being senior, eligible and qualified was ignored from appointment/ regularization by appointing junior most incumbents as patwaris or office order dated 15.3.2007 of Respondent No.2 whereby representation of appellant was rejected for no legal reason.

14.

5.5.2008

Appellant in person, Said Rahman, Assistant Secretary for official respondents and counsel for private respondents No. 3 to 11 are present. Arguments already heard. Vide our detailed judgment of to-day, in connected appeal No. 336/2007, titled as 'Gul Umar Ayaz Versus Distt. Officer (Revenue & Estate) Banjra and others", we partially accept the present appeal as per detailed judgment. We, however, leave the parties to bear their own costs.

ANNOUNCED.
05.05.2008

[Signature]

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MEMBER

[Signature]
CHAIRMAN

[Signature]

Date of presentation of appeal: 5/5/08
 Number of words: 800
 Copying fee: 600
 Total: 1400
 Date of receipt: 11/6/08
 Date of completion of work: 11/6/08
 Date of delivery of work: 11/6/08

C 14 12-L-09

OFFICE OF THE DISTRICT OFFICER REVENUE & ESTATE/COLLECTOR
BANNU

No. 61-10 /DOR&E/BC/Estab.

Dated 12 /01/2009

OFFICER ORDER

Consequent upon the directions of the NWFP Services Tribunal Peshawar vide Appeal No. 336/2007 instituted on 07-4-2007 while decided on 05-05-2007 and decision taken in the Departmental Promotion/Selection Committee Meeting held on 17-12-2008 under the Chairmanship of the undersigned in personal office, Mr. Gul Umer Ayaz Son of Muhammad Din Resident of Fazal Haq Malwana Bannu is hereby appointed as Patwaris (BPS - 5) against the vacant post of Patwar Halqa Sabo Khel Khattak (on account of death of Gul Zafar Ali Khan Patwari who died due to heart attack on 07-1-2009) with immediate effect subject to the following terms and conditions:-

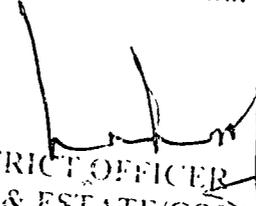
1. He will have to produce Medical Fitness Certificate.
2. He will be on probation for a period of one year which can be extended for a period of further one year in case of non satisfactory performance.
3. He will be governed by such rules and orders issued by the Government of NWFP for such category of Government Servants.

DISTRICT OFFICER
REVENUE & ESTATE/COLLECTOR
BANNU

Even No. & Date

Copy forwarded to:-

1. The Registrar, NWFP Services Tribunal, Peshawar for information with reference to above please.
2. The District Nazim Bannu for information.
3. The Secretary, Board of Revenue NWFP, Peshawar.
4. The District Coordination officer, Bannu.
5. The District Accounts Officer, Bannu.
6. The Tehsildar Bannu.
7. Mr. Gul Umer Ayaz Son of Muhammad Din Resident of Fazal Haq Malwana Bannu, the official concerned.
8. The B.C., Office of DO (R&E)/Collector Bannu.
9. Office order file.


DISTRICT OFFICER
REVENUE & ESTATE/COLLECTOR
BANNU

21

TENTATIVE SENORITY LIST OF CONFORMED / REGULAR PATWARI OF BANNU DISTRICT AS STOOD ON 31/12/2016.

S.No	Name of Patwari	Date of Birth	Qualification	Date of Ist Entry in to service/Regular Appointment	Date of retirement	Remarks
1	Laiq Zaman	01-01-1958	Matric	20-02-1983	01-01-2018	Opted to forgo promotion as kanungo
2	Sardar Ali	10-10-1959	Middle	24-02-1983	10-10-2019	Opted to forgo promotion as kanungo
3 ✓	Farid Ullahi	08-12-1957 ✓	Matric	27-02-1983	18-12-2017	Opted to forgo promotion as kanungo
4	Nek Nawaz	01-08-1959	Matric	11-06-1986	01-08-2019	Pass the Examination of Kanungo
5 ✓	Rast Ali	08-08-1959	Matric	11-06-1986	08-08-2019	Failed the Examination of Kanungo
6	Saeed Ghulam	06-02-1959	Matric	19-07-1986	06-02-2019	Pass the Examination of Kanungo
7	Akhyajan	28-03-1959	Matric	20-07-1986	28-03-2019	Pass the Examination of Kanungo
8	Gul Zarif Khan	05-03-1960	FA	20-07-1986	05-03-2020	
9 ✓	Atta Ullah Khan	16-09-1965	Matric	23-10-1986	26-09-2025	
10	Ghaffar Ali Shah	06-02-1958 ✓	Matric	17-03-1987	06-02-2018	
11	Zar Ali	03-04-1957 ✓	Matric	15-04-1987	03-04-2017	Working as Naib office Kanungo Domel
12	Abdul Qayum	01-03-1963	F.A	09-05-1987	01-03-2023	
13	Asghar Khan	10-01-1965	M.A	18-07-1987	10-01-2025	
14 ✓	Malik Ayaz	01-01-1962	F.A	15-08-1987	01-01-2022	
15	Mati Ullah Shah	25-04-1968	B.A	23-09-1987	25-04-2028	
16 ✓	Ismail Khan	01-05-1962	F.A	23-09-1987	12-05-2022	
17	Mushatq Hussain	12-5-1965	F.A	23-09-1987	12-05-2024	Removed from service
18 ✓	Rashid Khan I	02-05-1960	Matric	19-12-1987	02-05-2020	
19 ✓	Hamid Ullah Khan	03-12-1966	F.A	12-09-1988	03-12-2026	
20	Ghafar Ali Khan	12-05-1958	Matric	12-05-2005	12-05-2018	
21	Muhammad Khan	08-04-1962	F.A	12-05-2005	08-04-2022	

31-12-16
3-2-17

51

D

9/10/17

10/2/2017

منیہ علیہ سہ ماہی ریشہ
مگر جمعہ واریش غلط ہے
میں نے 1960
ریشہ
8-02-2017

منیہ علیہ
مگر جمعہ واریش غلط ہے
میں نے 1962
ریشہ

	Amir Ullah I	12-02-1973	F.A	04-06-2010	12-02-2033	
	Irfan Ullah	09-04-1982	B.A	04-06-2010	09-04-2042	<i>Mr. Qasim</i> Working as Moharir Nagh'in Irrigation Department.
4	Amir Ullah II	20-08-1983	F.A	04-06-2010	20-08-2043	
5	Zahid Ullah	12-06-1983	F.A	09-06-2010	12-06-2043	
6	Niaz Muhammad	05-03-1987	F.A	16-12-2010	05-03-2047	<i>(Signature)</i>
7	Zia Ullah	20-09-1985	F.A	21-12-2010	12-09-2045	<i>(Signature)</i>
8	Abid Ullah I	03-04-1987	F.A	01-01-2012	30-04-2047	<i>(Signature)</i>
9	Abdul Jalil	30-07-1980	F.A	28-03-2012	30-07-2040	<i>(Signature)</i>
60	Muzafar Khan	06-04-1982	B.A+MA	28-03-2012	06-04-2042	<i>(Signature)</i>
61	Abid Ullah II	28-02-1984	B.com	28-03-2012	28-02-2044	<i>(Signature)</i>
52	Damsaz	04-04-1985	F.A	28-03-2012	04-04-2045	
53	Hidayat Ullah II	13-02-1986	B.A	28-03-2012	13-02-2046	<i>(Signature)</i>
54	Mir Qadayaz	02-12-1972	Matric	31-03-2012	02-12-2032	
55	Muhammad Adnan	02-04-1987	M.A	03-04-2012	02-04-2047	<i>(Signature)</i>
56	Khanzeb Ullah	02-08-1987	F.A	07-04-2012	02-08-2047	
67	Roman Qayum	01-07-1986	F.A	20-12-2012	01-07-2046	
68	Zamin Ullah	15-04-1987	B.A	17-12-2012	15-04-2047	<i>(Signature)</i>
69	Rafiq Rehman	25-11-1985	F.A	30-03-2015	25-11-2045	<i>(Signature)</i>
70	Shah Fahad	10-03-1987	B.Com/ BA	30-03-2015	10-03-2047	<i>(Signature)</i>
71	Naveed Alam	18-03-1987	BSC. M.A	30-03-2015	18-03-2047	<i>(Signature)</i>
72	Fariq Nawaz	25-03-1989	F.A	30-03-2015	25-03-2049	<i>(Signature)</i>
73	Shah Khalid	01-05-1989	F.A	30-03-2015	01-05-2047	

17

	Muhammad Israr	17/04/1984	F.A	04/04/2016	16/04/2044	
	Muhammad Zubir	20/04/1986	BSc(DIT)	04/04/2016	19/04/2046	
76	Naib Rehman	29/01/1988	F.A	04/04/2016	28/01/2048	
77	Fawad Khan	12/02/1989	F.A	04/04/2016	11/02/2049	
78	Zubair Muhammad	10/01/1982	B.A	12/08/2016	09/01/2042	
79	Shah zeb Khan	06/02/1990	B.A	12/08/2016	05/02/2050	

18

Deputy Commissioner,
Banjra

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24/1/20



OFFICE OF THE
DEPUTY COMMISSIONER
BANNU

No. 651-53/AE/17

Dated: 3/2/2017

TO

Tehsildar Bannu/Domel.
Naib Tehsildar Sub Tehsil Kakki.

SUBJECT: TENTATIVE SENIORITY LIST OF PATWARIES.

MEMO:

Enclosed please find herewith Tentative Seniority list of Patwaris as stood on 31/12/2016 to circulate amongst the all concerned for omission/addition if any within a week time positively for issuances of final seniority list accordingly.

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Dtd 15/4/02
03/2/17

Deputy Commissioner
Bannu

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J. S. Mehta

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Pl. circulate the Seniority list amongst Patwaries

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By Talwar
Punjab

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03/2/17

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Dated
03/2/17

مجلس خواتین پنجاب - ذہنی گتے صواب ضلع بنوں

غورال :- درخوردہ دربارہ اعتراضات سیریل نمبر 20 تا سیریل نمبر 4

ریگولر اسٹیل سٹوری کنٹریکٹ

Confirmed (Regular purchase of Steel) on 31.12.16

درخواست سٹیل سٹوری

جدا جگہ کی گئی ہے۔ حتمی ارڈر کی ضرورت ہے کہ سٹیل بجنگ ڈسٹریبیوٹرز کے کارڈ

ڈسٹریبیوٹرز کو بھیج دیا جائے۔ اس کے علاوہ سٹیل سٹوری کے مورف 31/10/16 سٹیل سٹوری کے

مسلک شدہ ٹیکے سیریل نمبر 1000 سے 10000 تک اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

بیوٹرز کے مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

بیوٹرز کے مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

بیوٹرز کے مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

بے کم ضلع بکسٹ، ضلع مردان - لوئر ڈیویژن، تیسرے نمبر 5، شاہی وزیرستان

سیریل نمبر 1، میرانشاہ، سٹیل سٹوری کے مورف 31/10/16 اور سٹیل سٹوری کے

مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

بے کم سیریل نمبر 2 تا 3 کا ایسے جو سٹیل سٹوری کے مورف 31/10/16 اور

سٹیل سٹوری کے مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

سیریل نمبر 1000 سے 10000 تک اور سٹیل سٹوری کے مورف 31/10/16 اور

No. 2000/51K

sd/ 9-2

2017

مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری

مورف 31/10/16 اور سٹیل سٹوری کے مورف 31/10/16 کو ڈسٹری



F

21

18-4-17

OFFICE OF THE
DEPUTY COMMISSIONER
BANNU

No. 233 /

/DC/AE

Dated: 18 /04/2017

To

1. Mr. Islam Qader Patwari
2. Mr. Gul Umer Ayaz Patwari

Subject: APPLICATION REGARDING OBJECTION ON SENIORITY DATED 08-02-2016.

Your applications / objections were thoroughly examined and found that your appointment orders were issued in light of Departmental Selection Committee recommendation vide minutes of its meeting dated 17-12-2008. Moreover, after issuance of your appointment orders dated 12-01-2009, you neither objected to seniority list issued every year nor ever challenged the appointments orders.

As such your application is hereby filed at this belated stage.

Deputy Commissioner,
Bannu.

RAND 535/OK
19.4.17

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

Service Appeal No. 662/2017

Gul Umar Ayaz

Vs

DC & Others

REPLY ON BEHALF OF RESPONDENT NO.12,14,15 & 16

RESPECTFULLY SHIEWETH:

Preliminary Objections:

1. The appellant has no locus standi and cause of action.
2. The appellant has no cause of action.
3. The appellant has not come with clean hands.
4. The appeal is time barred.
5. The appeal is bad for non-joinder and misjoinder of necessary parties.
6. That the replying respondents were most senior to appellant according to law and rules.

FACTS:

1. Pertains to record, however, he did not pass the Patwar examination, and even not qualified for the post at that time.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Incorrect. The judgment of the KPK Service Tribunal is much clear and appellant misconceived the same.
6. Correct. That the appellant was appointed as Patwari vide order dated 12.01.2009 with immediate effect while the private respondents No.12, 14, 15,& 16 were appointed/confirmed as Patwaras vide order dated 07.12.2007 with immediate effect. **(Copy of order dated 07.12.2007 is attached as Annexure-A)**
7. Incorrect. The rules for amendment and qualification for Patwar post were prescribed F.A by Provincial Government vide notification dated 10.09.1990 on the basis of which the names of

various matriculate candidates were strucked from candidates register, but vide judgment dated 10.01.2005 passed by the Service Tribunal in service appeal No.2847/2000 titled Adalat Khan Versus Government etc the impugned order regarding striking of names of matriculate Patwar from candidates was set aside and private respondents No. 12,14,15&16 were appointed/confirmed as Patwaris vide order dated 07.12.2007 while the appellant was appointed on 12.01.2009 as Patwari, therefore the respondent No. 12,14,15&16 were were senior then the appellant.

8. Incorrect. The appellant was appointed on 12.01.2009 while the private respondents No. 12, 14, 15&16 were appointed/confirmed on 07.12. 2007 and seniority is always determined on the basis of regular appointment and cadre, therefore the appellant has been rightly placed in the seniority list.
9. The appellant was appointed on 12.01.2009 and after his appointment he has not objected on the seniority issue/circulated every year and after 7/8 year he objected the seniority list circulated 03.02.2017 in such as the instant appeal is badly time barred. Moreover the departmental appeal being without merit was also rejected on the ground limitation.

GROUND:

- A. Pertain to the record.
- B. Correct, but this august Service Tribunal set aside the qualification for Patwari post of P.A in the service appeal 2847/2000 titled Adalath Khan Versus Government etc.
- C. Incorrect. The reply to this Para has also been given in Para-7 and Para-13 of the appeal.
- D. Incorrect the judgment of this Honorable Tribunal is very much clear and the appellant misconceived the same.
- E. Incorrect. The appellant was appointed in 2009 while the private respondent No.12,14,15&16 were appointed / regularized in 2007 and seniority is always determined on the basis of regular appointment and cadre, therefore the private respondents No.12, 14,15&16 are senior then the appellant and has been rightly placed in the seniority list.
- F. Incorrect the reply to this Para has also been given in Para-7 and Para-13 of the appeal.

- G. Incorrect. The order of the rejection and circulation of the seniority list in according to law and seniority rule, therefore liable to be maintained.
- II. Incorrect. The name of the appellant has been rightly placed in the seniority list according to seniority position (Sr. No.43)

It is, therefore, humbly prayed that the appeal in hand may be dismissed with costs being meritless and devoid of legal force.

Through: Respondent No. 12, 14, 15 & 16

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT.

AFFIDAVIT

It is affirmed and declared that the contents of reply are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.


DEPONENT

231

A

OFFICE OF THE DISTRICT OFFICER REVENUE & STATE/COLLECTOR
BANNU

No. 2363-76/DOR/Estab:/DK

Dated 07/12/2007

OFFICE ORDER

Consequent upon the Departmental Promotion and Selection Committee meeting held on 15-8-2006 and 10-10-2006, the following Patwaris of this office are hereby confirmed with immediate effect:-

1. Saeed Rehman.
2. Wresham Khan.
3. Malik Nawaz.
4. Adalat Khan.
5. Bashir Hussain Shah.
6. Munawar Khan.
7. Abdur Rashid.
8. Gharib Nawaz.
9. Hukam Khan.
10. Habib Jan.

DISTRICT OFFICER,
REVENUE & ESTATE/COLLECTOR
B A N N U

Endst. No. & Date even

Copy forwarded to:-

1. The Tehsildar Bannu.
2. Officials concerned.
3. Bill Clerk/ District Kanungo Bannu.
4. Office order file.

DISTRICT OFFICER,
REVENUE & ESTATE/COLLECTOR
B A N N U

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO. 661/2017

Gul Umer Ayaz Khan S/O Muhammad Din Patwari Halqa Mnadew Bannu
.....**Petitioner.**

Versus

Deputy Commissioner Bannu & Others**Respondents.**

Respectfully Sheweth.

Respondents 01 & 03 submit Joint Parawise Comments as under.

Preliminary Objection

1. The appeal is not maintainable under the law.
2. The appeal is badly time barred.
3. The appeal is bad for mis-joinder and non joinder of the necessary parties.
4. The appellant is legally estopped to bring the instant appeal.

Comments

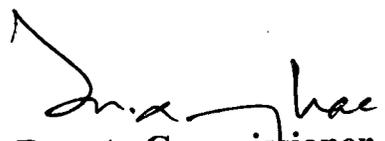
1. No Comments related to record, however, he had not passed Patwar examination as such he was un qualified for the post at that time.
2. No, Comments. Related to record.
3. Correct.
4. No Comments. Related to record.
5. The order of Khyber Pakhtunkhwa Service Tribunal Peshawar is very much clear. The appellant has miss-conceived the same.
6. Correct.
7. In Correct. The rules were amended and qualification for Patwar Post were prescribed FA by the Provincial Government vide notification dated 10/09/1990 on the basis of which names of various matriculate candidates were structed from candidates register but vide judgement dated 10/01/2005 passed by the Service Tribunal in Service Appeal No.2847/2000 titled Adalat Khan VERSUS Government etc.; the impugned order regarding striking up names of matriculate Patwar candidates form candidates register, was set aside. **Copy enclosed as annexure A & B.**
8. In Correct. Seniority is determined on the basis of date of regular appointment in the cadre. The appellant has been placed at his actual position.

9. Correct. The appellant was appointed on 12.01.2009. After his appointment neither he has objected on the seniority lists issued / circulated every year, nor he has challenged his appointment order for the last 7/8 year. As such the instant appeal is badly time barred. C.

Grounds.

- a. Correct. Pertains to record.
- b. Correct. Pertains to record.
- c. In correct. Detail reply is available in Para-7 above.
- d. In correct. Reply of this para is available in Para-9 above.
- e. In correct. It is pertinent to mention here that appellant has been appointed with immediate effect vide order No.51-60/DOR&E/BC/Estab, dated 12/01/2009. Copy is already annexed by appellant at page-14 and according to Appointment, Promotion and Transfer, Rules, 1989, the seniority of a Civil Servant is determined from the date of 1st appointment in the cadre.
- f. In correct. Reply of this para is available in Para-7 of the facts as well as Para-C of the grounds
- g. In correct. Each and every year seniority lists had been circulated, but neither the appellant has objected nor challenged the same at any forum previously. As such the instant appeal is not maintainable under the law.
- h. In correct. The name of the appellant has been placed at the right position (serial number 42). Detailed reply is available in paras as mentioned above.

In view of the above facts and circumstances the instant appeal may be very graciously be dismissed.


Deputy Commissioner
Bannu

Annexure-A

27

TO BE SUBSTITUTED IN NOTIFICATION BEARING THE NUMBER AL.

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATION WING)

NOTIFICATION

Leshawar, dated the 10th September, 90.

No. SCRI(SAGAD)1-22/78. In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. ACT XVIII of 1973), the Governor of the North-West Frontier Province is pleased to direct that in the West Pakistan (Northern Zone) Patwar Subordinate Service Rules, 1963, the following further amendment shall be made, namely :

AMENDMENT.

"In rule 7, for sub rule (1), the following sub rule shall be substituted, namely:

"(1) Qualification:- No person shall be appointed to the Service unless he has passed -

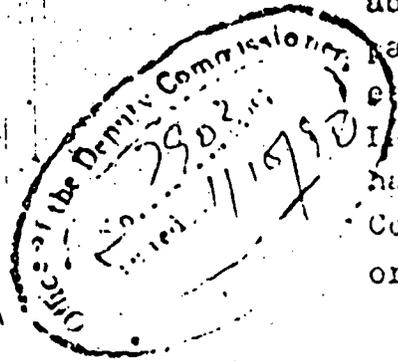
(i) the F.A. or equivalent examination from a recognised Board;

(ii) the Patwar examination from a Patwar School established in accordance with Paragraph 3.10 of Land Records Manual;

Provided that the provision of clause(i) above shall not be applicable to persons who have passed the Patwar Examination from a Patwar School established in accordance with paragraph 3.10 of Land Records Manual fully or partially, and have been registered as Patwar Candidates by the Competent Authority in the respective district on or before the 30th June, 1990.

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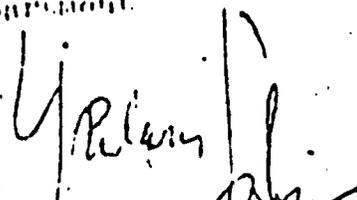
CHIEF SECRETARY TO
GOV. OF NORTH-WEST FRONTIER PROVINCE.

P.T.O.

Endst.No.SORI() 1-22/70, Dated Pesh: the 10th Sept:

Copy forwarded to:-

1. All Admin. & Sec. Secretaries to Govt of NWFP.
2. Secretary to Governor, NWFP.
3. Secretary to Chief Minister, NWFP.
4. All Heads of various Departments in NWFP.
5. Accountant General, NWFP, Peshawar.
6. All Commissioners in NWFP.
7. Secretary, NWFP, Public Service Commission, Peshawar.
8. Registrar, Peshawar High Court, Peshawar.
9. Secretary, Board of Revenue, NWFP, Peshawar.
10. All Deputy Commissioners/Political Agents & Sessions Judges in NWFP.
11. Registrar, Service Tribunal, Peshawar.
12. Manager, Govt Press Peshawar for publication in the Extra Ordinary Gazette. He is requested to supply 20 copies of printed notification to this Department and ten copies to Law Department.

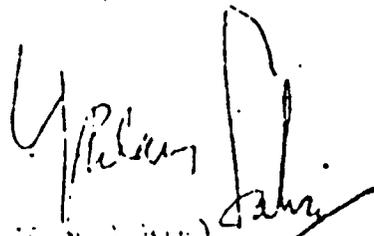


(GHULAM SABIR)
Section Officer (Reg: I)

Endst.No.SORI() 1-22/70, Dated Pesh: the 10th September, 1990.

Copy forwarded to:-

1. All Admin. & Sec. Secretaries/ Dy. Secretaries in S&GAD.
2. Private Secretary to Chief Secretary, NWFP.
3. All Section Officers/Estate Officer in S&GAD.
4. Private Secretary to Secretary, S&GAD.
5. Librarian, S&GAD.



(GHULAM SABIR)
Section Officer (Reg: I)

Annexure A

96

is per letter no 9/16-45 dated 03-01-1945
 is attached--

The following candidates are
 Considerable to be entered in the list of
 Candidates register in the list of
 Registration no 80R/15(9AD) 1-22-178
 dated 10-9-1940 Davis and
 General Administration Department

(Registration with) N.S.F.
 and also Local Record Manual
 Page 3-9 copies attached

Names / detail data is
 given as under:-

Sl. No.	Name	Academic Qualification	Date of Enlistment of Birth	Total age	date
1	E. Rajaram	Medical	7/3	18-10-41	18-10-41
2	K. Subramanian	Medical	5/8	0-11-39	0-11-39
3	S. Raju Pillai	Medical	12/5	13-8-41	13-8-41
4	A. K. Subramanian	Medical	30/3	29-7-41	29-7-41
5	R. Subramanian	Medical	1/10		



BEFORE THE NWFP SERVICE T

WAR

Amended B1

Appeal No. 2847/2000

Date of institution - 21.11.2000

Date of decision - 10.01.2005

Adalat Khan, Settlement Patwari,
Settlement Office D.I.Khan..... (APPELLANT)

VERSUS

1. Government of NWFP through the Secretary Revenue, Peshawar.
2. Presiding Officer/revenue Appellate Court No. I Bannu.
3. District Officer, revenue & Estate Collector Bannu..... (RESPONDENTS)

Mr. Gohar Ali Advocate..... For appellant.
Mr. Zulfiqar Ali Govt. Pleader..... For respondents.

MIAN SAHIB JAN..... MEMBER.
MR. MUHAMMAD SHAIKAT..... MEMBER.

JUDGMENT

MIAN SAHIB JAN, MEMBER:- This appeal has been filed by the appellant against the orders dated 31.5.1999 and 4.2.2000 whereby his name was deleted from the patwar candidates Register with the prayer that the impugned orders may be set aside and his name be restored in the Patwar Candidates Register as previous.

NWFP SERVICE TRIBUNAL
PESHAWAR
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2. The facts of the case as narrated in the memo of appeal are briefly that the appellant was appointed as Settlement Patwari on 10.9.1988 as a regular servant in District Bannu according to requisite qualification as advertised in Daily Mashriq. The appellant qualified/passed patwar examination in February 1987. He served in settlement as Patwari upto 31.5.1999 and relieved from duty due to abolition of the post and kept at the disposal of D.C. Bannu. His other batch fellows of the same qualification are still in service while the appellant's name was deleted from the patwar candidates Register and was also erroneously enlisted in patwar Register on 5.12.1990. The respondents were bound to enlist the appellant just after passing the patwar examination in 1987 and not in 1990, so due to this malafide action of the respondents the appellant does not come under the ambit of notification dated 10.9.1990. The appellant was appointed purely on merit and then deleting his name from the patwar Register after 12 years is illegal and unlawful. The appellant filed a departmental appeal but the same was rejected on 2.10.2000.

3. The respondents have filed their written reply, contested the appeal and denied the claim of the appellant. Arguments of the learned counsel for the parties have been heard and record perused.

4. The learned counsel for the appellant argued that the appellant had passed the patwar examination in the year 1987

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and was appointed as Settlement Patwar in District Bannu on 10.09.1988. That the appellat served as Settlement Patwar without any complaint till 31.5.1999 when he was relieved from duty on account of the abolition of post. That the appellat while ~~was~~ waiting for a vacancy of Patwar for his re-adjustment/re-appointment in the district his name was struck off from the patwar candidate Register by the then Deputy Commissioner Bannu on 4.2.2000. That the appellat made a departmental representation to the Commissioner Bannu against the removal of appellat's name from the patwar Register but the appeal of the appellat was rejected by the Commissioner Bannu vide his order dated 24.10.2000. The learned counsel for appellat contended that the name of the appellat has been removed from the candidate patwar Register wrongly/malafidly as appellat was Matric, had passed the patwar Examination in the year 1987 and had been appointed as Settlement Patwar in the district on 10.9.1988 and had 12 years service as Patwar at his credit and there was no justification to remove his name from the patwar Register. The learned counsel for the appellat submitted that the name of the appellat which was enlisted in the patwar Register on 5.12.1990 has been removed from the patwar candidate Register on the plea that the appellat has become overage and is possessing Matric qualification while the names of a number of other candidates who are also overage and possess Matric qualification only have not been removed from the patwar

ATTESTED

candidate Register and as such the appellant has been discriminated which is against the law and natural justice. The learned counsel further submitted that the appellant has 12 years service and is entitled for the subtraction of 12 years period service from his upper age limit under rule 6 (i) of Patwar Subordinate service Rules 1963 and there was no justification for the removal of his name from the patwar Register on this ground. The learned counsel for the appellant urged that if impugned orders being irregular and discriminatory may be set aside and the name of appellant be restored on the patwar Register to meet the ends of justice.

5. The learned Government Pleader argued that the appellant was temporarily appointed as Settlement Patwari in Bannu. After completion of the settlement operation the appellant was removed from service. The learned Government Pleader submitted that as per amendment made in the Patwar Service Rules 1963 in rule 7, sub rule (1) the prescribed qualification for appointment of Patwari is F.A with the age limit of 30 years while the appellant has crossed the prescribed age limit and is possessing Matric qualification. Therefore, the name of the appellant was rightly removed from the candidate Register in accordance with rule 3.9 of the Land Record Manual. The learned Government Pleader submitted that the case of appellant

does not fall under the ambit of Service Laws and hence the appeal of appellant may be dismissed.

6. The Tribunal observes that the appellant possessed the Matric qualification and had passed the Patwar examination in the year 1987 and was appointed as Patwari in the Settlement Operation in Bannu District on the recommendation of the proper Departmental Selection Committee by the competent authority on 10.9.1988 as evident from his appointment letter. The appellant was qualified for the post and his appointment was made as Patwari on temporary basis under the Patwar Service Rules 1963 applicable at that time. The name of the appellant was also enlisted in the patwar Register on 5.12.1990. The alleged amendment in the Patwar Service Rules 1963 prescribing qualification of F.A. for patwari was made on 10.9.1990 and was not applicable to the appellant as the appointment of the appellant had already been made under the prevalent Rules applicable at that time and the appellant was already in service when the alleged amendment was made. The amendment dated 10.9.1990 was not applicable to the appellant. Had that been applicable the name of appellant either would not have been entered in the patwar Register on 5.10.1999 or his name would have been removed from the patwar Register in the years 1991 to 1999 as both the alleged amendments dated 10.9.1990 and para 3.9 of the Land Record Manual were in existence and holding

ATTESTED

the field during that period and the name of the appellant who was Matric and over-age could have been deleted from patwar Register but that was not done obviously being not applicable. The Tribunal also observes that the names of such other patwaris who have Matric qualifications and have crossed the over-age limit as alleged by the learned counsel for the appellant have not been removed from the patwar Register while the name of appellant has been struck off from the patwar Register and thus discriminatory treatment has been meted out to the appellant. In view of the above, exposition, the impugned orders of removal of the name of the appellant from the patwar Register are untenable, discriminatory, unjust and unsustainable.

7. Consequent upon the above discussion, the appeal of appellant is accepted and the impugned orders of removal of name of appellant from the patwar Register are hereby set aside.

8. This order will also dispose of the other connected appeals bearing Nos. 2845/2000 Rashid Khan and 2846/2000 Rashid Khan, in the same manner as the facts and points of law involved in all these appeals are in common.

9. No order as to costs. File be consigned to record.

ANNOUNCED.

10.01.2005.

(MIAN SAHIB JAN)
MEMBER.

Muhammad Shaukat
(MUHAMMAD SHAUKAT)
MEMBER.

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar.

In Service Appeal No. 661/2017.

Gul Umar Ayaz Khan.....Versus..... Deputy Commissioner Bannu.

Rejoinder/Parawise reply on behalf of Respondents
No. 17, 18, 19, 20, 21, & 28 of the Service Appeal No. 661/2017.

Respectfully Sheweth:

Preliminary Objections:

- 1) That the appellant has no cause of action and locus-standi to approach this august Tribunal and to file the instant Service Appeal.
- 2) That the prayers of the appellant are totally ambiguous whether he seeks his seniority, promotion or Up-gradation.
- 3) That the appellant has intentionally concealed the material facts from this honourable Tribunal.
- 4) That the appeal is not maintainable in its present form and the appellant has never come to this honourable court with clean hands and as such the appeal is liable to be dismissed with coast.
- 5) That the appeal is hopelessly time-bard.
- 6) That all the contesting respondents are more senior than that of the appellant.

FACTS.

1. This Para relates to the record. However it is added that the appellant has never passed his Patwar Examination as such, the appellant was even not qualified at that time for the post of Patwari.
2. This Para pertains to record hence no comments.
3. This Para pertains to record hence no comments.
4. This Para pertains to record hence no comments.
5. Incorrect. The judgment passed by this august Tribunal has misinterpreted by the appellant and as such has no relevancy with the matter in hand.
6. Correct to the extent that the appellant was recruited as Patwari dated 12-01-2009 while the replying respondents had already been appointed much more prior to the appellant.
7. Incorrect. By amending the relevant rules, the qualification of appointment as Patwari was enhanced from Metric to F.A vide Notification date 10-09-1990 and the action/inaction carried out under the amended rules were however set-aside at the time of arrival of the Judgment passed by the Tribunal in appeal No.

2847/2000. The appellant was recruited as Patwari dated 12-01-2009 while the replying respondents had already been appointed much more prior to the appellant.

8. (Copy of the judgment passed by the Tribunal is annexure "A").
9. Incorrect. Under the law on the subject, Seniority is reckoned from the date of regular appointment and not from the date of such appointment made otherwise than that of regular appointment. As such, the appellant has been placed at the real/correct placed of the Seniority list.
10. Incorrect. The appellant was admittedly recruited as Patwari dated 12-01-2009 but till the date of filing the instant appeal, he never and never objected any seniority list frequently circulated year-wise from the year 2009 till the year 2017.

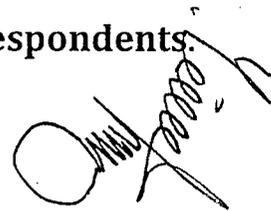
GROUND S:

- a) No comments.
- b) No comments.
- c) Incorrect. Detailed reply has been submitted in Para-7 above.
- d) Incorrect. Detailed reply has been submitted in Para-7 & 9 above.
- e) Incorrect. The appellant has admitted his appointment dated 12-01-2009 to be correct while on the other hand the replying respondents have been much more prior to the appellant. Hence, the replying respondents are more senior than that of the appellant.
- f) Incorrect. Detailed reply has been submitted in Para-7 & 9 above.
- g) Incorrect. Detailed reply has been submitted in Para-10 above.
- h) Incorrect. Detailed reply has been submitted in Para-9 above.

It is therefore, humbly prayed that on acceptance of this rejoinder, the appeal of the appellant may very graciously be rejected/dismissed through with costs.

Respondents

Through



Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated; 14/03/2018.

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar.

In Service Appeal No. 661/2017.

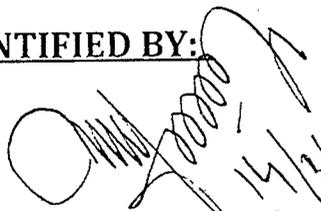
Gul Umar Ayaz Khan.....Versus..... Deputy Commissioner Banu

COUNTER AFFIDAVIT.

I, the undersigned Respondent Turab Shah Patwari and on behalf of other replying Co-Respondents in Service Appeal No. 661/2017, do hereby solemnly affirm and declare on oath that contents of the accompanying rejoinder on behalf of the appellant are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein.

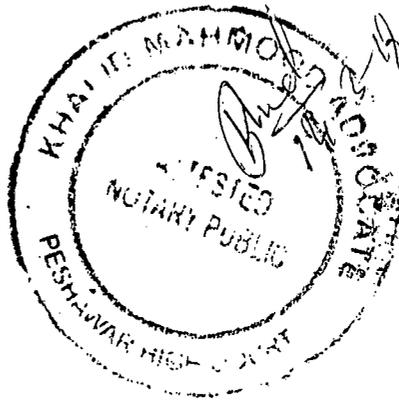
IDENTIFIED BY:

DEPONENT


14/3/2018

Respondents No.19 (Turab Shah) _____

Muhammad Usman Khan
Turlandi
Advocate Peshawar



BEFORE THE NWFP SERVICE

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WAR

Annexure B/G

Appeal No. 28-17/2000

Date of institution - 21.11.2000

Date of decision - 10.01.2005

Adalat Khan, Settlement Patwari,
Settlement Office D.I.Khan..... (APPELLANT)

VERSUS

1. Government of NWFP through the Secretary Revenue, Peshawar.
2. Presiding Officer/revenue Appellate Court No. I Bannu.
3. District Officer, revenue & Estate Collector Bannu..... (RESPONDENTS)

Mr. Gohar Ali Advocate..... For appellant.
Mr. Zulfiqar Ali Govt. Pleader..... For respondents.

MIAN SAHIB JAN..... MEMBER
MR. MUHAMMAD SHAIKAT..... MEMBER

JUDGMENT

MIAN SAHIB JAN, MEMBER:- This appeal has been filed by the appellant against the orders dated 31.5.1999 and 4.2.2000 whereby his name was deleted from the patwar candidates Register with the prayer that the impugned orders may be set aside and his name be restored in the Patwar Candidates Register as previous.

ATTESTED
BY
SECRETARY
REVENUE
PESHAWAR

Handwritten signature/initials

2. The facts of the case as narrated in the memo of appeal are briefly that the appellant was appointed as Settlement Patwar on 10.9.1988 as a regular servant in District Bannu. The requisite qualification as advertised in Daily Mashiq, The appellant qualified/passed patwar examination in February 1987. He served in settlement as Patwar upto 31.5.1999 and relieved from duty due to abolition of the post and kept at the disposal of D.C. Bannu. His other bath-fellows of the same qualification are still in service while the appellant's name was deleted from the patwar candidates Register and was also erroneously enlisted in patwar Register on 5.12.1990. The respondents were bound to enlist the appellant just after passing the patwar examination in 1987 and not in 1990, so due to this mistake action of the respondents the appellant does not come under the ambit of notification dated 10.9.1990. The appellant was appointed purely on merit and then deleting his name from the patwar Register after 12 years is illegal and unlawful. The appellant filed a departmental appeal but the same was rejected on 2.10.2000.

3. The respondents have filed their written reply, contested the appeal and denied the claim of the appellant. Arguments of the learned counsel for the parties have been heard and record perused.

4. The learned counsel for the appellant argued that the appellant had passed the patwar examination in the year 1987.

and was appointed as Settlement Patwar in District Bannu on 10.09.1988. That the appellam served as Settlement Patwar without any complaint till 31.5.1999 when he was relieved from duty on account of the abolition of post. That the appellam while ~~was~~ waiting for a vacancy of Patwar for his re-adjustment/ re-appointment in the district his name was struck off from the parwar candidate Register by the then Deputy Commissioner Bannu on 4.2.2000. That the appellam made a departmental representation to the Commissioner Bannu against the removal of appellam's name from the parwar Register but the appeal of the appellam was rejected by the Commissioner Bannu vide his order dated 24.10.2000. The learned counsel for appellam contended that the name of the appellam has been removed from the candidate parwar Register wrongly/mistake as appellam was Matric, had passed the parwar Examination in the year 1987 and had been appointed as Settlement Patwar in the district on 10.9.1988 and had 12 years service as Patwar at his credit and there was no justification to remove his name from the parwar Register. The learned counsel for the appellam submitted that the name of the appellam which was enlisted in the parwar Register on 5.12.1990 has been removed from the parwar candidate Register on the plea that the appellam has become average and is possessing Matric qualification while the names of a number of other candidates who are also average and possess Matric qualification only have not been removed from the parwar

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learned Government Pleader submitted that the case of appellant
accordance with rule 39 of the Land Record Manual. The
appellant was rightly removed from the candidate Register in
possessing basic qualification. Therefore, the name of the
while the appellant has crossed the prescribed age limit and is
appointment of Pawar is P.A. with the age limit of 30 years
Rules 1963 in rule 7, sub rule (1) the prescribed qualification for
submitted that as per amendment made in the Pawar service
removed from service. The learned Government Pleader
after completion of the settlement operation the appellant was
was temporarily appointed as Settlement Pawar in Bannu. That
5. The learned Government Pleader argued that the appellant
Register to meet the ends of justice.
aside and the name of appellant be restored on the pawar
impugned orders being irregular and discriminatory may be set
ground. The learned counsel for the appellant urged that the
the removal of his name from the pawar Register on this
Subordinate service Rules 1963 and there was no justification
service from his upper age limit under rule 6 (i) of Pawar
service and is entitled for the subtraction of 12 years period of
learned counsel further submitted that the appellant has 12 years
discriminated which is against the law and natural justice. The
candidate Register and as such the appellant has been

21
 does not fall under the ambit of Service Laws and hence the appeal of appellant may be dismissed.

6. The Tribunal observes that the appellant possessed the Matric qualification and had passed the Patwar examination in the year 1987 and was appointed as Patwari in the Settlement Operation in Bannu District on the recommendation of the proper Departmental Selection Committee by the competent authority on 10.9.1988 as evident from his appointment letter. The appellant was qualified for the post and his appointment was made as Patwari on temporary basis under the Patwar Service Rules 1963 applicable at that time. The name of the appellant was also enlisted in the patwar Register on 5.12.1990. The alleged amendment in the Patwar Service Rules 1963 prescribing qualification of F.A. for patwari was made on 10.9.1990 and was not applicable to the appellant as the appointment of the appellant had already been made under the prevalent Rules applicable at that time and the appellant was already in service when the alleged amendment was made. The amendment dated 10.9.1990 was not applicable to the appellant. Had that been applicable the name of appellant either would not have been entered in the patwar Register on 5.10.1999 or his name would have been removed from the patwar Register in the years 1991 to 1999 as both the alleged amendments dated 10.9.1990 and para 3.9 of the Land Record Manual were in existence and holding

ATTESTED

the field during that period and the name of the appellant who was Matric and over-age could have been deleted from patwar Register but that was not done obviously being not applicable. The Tribunal also observes that the names of such other patwaris who have Matric qualifications and have crossed the over-age limit as alleged by the learned counsel for the appellant have not been removed from the patwar Register while the name of appellant has been struck off from the patwar Register and this discriminatory treatment has been meted out to the appellant. In view of the above, exposition, the impugned orders of removal of the name of the appellant from the patwar Register are untenable, discriminatory, unjust and unsustainable.

7. Consequent upon the above discussion, the appeal of appellant is accepted and the impugned orders of removal of name of appellant from the patwar Register are hereby set aside.

8. This order will also dispose of the other connected appeal bearing Nos. 2845/2000 Rashid Khan and 2846/2000 Rashid Khan, in the same manner as the facts and points of law involved in all these appeals are in common.

9. No order as to costs. File be consigned to record.

ANNOUNCED.
10.01.2005.

(MIAN SAHIB JAN)
MEMBER.

(MUHAMMAD SHAUKAT)
MEMBER.

Government of Punjab
Patwar Register

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 661/2017

Gul Umer Ayaz

...Vs...

Deputy Commissioner Bannu & others

Para-wise comments on behalf of
Respondent No. 23

Respectfully Sheweth,

Preliminary Objections

- i) That the Appellant has got no cause of action to file the present Appeal.
- ii) That the Appellant concealed material facts from this Hon`ble Tribunal.
- iii) That the subject Appeal needs recording of pro and contra evidence which is not possible as well the present Appellant is not an aggrieved person, hence cannot invoke the door of this Hon`ble Tribunal on time.
- iv) That the appellant has not come to this Hon`ble Court with clean hands hence denuded of all prevailing equities.
- v) That the appeal is not maintainable under the law also the present appeal is badly time barred.
- vi) The appeal is legally estopped to bearing the instant appeal.
- vii) That the prayers of the appellant are totally ambiguous whether he seeks his seniority, promotion or up-gradation.
- viii) That majority of the contesting respondents are more than senior from the present appellant.
- ix) That the subject appeal has been filed by an unauthorized person, hence it is liable to be dismissed on this score alone.

Comments:

1. This para is related to record. However it is pertinent to mentioned here that the present appellant has never passed the Patwar examination on that time as the appellant was even not qualified at the time of appointment.

2. This para is also related to record, hence needs no comments.
3. This para is also related to record, hence needs no comments.
4. This para is also related to record, hence needs no comments.
5. It is pertinent to mentioned here that this para is incorrect and not tenable in the eyes of Law, hence explicitly denied, because the Order / Judgment of the this Hon`ble Tribunal is crystal clear. The appellant has miss-conceived the same, and has no relevancy with the matter in hand.

6. It is correct, that the appellant was recruited as Patwari on 12.01.2009, while the appellant is registered on 13.01.2009 in the Tentative Seniortiy list of conformed / regular Patwari of Bannu district as stood on 31.12.2016 has already submitted by the appellant with the present appeal, while the replying respondent (s) No.23 had already been much more prior to the appellant.

It is also very important to mentioned here that the replying respondent No.23 was filed WP No.88/2007 in the Hon`ble Peshawar High Court D.I. Khan Bench on the titled "Kamran Khan Vs Govt of N.W.F.P through Secretary Revenue & others" and directed the respondents by the Hon`ble Peshawar High Court D.I. Khan Bench to consider the Petitioner also for appointment as Patwari with the same yardstick, on dated 25.10.2007, also contained in Cr: Misc: Contempt (COC) Petition No. 2/2008 which was announced on 19.12.2008, so on the direction of the worthy Peshawar High Court D.I.Khan (Bench) the replying respondent No.23 was appointed on 18.12.2008.

(Copies of Order and both Judgment sheets are attached with the comments.)

7. That this para of the appeal is totally incorrect and baseless. The rules were amended and the relevant qualification for Patwar Post were prescribed FA by the Provincial Government vide notification dated 10.09.1990, while the replying respondent(s) No.23 has BA qualification and is much more prior to the present appellant.
8. This para of the appeal is also incorrect, seniority is determined on the basis of date of regular appointment and not from the date of such appointment made otherwise in the cadre, so the appellant has been placed at his actual position.

9. Incorrect, the appellant was admittedly appointed on 12.01.2009. After his appointment neither he has objected on the seniority lists issued circulated every year, nor he has challenged his appointment order for the last 7/8 years (2009 - 2017). as such the instant appeal is badly time barred.

Grounds

- a) Needs no comments.
- b) Needs no comments.
- c) In correct, as mentioned in comments in para no 7 in detail.
- d) In correct, as mentioned in comments in para no 7 & 9 in detail.
- e) In correct, first the appellant has admitted that he was appointed on 12.01.2009, and it is pertinent to mentioned here that according to Appointment, Promotion and Transfer, Rules 1989, the seniority of a Civil Servant is determind from the date of 1st appointment in the cadre.
- f) In correct, as available in comments para 7 in detail.
- g) In correct, every year the seniority list has been circulated by the concerned authorities, but neither the appellant has raised objected nor challenged the same at any forum previously, as the instant appeal is badly time barred and is not maintainable under the law and rules.
- h) In correct, as available in comment para 9 in detail.

It is therefore, most humbly prayed that in view of the above facts and circumstances the instant appeal may kindly be dismissed with cost as it has no legal grounds.

Respondent No.23

Through



Malik Zeeshan Khan

Advocate High Court Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 661/2017

Gul Umer Ayaz

...Vs...

Deputy Commissioner Bannu & others

Affidavit

I, Kamran S/o Sabir khan R/O Kotka matan sabo khel near P/S Mandan Bannu, do hereby solemnly affirm and declare on oath that the contents of the enclosed Para-wise Comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon`ble Tribunal.

Dated: 28-03-2018



DEPONENT

11101-1451609-7

Identified by



Malik Zeeshan Khan

Advocate High Court

Peshawar

Attested

28.3.18

QAISAR KHAN

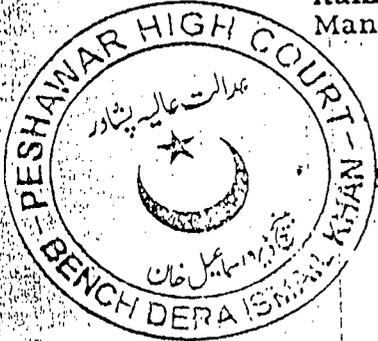
Advocate & Oath Commissioner
District & Session Court Peshawar

BEFORE THE PESHAWAR HIGH COURT, DIKHAN BENCH

Writ Petition No. 88 /2007

7/1
A
6

Kamran Khan son of Sabar Khan, resident of Sabu Khel, Mandan, Tehsil and District Bannu
..... (PETITIONER)



VERSUS

Government of NWFP, through Secretary Revenue and Estate Department/Senior Member Board of Revenue, NWFP Peshawar

2. The Secretary Board of Revenue NWFP, Peshawar
3. The District Officer Revenue and Estate/Collector Bannu
4. The District Coordination Officer (DCO), Bannu
5. Turab Shah son of Muhammad Gul Shah, resident of village Kakki, Tehsil and District Bannu, C/O Tehsildar Bannu
6. Tayabullah son of Gul Salim, resident of Hindi Khel Wazir, Tehsil and District Bannu, C/O Tehsildar Bannu
7. Yaqoob Nawaz son of Gul Ambail, resident of village Kakki, Tehsil and District Bannu, C/O Tehsildar Bannu
8. Muhammad Kashif son of Muhammad Ashraf Khan, C/O Tehsildar Bannu
9. Sakhi Shah son of Muhammad Gul, resident of village Kakki, Tehsil and District Bannu, C/O Tehsildar Bannu
10. Muhammad Kauran son of Abdul Kabir, resident of Ghorli Wala, Tehsil and District Bannu, C/O Tehsildar Bannu

..... (RESPONDENTS)

Attested
Yusuf
88W
Adv

D. Khan
Adv

680
Filed
31/3/07

ATTESTED

EXAMINOR

Peshawar High Court

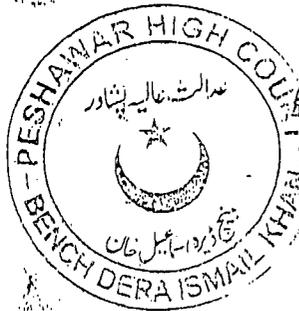
10/1/08

"B" (13)

JUDGMENT SHEET
PESHAWAR HIGH COURT D. KHAN BENCH
JUDICIAL DEPARTMENT

Writ Petition No. 88 of 15th Jan 2007

JUDGMENT



Date of hearing 25.10.2007

Petitioner (Kamran Khan) by Mr. Sohail Ramani
Adv.

Respondent (Govt. of NWFP) by Mr. Farid Aziz
Adv.
Respectable JAC for Res Pds No 1 to 4 and Mr. Salimullah
Rahmani Advocate for Res Pds No 5 to 10

JEHANZAIB RAHIM J. - Through this single order

we propose to dispose of writ petition No. 88/2007 and
238/2007, as common question of law and fact are
involved in both the petitions.

This Court in its order dated 7.2.2007 passed
in W.P.No. 302/2006 directed respondents that "they
shall consider the petitioners for appointment on merits
within two months." The respondents, in compliance
thereto had considered respondents No. 8 to 10 and
accordingly appointed them as Patwaris in BPS-5 but
the petitioners, who were similarly placed in similar
circumstances, were ignored.

ATTESTED

EXAMINOR

Peshawar High Court
D. Khan Bench

84/10/07

We, in view of our order in the above
referred writ petition, direct the respondents to consider
the petitioners also for appointment as patwaris with the
same yardstick, which they had applied to respondents

Attested
[Signature]
Adv

14

No. 8 to 10 within two months and, in case vacant posts are available, they shall accordingly be accommodated.

Consequently, the writ petitions, in above terms, are disposed of.

Announced
25.10.2007

sel.
P. Prakash Jetham Raib Ratuin Klu J:-
sel.
P. Prakash Raj Muhammad L. J:-

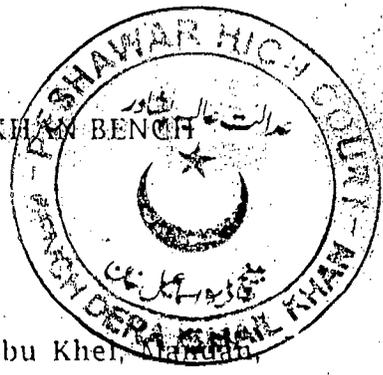
Office
29/10

ATTESTED

EXAMINOR
Peshawar High Court
D. Khan

Attested
Ullas
CSM
ADV

BEFORE THE PESHAWAR HIGH COURT, DIKHAJAN BENCH



Cr: Misc: Contempt Petition No. 2 /2008

Kamran Khan son of Sabar Khan, resident of Sabu Khel,
Tehsil and District Bannu

..... (PETITIONER)

VERSUS

1. Senior Member Board of Revenue, NWFP Peshawar
2. The Secretary Board of Revenue NWFP, Peshawar
3. The District Officer Revenue and Estate/Collector Bannu.
4. The District Coordination Officer (DCO), Bannu
5. Mr. Ehsanullah Khan Mehsood, presently posted as Senior Member Board of Revenue, NWFP Peshawar.
6. Mr. Tayyub Awan, presently posted as Secretary Board of Revenue, NWFP Peshawar.
7. Abdul Shakoor Khan Dawar, presently posted as District Officer and Estate (DOR&E), Bannu.
8. Muhammad Ali Shah, presently posted as District Coordination Officer, Bannu.

..... (RESPONDENTS)

AN APPLICATION UNDER ARTICLE 203 OF THE CONSTITUTION OF PAKISTAN, 1973 READ WITH SECTIONS 3, 4, 5, 6 & 12 OF THE CONTEMPT OF COURT ORDINANCE (ORDINANCE I OF 2004), FOR INITIATING CONTEMPT PROCEEDINGS AGAINST RESPONDENTS/FUNCTIONARIES NOMINATED HEREIN AND FOR METING OUT SEVERE PUNISHMENT ^{to} THE CONTEMNERS IN ACCORDANCE WITH LAW FOR WILFUL DISREGARD, DISOBEDIENCE AND DELIBERATE FAILURE TO

Attested
Ullah
Adv

2/10/08
Ullah

101
Filed to 207
2/10/08

ATTESTED
EXAMINOR
Peshawar High Court
Dikhan Bench
12/11/09

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I. KHAN BENCH
(Judicial Department)



C.M. No. 62 of 2008

JUDGMENT

Date of hearing 19-12-2008

Appellant-Petitioner Kamran Khan by

Mr. G. Har Zaman Khan Kundi, Advocate

Respondent SMISIL, Nisfi d ikas by

Mr. Samanullah Khan, Shamim Gaudapuri, D.A.S.

MUHAMMAD ALAM KHAN J.- Pursuant to the order dated 3/12/2008 of this Court, the Reader of respondent No.3 is in attendance and produced copy of office order bearing No. 2494-2503/DOR&E/BC/Estab. Dated 18/12/2008 vide which Kamran Khan petitioner has been appointed as Patwari.

2. In this view of the matter, this Contempt of Court petition has become in fructuous and is dismissed accordingly. Copy of the said order has been placed on record.

ANNOUNCED
19/12/2008.

ATTESTED

EXAMINOR
Peshawar High Court
D.I. Khan Bench

12/1/09

M. [Signature]
JUDGE

[Signature]
JUDGE

Attested
Yusuf
S. M. Adv

OFFICE OF THE DISTRICT OFFICER REVENUE & ESTATE/COLLECTOR
BANNU

No. 2495-2503 /DOR&E/BC/Estab.

Dated 18 /12/2008

OFFICE ORDER

Consequent upon the directions of the Hon'able Peshawar High Court Bench at D.I.Khan vide W.P. NO. 88/2007, Dated 25-10-2007 "Kamran V/S Government of NWFP etc., also contained in C.M. No. 2/2008 (COC), Dated 03-12-2008 and Departmental Promotion/Selection Committee Meeting held on 17-12-2008 under the Chairmanship of the undersigned in personal office, Mr. Kamran Son of Sabir Khan Resident of Sabo Khel, Mandan, Bannu is hereby appointed as Patwaris (BPS - 5) against the vacant posts with immediate effect subject to the following terms and conditions:-

1. He will have to produce Medical Fitness Certificate.
2. He will be on probation for a period of one year which can be extended for a period of further one year in case of non satisfactory performance.
3. He will be governed by such rules and orders issued by the Government of NWFP for such category of Government Servants.

DISTRICT OFFICER
REVENUE & ESTATE/COLLECTOR
BANNU

Even No. & Date

✓ Copy forwarded to:-

1. The Additional Registrar, Peshawar High Court Bench at D.I.Khan with reference to the above case fixed for 19-12-2008 for information please.
2. The District Nazim Bannu for information.
3. The Secretary, Board of Revenue NWFP, Peshawar.
4. The District Coordination officer, Bannu.
5. The Deputy Advocate General D.I.Khan Bench for information please.
6. The District Accounts Officer, Bannu.
7. The Tehsildar Bannu.
8. Mr. Kamran Son of Sabir Khan Resident of Sabo Khel Mandan, Bannu, the official concerned.
9. The B.C., Office of DO(R&E)/Collector Bannu.
10. Office order file.

DISTRICT OFFICER
REVENUE & ESTATE/COLLECTOR
BANNU

Attested
1/12/2008
CSM
Adv

50	 	24400
ایڈوکیٹ: <u>صاحب ذریعہ حسن ایشن</u>	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر: <u>bc-14-5020</u>		
رابطہ نمبر: <u>0300-5763610</u>		

بعدالت جناب: سر جسٹس سید سید علی شاہ

مخانب: <u>کارمین خان سواری صاحبہ</u>	دعویٰ:
<u>گل عمران ملانز</u> <u>بنام</u> <u>DC منوں اور علی</u>	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنگہ

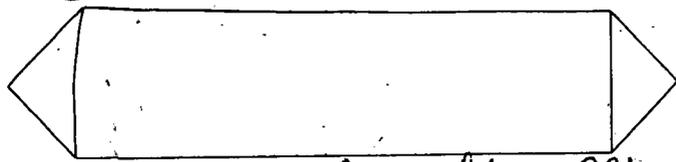
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام سر جسٹس سید سید علی شاہ صاحب ذریعہ حسن ایشن کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ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

المرقوم: 25 جنوری 2018
 العبد سید واہ شد
 مقام سر جسٹس سید سید علی شاہ

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



بعدالت کے لیے، سروس ٹریڈنگ کمپنی اور



Service Appeal No. 661 of 2017

Respondents No. 17, 18, 19, 20, 21 & 22

2018ء منجانب

گل علی ترائف ایجوکیشنل سوسائٹی
Appellant

دائمی نمائندہ ہونے والے
Respondents

مورخہ

مقدمہ

دعویٰ

مہتمم

محمد حاسف پٹواری
Respondent No. 20

باعث تحریر آنکہ

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

آن مقام KPK-ST کیلئے M. Usman Khan Turlandi
M. A. EL. B Advocate

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کالکٹ کیا گیا ہے۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی بزمادگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب باہم ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سندر ہے۔

ATTESTED

&

ACCEPTED

2018ء

المقوم بلیس

ماہ فروری

محمد اسد پٹواری
Respondent No. 19

جعقوب اوزار پٹواری
Respondent No. 18

محمد اسد پٹواری
Respondent No. 22

محمد اسد پٹواری
Respondent No. 21

محمد عثمان خان تراندی

کے لئے منظور ہے۔

ایڈووکیٹ بشاور حانی کورٹ

چوک مشگری پشاور سٹی فون: 2220193
Mob: 0345-9223239

KPK-ST

محمد اسد پٹواری
Respondent No.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A. No. 661 /2017

Gul Umar Ayaz

versus

D.C & Others

REPLICATION

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

All the 04 preliminary objections of respondents are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is not maintainable, the same is badly time barred, bad for mis and non-joinder of necessary parties and estoppel.

ON FACTS:

- 1-6. Not commented upon by the respondents, so these paras of the appeal are admitted correct by the respondents. Appellant had passed examination of patwar in the year, 1996.
7. Not correct. The para of the appeal is correct regarding educational qualification of the respondents as they were lacking qualification at the time. As for as judgment dated ~~10-01-2007~~ ⁵⁻⁵⁻²⁰⁰⁸ of the hon'ble Tribunal was pertaining to striking down the names of the candidates from register and not from appointment.
8. Not correct. The para of the appeal is correct regarding placement of name of the appellant at incorrect position of S. No. 42 instead of 20. It was in fact tentative seniority list and not the final one and no promotion could be made on tentative seniority list.
9. Admitted correct by the respondents.

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No: 1668-70/ST Dated: 10/6/2022

To,

- 1 Deputy Commissioner, Bannu.
- 2 District Officer, Revenue & Estate/Collector, Bannu.
- 3 Senior Member, Board of Revenue, Govt. Of KP, Peshawar.

Subject: PERSONAL APPEARANCE IN EXECUTION PETITION NO. 38/2022 OF Mr. GUL UMER AYAZ KHAN VS D.C BANNU.

I am directed to forward herewith a certified copy of Order dated 01.06.2022 passed by this Tribunal on the above subject for strict compliance .

Encl: As Above.


(WASEEM AKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR