25.01.2019

Counsels for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Dr. Fakhar Alam, SMBR (respondent no.3) and Mr. Muhammad Arif, Supdt for respondents present. Arguments heard and record perused.

This appeal is also dismissed as per detailed judgment of today placed on file in connected service appeal No. 1113/2018 titled "Abdur Rehman -vs- Chief Secretary Khyber Pakhtunkhwa, Peshawar R/o Khyber Pakhtunkhwa at Civil Secretariat Peshawar and three others." Parties are left to bear their own cost. File be consigned to the record room.

Announced: 25.01.2019

Ahmad Hassan) Member

(Muhammad Amin Khan Kundi) Member 02.01.2019

Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Muhammad Arif Superintendent present.

Learned counsel for the appellant complained that the SMBR (respondent No.3) is still prone to make appointments to the posts of Naib Tehsildars and Tehsildars on OPS/current charge basis.

It is but common knowledge and very unfortunate that the post of Naib Tehsildar and Tehsildar is considered as one of the great source of making speedy money and on other hand the hi-ups in the Revenue Department have adopted the policy of making appointments on these lucrative posts on OPS/current charge basis and have been acting like a silent spectator to the over all scenario.

It is also ironical that unscrupulous officials in the Revenue Department somehow succeeds in blocking the way of regular appointments on these lucrative posts by resorting to frivolous litigation. Some of these unscrupulous low rank officials are so influential that they enjoy the reputation of having subdued the bureaucracy.

This Tribunal observed that since the ad-interim relief of statusquo is no more in the field/vacated, the respondent department particularly the SMBR is directed to fill up the vacant posts of Naib Tehsildars and Tehsildars on regular basis in the prescribed manner and without any further delay. The SMBR is strictly directed to shun the appointments of Naib Tehsildars and Tehsildars on OPS/current charge basis in future. SMBR (respondent No.3) is directed to appear in person before this Tribunal on the next date fixed as 25.01.2019 to render proper assistance.



Member

21.11.2018

Since 21.11.2018 has been declared as public holiday in account of 12th Rabi ul Awal. Therefore, the case is adjourned. To come up on 28.12.2018.

Reader

28.12.2018

Learned counsel for the appellant present. Muhammad Arif Superintendent present and submitted parawise comments.

It is settled principle that a civil servant is vested with no right to question the order of his repatriation to the parent department hence the appellant is not found entitled to the extension of the ad-interim relief granted on 04.10.2018 till 25.10.2018. As such the ad-interim relief of status quo shall be deemed as vacated. It may also be mentioned that similar nature Service Appeal bearing No.1287/2018 has been dismissed by this Tribunal in limine. Moreover in another similar nature service appeal bearing No.1340/2018 filed by Mr. Malik Zahid, the ad-interim relief of status quo has also been vacated. The present case is a sheer example of the abuse of process of law. Adjourn. Learned counsel for the appellant requested for a short date. To come up for rejoinder/arguments on 02.01.2019 before D.B.

Member

01.10.2018

Appellant alongwith his counsel present. Security and process fee not deposited. Appellant is directed to deposit the security and process fee within three days, thereafter, notice be issued to the respondents for replication on stay application as well as written reply on main appeal for 04.10.2018 before S.B.

ellant Deposited
Hity a Process Fee

(Muhammad Amin Khan Kundi)

Member

4.10.2018

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

(Muhammad Amin Khan Kundi) Member

Chairman The Tribual's man functional Therefore the Case is adjourned to come up for the Same on 21-11-2018

Reader

1. 1

Form- A FORM OF ORDER SHEET

Court of		
Case No	1117 /2018	

	Case No	1117/2018
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/09/2018 -: 9*	The appeal of Mr. Mustafa Shah presented today by Mr. Javed Iqbal Gulbella Advocate may be entered in the Institution
-		Register and put up to the Learned Member for proper order please. REGISTRAR
2-	7-9-18	This case is entrusted to S. Bench for preliminary hearing to be put up there on 10-9-18.
		MEMBER
	10.09.2018	Appellant Mustafa Shah in person alongwith his counsel Mr. Javed Iqbal Gulbela, Advocate present and heard in limine.
		Contends that the appellant has been transferred frequently without any justification. Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on
	\$	01.10.2018 before S.B. Notice of stay application be also issued to the respondents for the date fixed.
		Chairman.

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Re S.A _____/2018

Mustafa Shah Teshildar

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and Others

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3.	Affidavit.		12
4.	Addresses of Parties.		13
5.	Copies of the impugned office order dated 09/07/2018	"A to C"	14-19
6.	Copy of the rule 9	"D"	20.
7.	Copy of the appeal and order	"E & F"	21-24,
8.	Other documents	G	25-43.
9.	Wakalatnama		hu.

Dated: 07/09/2018

Appellant

Through

JAVED IQBAL GYLBELA

&

SAGHIR IQBAL GULBELA

Advocate High Court

Peshawar.

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

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Re S.A ______/2018

Shyber Pakhtakhwa Sorvice (Felbuna)

Diary No. 1412

Mustafa Shah Tehsildar Rustom District Mardan

·····(Appellant)

VERSUS

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

----(Respondents).

Filedto Jay Registrar 191

SERVICE APPEAL U/S 04 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED OFFICE ORDER NO. 31072, DATED: 31/08/2018 OF OFFICE OF THE SENIOR MEMBER BOARD OF REVENUE. PAKHTUNKHWA PESHAWAR WHEREBY THE DEPARTMENTAL APPEAL OF THE AGAINST THE **IMPUGNED** NOTIFICATION NO. 27057 DATED 09/07/2018 WAS DISMISSED IN CLASSICALLY **CURSORY MANNER**

Respectfully Sheweth

 That the Appellant is performing his duties as Tehsildar on Current Charge Basis.
 (CCB) in Rustom District Mardan.

- 2. That the Appellant is being subject to persistent acts of discrimination on continuous basis and turned to be into shuttle cocks as without observing the normal tenures of posting and transfer, the Appellant is transferred and posted again and again.
- 3. That this was the background that yet another, herein impugned Notification No. Estt.:I/P/T/27057 dated 09/07/2018, impugned office order NO. Estt:I/P/T/27078 dated 09/07/2018 was illegally issued whereby the Appellant was repatriated to parent office in an discriminatory, void, and unwarranted manner. (Copies of the impugned office order dated 09/07/2018 is annexed as annexure "A to C")
- 4. That before passing on to the grounds of the instant Petition, it is pertinent to mention that the Appellant is holding the substantive pay scale of Assistants (BPS-16), but having the ability and potential, otherwise eligible as well, have been transferred and posted as Tehsildar on Current Charge Basis (CCB), wherein his rights is protected and governed by Rule-9 of the Transfer, Promotion and

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

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

rights upon the following grounds inter

GROUNDS:

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

(3)

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

- D. That such reshuffling on such higher scale and that too whom infested with malicious intentions, at this moment when the General Elections is to be highly held in nigh future give rise to many questions as the removed of officials at the helm of powers having influential characters which can be availed by candidates of election campaign and for whose appearement this reshuffling at this crucial moment of this higher scale has been carried is unwarranted and void.
- E. That without going in to minute details it would be suffice to mention here that persons who is holding same positions of responsibility on Current Charge Basis to other field offices instead of repatriating all the officials working on CCB to the parent department and thus only the Appellant were subject to unfettered discrimination and even

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

- F. That the normal tenure of transfer and posting can only be allowed to be left in are and exceptional cases and that to in a defined public interest. But here the Appellant have repeatedly been transferred, transferred and transferred for no reasons, which is certainly not a good omen.
- G.That posting and transferring any Civil Servant/Government Servant on Current Charge Basis is a defined mechanism of service laws and a procedure is detailed in Esta Code while the accrued rights, accrued thereupon, is fully protected under the same code whose details is provided under rule 9 of Transfer, Promotion and Appointment Rules of 1989. But here the situation is volte-face and the Appellant is repatriated to parent department without any justification and the same tantamount to violation of not only service laws but as well as fundamental law.
- **H.**That no one can be condemned unheard, nor anyone can be condemned for no wrong.
- I. That from every angle and perspective the impugned transfer and posting orders is

inatory, void, unwarranted

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

- J. That even the appellant authority dismissed the departmental appeal and that too without any speaking order and cogent reasons.
- **K.**That any other ground no raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned notification NO. Estt:I/P/T/27057 dated 09/07/2018 and of the office of Senior Member Board of Revenue may graciously be cancelled and set aside and if the same is not feasible in the circumstances then the same impugned Notification and office order may graciously be modified to the extent of the Appellant and his names be struck off/ deleted from the list of transferred Tehsildar and be left at their places of serving/posting and even if the same is not feasible then the Appellant be posted and transferred in the same capacity of Tehsildar on Current Charge Basis likewise others of the same impugned transfer and posting orders/Notification.

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

Dated: 07/09/2018

Appellant

Through

JAVED IQBAL GULBELA

SAGHIR IQBAL GULBELA Advocate High Court Peshawar.

NOTE:-

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

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Re S.A _____/2018

Mustafa Shah Teshildar

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and Others

AFFIDAVIT

I, Mustafa Shah Tehsildar Rustom District Mardan, do hereby solemnly affirm and declare that all the contents of the accompanied appeal is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

DEPONENT

Javed Iqbal Gulbela Advocate High Court

Peshawar.

Oatr. Commissioner of Oatr. Court Personal Court Pe

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Re C.M No#	/ 2018
In Re S.A	/2018

Mustafa Shah Teshildar

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and Others

> APPLICATION FOR SUSPENSION THE IMPUGNED OFFICE ORDER NO. DATED: 31/08/2018 OF THE OFFICE THE OF **SENIOR MEMBER** BOARD OF REVENUE. PAKHTUNKHWA PESHAWAR WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE IMPUGNED NOTIFICATION 27057 09/07/2018 WAS DISMISSED.

RESPECTFULLY SHEWETH,

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

- 4. That balance of convenience is also lies in favor of Petitioner and his quite sanguine of his success.
 - 5. That in the given circumstances the suspension of operation of the impugned notifications are indispensible.

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

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

Dated: 07/09/2018

Appellant / Pot Howk.

Through

JAVED IQBAL GULBELA

SAGHIR TQBAL GULBELA Advocates High Court

Peshawar

BEFORE THE HONBLE KHÝBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Re C.M No#	/ 2018
In Re S.A	/2018

Mustafa Shah Teshildar

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and Others

AFFIDAVIT

I, Mustafa Shah Tehsildar Rustom District Mardan, do hereby solemnly affirm and declare that the contents of the Instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT

Identified By:

JAVED IQBAL GULBELA

Advocate High Court Peshawar

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

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In	кe	S.A	/2018	5

Mustafa Shah Teshildar

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and Others

ADDRESSES OF PARTIES

APPELLANT.

Mustafa Shah Tehsildar Rustom District Mardan.

RESPONDENTS:

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

Dated: 07/09/2018

Appellant

Through

JAVED IQBAL GULBELA

SAGHTR IQBAL GULBELA

Advocate High Court Peshawar.





Peshawar dated the 09/07/2018



NOTIFICATION

In pursuance to the concurrence of the Election Commission of Pakistan convyed through letter No. F.2(18)/2018-Cord , dated 05.07.2018, the Competent No.ESIE//P/1/27057 Authority is pleased to order the posting I transfer amongst the following Tehsildurs with

Authority is pleased to order to	ic hosines			
immediate effect and in public	interest:	· 		
immediate Circuit			To	dar Charsadda
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S No Name of Tensidar	Inspect	i i		ctor Stamps Peshawar
L. Mr. Irshad Ali	Peshav	164	Inspe	ttor Stamps
Mr Muhammad	Tensilo	lar Charsauda		
2. Mr. Munamina	ł		Tehsi	idar Pabbi.
l tobal	Tersil	dar Shabqadar	1	
Mr. Mira	• •		Tehs	idar Tangi
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Mr. Aliab Ahamd	Come	niss oner Office	1	
() ()	pesh	lawe	Tehs	sildar Chamarkand
		nosting "	1	ļ
5 Mr. Youngs Khan	Com	missioner Office	\	
5 Mr. 1001/3	1		Rea	der to SMBR
		n completion of	\"	- ntlice
Mr. Imran Zaman	l real	nint:	Bes	patriated to his parent office
,		dec 10 MBR-1		ader to MBR-1
7 Mr. Karım Gul		on completion of		
1 Nunatullah	107		-+-	patriated to his parent office
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Mr. Asad Umair	l	Circle		epatriated to his parent office
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Mr. AbdurReman	• 1			O PESCO Khyber Circle
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Mr. Sahib Zada		. 11.4	,	
1 V' All	1.	ensituation Peshawa	<u></u>	Tehsildar Reconciliation
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Mr. Khalid Man	soor			Peshawar Settlement Tehsildar (OPS)
13. Mr. Knaild		raining NT Land Acquisit	ion	Settlement .c.
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14. Mr. (OK)		Collector Charles		Tehsildar Mardan against vacant
L Dawgott IDK)	115	Tehsildar Tangi Tehsildar Takhat Ghai		Tehsildar Marous 5
15. Mr. Sultan Hac	ammad	Tehsildariakita		post Tehsildar Takhat Bhal
116. Mr.		4 - acsing		Tehsildar Takildi Dire
Shafiq		Awaiting for posting	mps	Tehsildar Lahor
17. Mr. Dil Nawaz	aum.	inspector	•	Political Naib Tehslidar-II Upper
18. Mr. Abdul Qa	y	Mardan	 [
	1	Tehsildar (CCB) Laho	-	Kurrum
19. Mr. Nawab G	(1)	<u></u>		Tehsildar Katlang
/ }		Tehsildar Yop.	um	Tehsildar Katlang Repatriated to his parent office
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is 21. 1 1811 - 1815		Tehslidar (CCB) Swa	,,,	
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Assistant Mr. Sallur-R	lehman			Tehsildar Swabi
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Daudzar High

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1 30). Mr. Javed		Telislidar Havilain	<u>'</u>	Tebsildar Lower Tanwal
31			Telisildar Khanpur	- —	
32	Mr. Saadat Huss	nin .	Tehsildar (CCB) All		Tehsildar Allai, Battagram
1.	Assistant	- 1	Battagram	•••	Repatriated to his parent offic
33	Mr. Ijazladoon		Awaiting posting		Yabalida (OBC) Albana
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!			····		vacant post
: <u>-11</u>	Mr. Atunawar Shal		ehsildar Khadukhel		Yehsildar Khwazakhela
12	Mr. Afral Khan		elisildər Khwatakelilə		Tehsilifar Mandant
13 44	Mr. Runatullan		ehsildər Kabal	\Box	Tehsildar WariDir Upper
4-1,	Mr. Muhamm	ad To	chsildar Barikot	- 1	Telisildar Chakesar Shangla
45	Mr. Abdul Qayum	Te	hsildar (CCB) Behrain		
		**	wanter feets bentaly		Tehsildar Barawai (OPS) Dir
					Upper
1 <u>6</u> .	Mr. Shah Nawaz	Tel	hsildar Chitral	— 	against the vacant post
:7 .	fair Noor-ud-din		hsildar (CCB) Mulko		Tehvildar Batkhela
			tral	1.	Repatriated to his parent office
18	Mr. Shakir Ullah	Tet	rsildar Khail	7,	ensildar Chitral
19.	Mr. Bakhtiar Ahmad		aiting posting		chalder Alpuri
0.	Mr. Said Manan		sildar (CCB) Balambal		
	Assistant	_1	· • • • • • • • • • • • • • • • • • • •	- "	epairlated to his parent office
1.	Mr. Muhammad	Ten	sildar (CCB) LalQilla	A	epatriated to his parent office
	Ghufran Kanungo			1	approvided to his parent office
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•	Mr. Shah Jehan		lidar (CCB) Balkhela		chairinted to his parent office
	Assistant				and to my parent office
	Mr. Sher Ali	Inspo	ctor Stamps Swat	Te	hsildar Kabal
	Mr. Azəm Khaltak		ldar Jehangera		Issistar Mulko Chiirai
	Mr. Amir Nawaz		ling posting in co	_ ` _ ` _ '	************************************

Daugza Court Peshawar Mob. 1345-9405501

57	Mr. Khaq Ali	Upon completion of training	Tebrahar Domail against the vacant post. Repatriated to his parent
58	Mr. Ghanl Rehman Assistant	Tehsildar (CCB) Chamarkand,Bajaur	office P1 Fit Kohat
29	Mu. Shahab Ud Din	PT Lower Orakzai	
60	Mr. Muhammad Blaz	PT FR Kohai	PT Lower Orakral Repatriated to his parent office
61 61	Mr. Shofgat thran	Telisildar (CCB) Thail	Repair area to as parent office
	Assistant	Telisildar Karak	Tehnidar Hangu
62. <u>—</u> 63.	Mr. Rashid All Mr. Abudi Karim	Fehsildar (CCB) Hangu	Repairated to his parent office
	Assistant		Telisildar SeralNaurang
 . 4	Mr Aminullah	Tehsildar Domati	Repatriated to his parent office
65.	Mr. Shafqatullah Assistant	Tehslidar (CCB) SeraiNaurang	
ού.	Mr. Halom All	Sub Registrar (CCB) Di	Repairinted to his parent office
		NT Tank	Sub-Registrar DI Khan
67.	Mr. Sajid Saleem	PT (CCB) Datta Khel	Repairsated to his parent office
69	Mr Moleed Alam Mr - Muhammad	Upon completion of	Tehraldar Kohot
70	Zamun // // // // // // // // // // // // //	Upon completion of	Telisidar Gumbal
	Hawar	training	The Halabat
71.	Mr. Muhammad Ayas	Upon completion of training	Tetisdilar Balakot
72	Mr. Rahamdullah	RO PECO WAPDA Bannu	Political Tehslidar Dosalli.
73	Mr. Shakil	PT (CC8) Mirali	Repatriated to his parent office
	Assistant	<u></u>	

Hy Order Of Senior Member

- No Estel/57/95/2017/<u>27058-77</u>

Copy forwarded to the:-

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

'Gnl Bola 9405501

JAVT D JOH

GOVERNMENT OF KHYBER PARTERSKIPWA BOARD OF REVENUE REVENUEN ESTATE DEPARTMENT

Pediawar dated the 050702018

ORDER

No ESICPA/1/27078 — In pursuance to the concurrence of the Election Committation of Pakastan conveyed through letter No. F.2(18)/2018-Cord., dated 45.07,2018, the Competent Authority is pleased to order the posting i transfer amongst the following Nails Telisildars with immediate effect and in public interest:

ais tellshus	18 with municulate circum	· 	
No.	Name of Nath	From	To
	Tehsildar Iste, Edayatullah	Naib Tohsidar	trails Fehrilder Khair Abad
· · · · ·	Mr. Mustamir Shah	Maib Tehsidar	Repairiated to his parent of
(i)	Senior Clerk	(CCB) Khair Aliad Tehsildar (CCB)	Nalb Tehsiklar Acquisition
3	Mr. Qaisar Khan	Pabbi	Charsadda Nalb Tehsildar Passport
-1	61r Shakil Barki	Hallmral	Torkham Naib Tehsildar Ekkaghund
5	Mr. Ahmad All	Nalb Tehsildar BazzarZakhakhel	
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, <u>, , , , , , , , , , , , , , , , , , </u>	Na Mohammad Riar	Naib Tehsildar RABA	Naib Tehsildar Halimzar
3.	Mr. ranhammad	Halls Fehalldar Mullagori	Nash Tehsildar Bara
ù .	Shakil Str. Shetiryar khan	Naib Tehsildar Ehwezal	Naib Tehsildar Mullagori
10	Mr. Ria: Ulliag	Naib Tehsildar Ambar	Naib Tehzildar FR Peshawar
11	Mr. Tehseenullah Kanunga	Maib Tehsildar (CCB) Passport	Gaib Tehulldar (CCB) Kluver:
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13.		Wazirstan Naib Tehsildar	Circle Nail Tehsildar (OFS) Femilia
14	Mr. Inayat-Ur- Rehaman	[OPS] Chersadda	Naib Tehsildar Takin Bhai
15.	Mr. Nasrullah	Nath Tehralilat Katlang	
16.	Air Arshad rabat	Nalle Tehsdilar Takhi Diai	Ham Teholdar Mardan
17.	Mr. Sabar All	Naili Tehsililar (OPS) Takhi (lihat	MaliTehatilai (OPS) Kaitang
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10	Mr. Abdur Bashid	Nam Tehshilar Land Acquilition Swall	Naib Tensililar Lahor
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44	Mr. ibrar Abmad	Buner
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45	1 Mr. Nasvab Ali	1
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49.	Tax. Coal Bahlm	PHT (OPS)Javaki	Halb Tehrifdar (OPS) Hangu
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51.	Mr. Zafar lqhal		
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66.	Mr. Shalfullah	Bakka Khel	Dx Bannu
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- 67.	Mr. Musharaf Khan	Domall	Nalb Tehsildar Bannu
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By Order Of Senior Member

No Est 1/57/05/2017/7<u>7079.98</u>

Copy forwarded to the -

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

mismir Secretary (1/411)

JAVED IORAL Garage Dangen Law Changer Wincase II Judia

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GOVERNMENT OF KHYBER PAKITUMKITE A BOARD OF REVENUE REVENUE & ESTATE DEPARTMENT

Peshawar dated the 17/08/2018.

NOTHICATION

No. Estit:PT . . . Consequent upon completion of settlement Revenue training of newly promoted regular Tehsildar/Naib Tehsildar, the Competent Authority is pleased to repatriate the services of the following Assistants/Senior Scale Stenographer and Junior Scale Stenographer temporarily posted on Current Charge Basis as stop gap arrangement as Tehsildars/Naib Tehsildars, to their parent offices with immediate effect:

Sii	Name & Designation	Present posting	Remarks
1.	Mr. Hasnain Ahmad, Assistant Mr. Ahmad Ali Assistant Mr. Attiqur Rehman, Assistant Mr. Tariq Ahmad, Assistant Mr. Muhammad Younas. Assistant	Tehsildar (CCB) Puran Tehsildar (CCB) Gagra Tehsildar (CCB) Drosh Tehsildar (CCB) Booni Tehsildar (CCB) Timergara	Repatriated to his parent office Repatriated to his parent office Repatriated to his parent office Repatriated to his parent office
. .	Mr. Arifullah, Assistant	Fehsildar (CCB) Samarbagh	Repairiated to his parent office
N.	Mr. Muhammad Ilyas, Assistant	Tehsildar (CCB) Loi Mamund	Repatriated to his parent office
.)	Mr. Saraf Ali, Assistant Mr. Tariq Aziz, Assistant	Tehsildar (CCB) FR Bannu Naib Tehsildar (CCB)	Repatriated to his parent office:
10 11. 13.	Mr. Sarazeb. Assistant Mr. Kifayatullah, SSS Mr. Zardad Khan, Assistant	Miranshah Tehsildar (CCB) Shawal Tehsildar (CCB) Tank Tehsildar (CCB) WAPDA	Repairiated to his parent office Repairiated to his parent office Repairiated to his parent office
13	Mr. Khalid Azmat, Assistant Mr. Faizullah Senior Scale Stenographer	Abbottabad Tehsildar Takht-e-Nasrati Tehsildar (CCB) Thal	Repatriated to his parent office Repatriated to his parent office
15. 16 17.	Mr. Feroz Khan, Assistant Mr. Malak Zahid, Assistant Mr. Nabiullah, Junior Scale Stenographer	Tehsildar (CCB) Mirali Tehsildar (CCB) Bannu Canal N.T (CCB) Peshawar	Repatriated to his parent office Repatriated to his parent office Repatriated to his parent office

No. I su:I-P. 1/30393-430

Copy forwarded to the:-

L. Accountant General Khyber Pakhtunkhwa Peshawar.

2. All Divisional Commissioners in Khyber Pakhtunkhwa.

3. Deputy Commissioners of the respective districts.

4. District Accounts Officers of the respective districts.

5. Officials concerned.

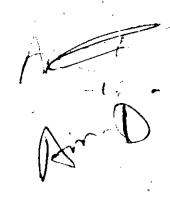
6. Office order file.

By order of Senior Member

JAVED IQN AL Gul Bela
Chember
Advocate
Mob. 03/01/25501

Assistant Secretary (1:stt.)







ESTA CODE

ESTABLISHMENT CODE KHYBER PAKHTUNKHWA (REVISED EDITION) 2011

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

COMPILED BY;
(0&M) SECTION
ESTABLISHMENT & ADMINISTRATION DEPARTMENT





- It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.
- Appointment on Acting Charge or current Charge Basis. (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

³⁹Provided that no such appointment shall be made, if the prescribed length of service is short by more than 18[three years].

- So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.
- In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.
- Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to
- Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may
- Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

PART-III

INITIAL APPOINTMENT

- Appointment by Initial Recruitment :-(1) Initial appointment to posts ³⁹[in various basic pay scales] shall be made
 - if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or

The words one year substituted by Netification No. SOR-I(S&GAD)4-1/80/III, dated 14.3.96. The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated

Gul Bela

Chamber

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ourt Peshawar

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JAVED IQBAL GARA Danaga Law Chamber idvocate hogy Court Mob. 0715.9402001

Full stop at the end of Rule 9 (1) (eplaced with coion and proviso added by Notification No. SOR-I (Sa:GAD)4-1/80/Vol-II, dated 20-10-1993.



Honorable Chief Secretary,

Khyber Pakhtunkhwa, Peshawar.

Subject:

DEPARTMENTAL REPRESENTATION REGARDING NOTIFICATION
BEARING NO ESTT:///P/T/27057 DATED 09/07/2018 BY THE SENIOR
MEMBER BOARD OF REVENUE, KHYBER PAKHTUNKHWA.
PESHAWAR READ WITH THE ELECTION COMMISSION OF PAKISTAN
LETTER DATED 04/07/2018 ON THE SUBJECT OF RESHUFFLING OF
TEHSILDARS AND NAIB TEHSILDARS IN KHYBER PAKHTUNKHWA

Respected Sir,

With due respect and humble submission, I beg to state that:

- 1- That I was appointed as Assistant in Commissioner Office Mardan Division vide order dated 29/6/2009. (Annex-A)
- 2- That while the applicant having the requisite qualification/service length etc, the competent authority/Senior Member Board of Revenue, Khyber Pakhtunkhwa transfer the applicant to the post of Tehsildar and was posted as Tehsildar Pattan vide order dated 19/05/2018 (Annex-B)
- 3- that the applicant worked up to the entire satisfaction of higher ups and there was no enquiry or other proceedings initiated against the applicant during his tenure.
- 4- That on dated 09/07/2018 the senior member board of Revenue, Khyber Pakhtunkhwa issued a Notification (Annex-C) vide which the applicant at Serial at 21 of that notification was reverted to the post of Assistant without adopting legal way and without any personal hearing of the applicant etc.
- 5- That the impugned notification dated 09/07/2017 is also violation of the instructions conveyed to the issuing authority vide Election Commission of Pakistan letter dated 04/07/2018 (Annex-D) wherein the Government of Khyber Pakhtunkhwa was allowed only up to the extent of reshuffling of Tehsildars and Naib Tehsildars Khyber Pakhtunkhwa and not the reversion of the applicant.
- 6- That vide your good Office Notification No SO(E-I)/E&AD/I-1/2017 dated 30-10-2018 (Annex-E) the powers of posting/transfer of Tehsildars given to the Divisional Commissioners in Khyber Pakhtunkhwa.
- 7- That vide Commissioner Mardan Division Mardan letter regarding proposal of inter Divisional transfer of Tehsildars and Naib Tehsildars on dated 26/06/2018 (Annex-F) where the applicant be transfer from Tehsildar Rustam to Tehsildar Topi.
- 8- That vide Notification cited above the valuable rights of the applicant has been usurped and he has been deprived of his due rights.

It is therefore, humbly requested that the impugned notification dated 09/07/2018 (Annex-C) may very kindly be set a side up to the extent of the applicant so that he may deserve his due rights and the Senior Member Board of Revenue, Khyber Pakhtunkhwa may very kindly be directed to restore the applicant as Tehsildar Topi as proposed in Commissioner Mardan letter (Annex-F).

Thanking you in anticipation.

Dated:20-07-2018

Yours obediently

(Syed Mustafa Shah)

Tehsildar CCB

Now under reversion

Qu

Ann-F

GOVERNMENT OF KHYBER PAKHTUNKHWA BOARD OF REVENUE REVENUE & ESTATE DEPARTMENT

No.Estt:I/PF/Mustafa Shah/ 310 72
Peshawar dated the 31 /08/2018

sistant Secretary (Esti

To

Mr. Mustafa Shah, Assistant, Office of the Commissioner Mardan.

SUBJECT: DEPARTMENTAL REPRESENTATION REGARDING NOTIFICATION NO. ESTT://PT/27057 DATED 09.07.2018, BY THE SENIOR MEMBER BOARD OF REVENUE KHYBER PAKHTUNKHWA, PESHAWAR READ WITH THE ELECTION COMMISSION OF PAKISTAN LETTER DATED 04.07.2018 ON THE SUBJECT OF RESHUFFLING OF TEHSILDARS AND NAIB TEHSILDARS IN KHYBER PAKHTUNKHWA.

Your Departmental appeal dated 20.07.2018 has been examined and rejected by appellate authority.

JAVED OF AL Gul Bela

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Chamber

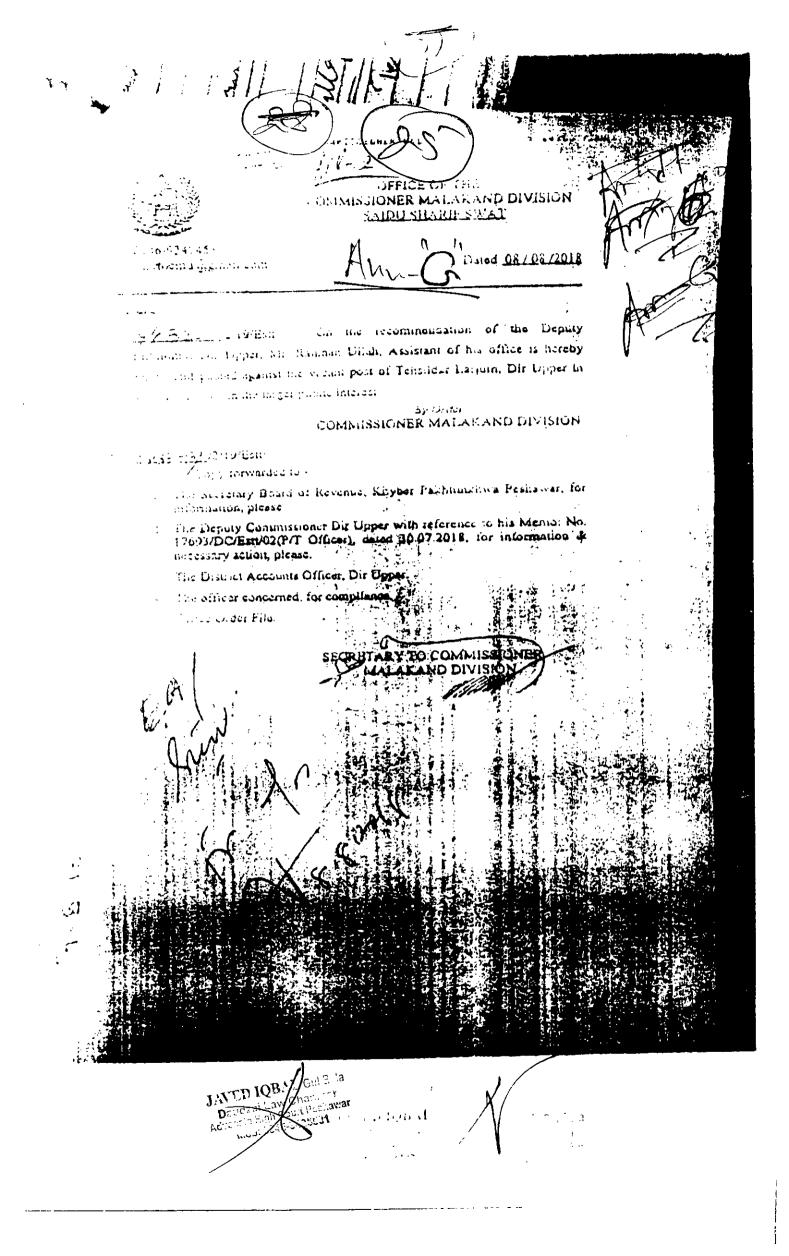
Chamber

Advocate Hericaur Peshawar

Advocate Hericaur

Mob. 1345.9405501

Commission S 7002





OFFICE OF THE COMMISSIONER MALAKAND DIVISION SAIDU SHARIF SWAT

P.# 0946 09240458 Email: secretarytocmd@gmail.com Dated: 08/08/2018

On the recommendation of the Deputy Commissioner, **ORDLR** Dir Upper, Mr. Rahman Ullah, Assistant of his office is hereby transferred and posted against the vacant post of Tehsildar Earjum, Dir Upper. In his own pay scale in the larger public interest

By Order COMMISSIONER MALAKAND DIVISON

No. 4433-37/2/19/Esti

Copy forwarded to:

- 1. The Secretary Board of Revenue, Khyber Pakhtunkhwa Peshawar for
- 2. The Deputy Commissioner Dir Upper with reference to his Memo: No. 1/693/DC/Estt/02(P/1 Officer), dated 30.07 2018 for information & necessary action, please.
- 3. The District Accounts Officer, Dir Upper.
- 4. The officer concerned for compliance.
- 5. Office Order Life

SECRETARY TO COMMISSIONER MALAKAND DIVISION

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OFFICE ORDER

13/1/2 2 19 list. The following passings transfer among the Tehsildars is netered with immediate effect in the larger public interest:

Name & Designation	From	To
Mr. Tang Ahmad	Lehaldar Kinstag .	Tehsildar (CCB) Mulkhow, Clinical against the vocant post.
Marchard Necestal	Chinal Chinal	Tehaildar (CCB) Mastuj Chitral vice S 180 1

By Order CONDINSCORUR MALAR AND DIVISION

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COMMISSIONER MALAKAND DIVISION SAIDU SHARIF SWAT

P.# 0946 9240087 Email: secretarytocmd@gmair.com OFFICE ORDER:

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

بر جا	Name & Designation	From	То
) 5# 1	Mr. Tariq Ahmad,	Tehsildar Mastuj,	Tehsildar (CCB)
Tehsildar (CCB)	Chitral	Mulkhow, Chitral against the vacant post	
2	Mr. Nooruddin, Assistant	Assistant DC, office	Tehsildar (CCB) Mastuj,
		Chitral	Chitral vice S. No. 1

By Order COMMISSIONER MALAKAND DIVISION

No. <u>4515-19</u>/2/19/Esti:

Copy forwarded to:-

- 1. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 2. The Deputy Commissioners. Chitral
- 3. The District Accounts Officer. Chitral

Mob: 0

- 4. The officers concerned for compliance.
- 5. Office Order File

(NAEEM AKHTAR) SECRETARY TO COMMISSIONER MALAKAND DIVISION



for

OFFICE ORDER

No. 4499 12/18/Estt: The following postage transfer append the first

with immediate

Frar Ahmad Maku offeilda Ghadezal, Buner, Lobsidar (CCB)

gnifaoq

Naib Tahsilder Ghadezai Buner on CCB, vice S.No.1.

2/18/Estt.

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6. Otto Park

SECRETARY TO COMMISSIONER MALAKAND DIVISION

Advocate Hig Mob.



OFFICE OF THE COMMISSIONER MALAKAND DIVISION

SAIDU SHARIF SWAT

P.# 0946 5740458 Email: secretarytocmoe/gmail.com OFFICE ORDER: Dared: 13/08/2018

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

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

By Order COMMISSIONER MALAKAND DIVISION

No. <u>4500-05</u>/2/18/Esti:

Copy forwarded to:-

- 1. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 2. The Deputy Commissioners. Swat & Buner
- 3. The District Comptroller Officer, Swat
- 4. The District Accounts Officer, Buner

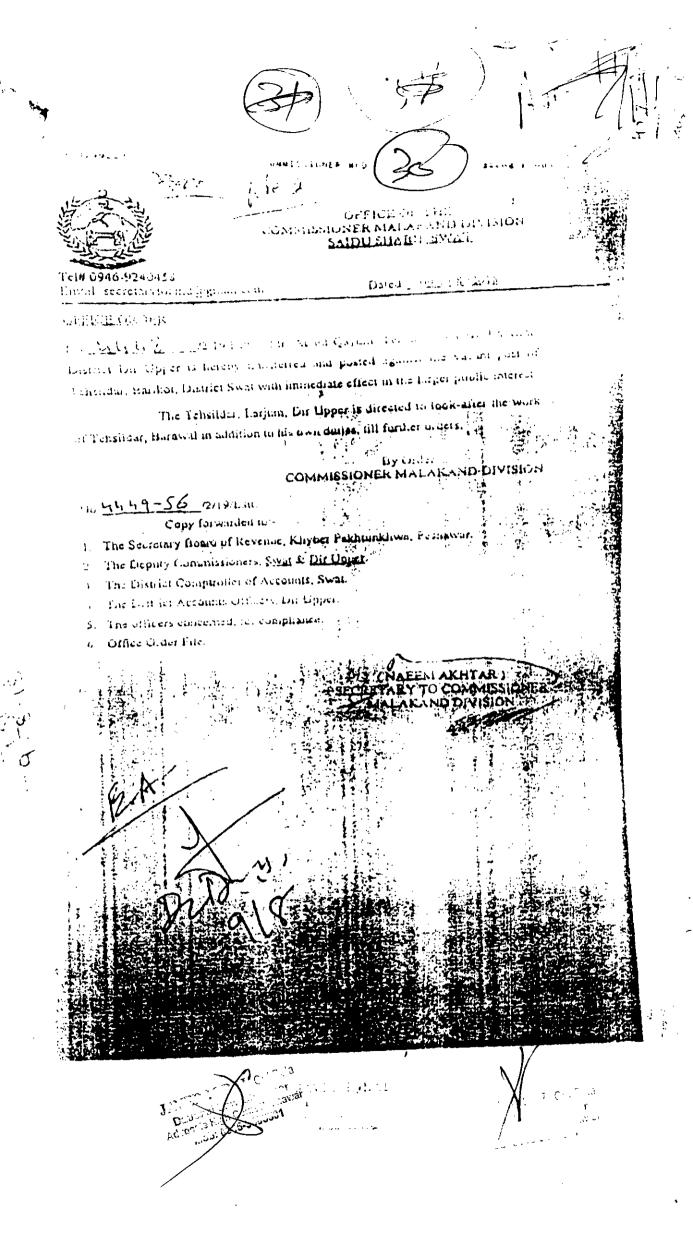
JAVED I

- 5. The officers concerned for compliance.
- 6. Office Order File

SECRETARY TO COMMISSIONER
MALAKAND DIVISION

Chamber W Chamber Wurt Poshawar

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OFFICE OF THE CUMMISSIONER MALAKAND DIVISION SAIDU SHARIF SWAT

<u>P.# 0946-9240458</u>

Email: secretarytocmd@gmail.com

Dated: 09/08/2018

ORDER

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

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

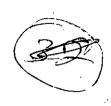
> By Order COMMISSIONER MALAKAND DIVISON

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

Copy forwarded to:

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

(NALEM AKHTAR) ST CRETARY TO COMMISSIONER MALAKAND DIVISION



trovermient of Khyber Pakhtunkhwa circles or COMMISSIÓNER BANNE DIVISION

-74/447/5 411

or ice ogin R.

Vollowing posting/transfers amongst the Tehsildar (Saab-Usbaloan 3)4 Division are hereby ordered in the probe interest with imaginate offices

Name of Tehsildar	Fram	10
Mr. Mahammad Jamas, Nad Tehsildar (BPS-18-OPS)	Awaring for Tposting	Starte Leicardor - Hamor
Ntr. Abdar Rehman Shai Nam Tehsidaa (BPS-15)	Naiv Teiraldai Hanni	A South Consider the Baking Kelody
- Ni Anayatullah, Na	b (Waning for posting	
Tehaldar (BPS-15) Ab Monamuad Mass Teh aldar (BPS-16)	n lehaldar lind Klist	Grander Standard Control of Contr

Commissioner Banna Division

्रातासक्य स्वीताद्रः copy formarded to the

- i Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Pedhawar,
- 2 Deputy Commissioner, Bannu.
- A. District Accounts Officer Banon
- 2. PS to Commissioner, Baran Division 5. All concerned Tehsildars Nain Tehsildars for compliance.

Secretary to Commissioner Banna Division

JAVED KABAK CORGA During Law En 1997



Government of Khyber Pakhtunkhwa OFFICE OF **COMMISSION** R BANNU DIVISION



No. 3069-74/A&T/Estt

Date: 1-8-2018

OFFICE ORDER

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

of this:	Division are nereby practed in con				
Sr. No	Name of Tehsildar	From		. To	
1	Mr. Muhammad Jamal, Naib	Awaiting	for	Naib	Lehsildar
*	Tehsildar (BPS 15 OPS)	posting		Bannu	·
2	Mr. Abdur Renman Shah,	Naib	Tehsildar	Naib	Lehsildar
2.	Naib Tehsildar (BPS-15)	Bannu		Bakka Khe	el
3	Mr. Anayatuliah, Naib	Waiting	for	Tehsildar	Bakka
3	Tehsildar (BPS 15)	posting		Khel (OPS)
	Mr. Muhammad Akram,	lehsildar	Bakka-	Inspector	Stamps,
; 4	Tehsildar (BPS 16)	Khel		Commission	oner
	renshuar (br 5 10)			Office,	Bannu
	•			Division	
:				i e	

Sd/-Commissioner **Bannu Division**

Even no & date:-Copy forwarded to the.

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

Secretary to Commissioner Bannu Division

GOVERNMENT OF KHYBER PAKITUNKIIV. A

BOARD OF REVENUE

REVENUE & ESTATE DEPARTMENT

Peshawar dated the 17/08/2018.

SOTIFICATION



So, So So The Competent Authority is pleased to place the services of the 1046 mg senior most Naib Tehsildars/District Kanungos/Sub-Registrars at the disposal of the Commessic ters noted against their names for further posting as Tehsildars in their own pay and scales against the vacant posts in their Divisional jurisdiction.

S# 	Name	Present Posting	Services placed at the disposal of Divisiona
	1, , , , , , , , , , , , , , , , , , ,		Commissioner.
1.	Mr. Fazai Rehman	N.T DHPP	Hazara
1.	Mr. Farruk Jadoon	N.T Manschra	Hazara
; ;	Mr. Bilal Ahmad	N.T Khanpur	Hazara
1	Mr. Ejaz Ahmad	Tehsildar (OPS) Abbottabad	Already posted
3.	Mr. Muhammad Saleem	N.T Oghi	Hazara
0.	Mr. Sher Dil	Tehsildar (OPS) Battagram	Already posted
	Mr. Gohar Ali	N-T Lakki Marwat	Bannu
S.	Mr. Qiyanoos Khan	N.T Hangu	Bannu
	Mr. Muhanumad Shoaib	Naib Tehsildar Karak	Bannu
TU.	Mr. Muhammad Arshad	Reader to Commissioner Kohat	Bannu
li D	Mr. Zafar Igbal	N. T Kohat	Bannu
12	Mr. Nawab Gul	PNT Kurram	Bannu
	The state of the s	N.T Ambar	Bannu
14.	The second section of the second section second sec	District Kanungo Kohat	Kohat
15.	THE CONTRACT AND THE PARTY OF T	N.T South Waziristan	Kohat
10	Mr. Sher Bahadur	N.T South Waziristan	D.I.Khan
	Mr. Shaukat iqoat	N.T.L.A Tank	D.I.Khan
18.	Mr. Adil Wascem	N.T Shubqudar	Peshawar
19, 20,	Mr. Mahmood Shah	N.T PDA	Peshawar
- 1	Mr. Gohar Ali	District Kanungo Swabi	Mardan
	Muhammad Yar,	Naib Tehsildar Chamla	Malakind
2.2.	Mr. Rub Nawaz	Sub Registrar Chitral	Malakand
3	Mr. Abdul Qayum	Section 11 miles	
4	Mr. Amir Zareen	Tehsildar (OPS) Burikot N.T Chakesar	Already posted
15 1	Mr. Shah Wazir	N.T Gagra	Malakand
$\frac{1}{10}$	Mr. Abdur Rashid	N. I Lahore	Malakand
	Mr. Alimad Ali		Malakand
	Mr. Faiz Muhammad	N.T.Fikkaghund	Malakand
	rais istandininda	D. K (N.T Dargai)	Malakand

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar. Air Divisional Commissioners in Khyber Pakhtunkhwa.

3 All Deputy Commissioners in Khyber Pakhtunkhwa.

1. District Accounts Officers of the respective districts.

5. Officials concerned.

0. Office order file.

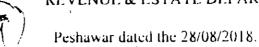
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Assistant Securiar (iste)

GOVERNMENT OF KHYBER PAKHTUNKHWA BOARD OF REVENUE





NOTIFICATION

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

S# .	Name of Kanungo	
1.	Inayat Ur Rehman (Al	ready posted)
. :	Muliammad Nadeem	
	Abdul Jabbar	
	Saced Ullah Khan	
· ·	Gohar Ali Khan	
ļυ	Muhammad Hammayun	
1	Jehangir Khan	
8.	Tehseen Ullah (Al.	ready posted)
: : •)	Mr. Waqif Khan	
:		i

By order of Senior Member

No. Estr:V:30731-35

Copy forwarded to the:-

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

Assistant Secretary (Estt.)

OFFICE OF THE COMMISSIONER MARDAN DIVISION, MARDAN.

<u>ORDER</u>

Consequent upon the recommendation of the Selection Committee Syed Mustafa Shah s/o Syed Mohammad Saeed r/o Bilal CNG Sugar Mill Road Mardan is offered employment against the temporary post of Assistant (BPS-14) in Commissioner's office on the following terms and conditions:

1. His/ services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vice NWFP Civil Servants (Amendment Act, 2005). He will be entitled to contributory Provident Fund in such manners and at such rates as prescribed by the government.

2. His services will be liable to termination on one-month notice from either side. In case of resignation without notice, his/her two months pay allowances

shall be forfeited to the government.

3. He will be governed by such rules and regulations as may be issued from time

to time by the government.

4. He will remain on probation for a period of one year extendable to another year in terms of Section -6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1989. His services can be terminated any time in case his/her performance is found unsatisfactory during probation period. In case of misconduct, he shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the rules framed by the government from time to time.

5. The appointment offer is subject to verification of his/her academic documents from the concerned Board/University.

6. He shall be bound to accept his adjustment/absorption oil any of the department/offices in Mardan Division as ordered by the Competent Authority.

Before joining the post he will have to provide (a) Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital of his/her respective District of Domicile (b) Character Certificate from local Police Station (c) Attested photo copies of academic documents.

In case the above terms and conditions of appointment are acceptable, he is required to report his/her arrival in the office of the undersigned within seven (07) days of receipt of this letter, otherwise, the appointment would be considered cancelled.

> Commissioner Mardan Division. Mardan.

No.02/01/EA/ACR/ /3/8-20

Dated Mardan the

2<u>9</u> /06/2009.

Copy forwarded to:-

] -District Accounts Officer Mardan.

2-PS to Commissioner Mardan Division Mardan.

Syed Mustafa Shah s/o Syed Mohammad Saeed r/o Bilal CNG Sugar 3-Mill Road Mardan

where Revision Commissioner (Rev.), Seler Commissioner Mardan Division, Mardan.



Website: http://sites.google.com/site/commissionerMardandivision Address: Opposite Town Hall,

Near College Chowk Mardan

Phone: 0937-9230572-73 Fax: 0937-9230578

Émail: commissionermrd@yahoo.com

OFFICE ORDER

Consequent upon Mr. Abdur Rahim, Superintendent of this Office proceeded on leave, Syed Mustafa Shah, Assistant of this Office is hereby assigned look after charge of Superintendent in addition to his own duties, till the arrival of permanent incumbent, in public interest.

> Sd/ Commissioner Mardan Division Mardan

Dated Mardan the oct /09/2015

Copy forwarded to:

1- Secretary-I, Board of Revenue, Govt of Khyber Pakhtunkhwa, Peshawar. 2- Deputy Commissioner Mardan/ Swabi.

3- PS to Commissioner Mardan division Mardan.

4- Officer concerned.

Assistant to Commissioner (Rev/GA) Mardan Division Mardan





Dated Peshawar dated the

ORD ER:

No. Estul/PE7Hidayatullah/ 10 50 2_ The following posting /transfer amongst Tehsildar/Naib Tehsildars is hereby ordered with immediate effect in public interest:-

S.No	Name of Tehsildar/ Naib Tehsildar	From	Τυ
1.	Mr. Hidayatullah	Tehsildar Babuzai	Tehsildar Mattn
2	Mr. Shakirullah	Tehsildar Matta(CCB)	Tehsildar Babuzai(CCB)
3,	Mr. Farman Ali	Tehsildar Kabal	Tehsildar Razar against the vacant
4.	Mr. Afsar Khan	Tehsildar Pattan(CCB)	Tehsildar Kabal(CCB)
5.	Syed Mustafa Shah	Assistant, of the office of Commissioner, Mardan	Tehsildar Puttan(CCB) vice No.4
6.	Mr. Naseer Abbas	Junior Scale Stenographer, office of the DC Hangu.	Naib Tehsildar(CCB) Hangu against the vacant post.
7	Mr. Said Amin	Under transfer to Naib Tehsildar (CCB) Mardan.	Naib Tehsildar (CCB)Topi vice No.8
8.	Mr. Dil Nawaz	Naib Tehsildar Topi	Naib Tehsildar Land Acquisition Swabi

No. Estr: I/PF/Hidayatullah/ 10503-10

Copy forwarded to the:-

1. Commissioners of the respective Divisions. MARDAN

2. Deputy Commissioners of the respective districts.

3. District Accounts Officers of the respective districts.

4. Private Secretary to Senior Member, Board of Revenue.

5. Officials concerned.

6. Personal Files.

By Order of Senior Member

Assistant Secretary (Estt.)

IS MAID:SI TIOS WEM SI

FAX NO. :0919213989

FROM :SMBR OFFICE





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

Dated Peshawar dated the \(\sigma \frac{\sigma}{\cup}\) June, 2017.

NOTIFICATION:

No. Estt: V/PF/Mehran Hyas/ The following posting /transfer* amongst Tehsildar, Naib Tehsildar and Sub-Registrar is hereby ordered with immediate effect in public interest:-

S.No	Name of official.	From	To
1.	Syed Mustafa Shah	Under transfer as Tehsildar(CCB) Pattan	
2.	°Mr. Mehran fiyas	Tehsildar Lal Qila Dir Lower.	post. Tehsildar B.D. Shah. Relieving Mr. Muhammad Arif, District Kanungo of the
3.	Mr. Sikandar Hayai Shah:	Thesildar Kohat	additional charge. Inspector Stamps Kohat against the vacant post.
4.	Mr. Muhammad Azam Khattak	Sub Registrar Charsadda.	Tehsildar(CCB), Kohat, vice No.3.
5.	Mr. Shah Zaman	HVC Commissioner's office DIKhan.	Sub-Registrar Tank against the vacant post.

No. Estt: V/PF/Mehran Hyas// 13550 - 65

By Order of Senior Member

Copy forwarded to the:-.

13. Commissioners of the respective Divisions,

14. Deputy Commissioners of the respective districts.

15. Director Land Records, Khyber Pakhtunkhwa, Peshawar,

16. District Accounts Officers of the respective districts.

17. Officials concerned.

18. Personal Files.

Assistant Secretary (Estt:)





GOVERNMENT OF KHYBER PAKHTUNKHWA BOARD OF REVENUE REVENUE & ESTATE DEPARTMENT

Peshawar dated the $\frac{1}{2}$ $\frac{6}{103}$ /2018

NOTIFICATION

No.Esu:EPE-Shafqat Ihsan*

The Competent Authority is

pleased to order the following nosting transfer amongst the following Tehsildar / Naib Tehsildar with immediate effect and in public interest. -

S.No	Name of officials	From	To .
	Mr. Shafqar Ihsun	Lehsildar / Recovery Officer (CCB) PESCO Khyber Circle Peshawar	Kohat for further posting in the Division.
: : <u>2</u> .	Mr. Aminullah	Naib Tehsildar Tajori Lakki Marwat	Services placed at the disposal of Commissioner Bannu.
; ; ;	Mr. Mustafa Shah	Tehsildar (CCB) Bakka Khel	Services placed at the disposal of Commissioner Mardan for further posting in the Division.
4. %	Mr. Shafqatullah	Tehsildar (CCB) Lakki Marwat	Services placed at the disposal of Commissioner Hazara Division.

By order of Senior Member

> E Gul Bela Chamber Chamber

Daudz

Advocate High

No.Estud PE/Shafqat thsan/ /6266 7/

Copy forwarded to the .-

Commissioners of the respective Divisions.

2. Deputy Commissioners of the respective Districts

3. District Accounts Officer of the respective Districts

4. Superintendent Engineer (Opr) PESCO Peshawar Circle Peshawar.

5. P.S to Senior Member Board of Revenue.

6. Officials concerned.

Agerement Secretary (Fishe)

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0937-9230578 Email: commissionemnologyphosecom

med the of office orders of Board of Revenue & Estate Department Elliyber Pelintunishezi Peshavvar, vide nos. vide no. Estt:I/PF/Shafqat lhsam/16066-71 . date: 26/03/2018 and Estt:V/Yadullah/Comm/16073-77 dated 26/03/2018. The Competent Authority is pleased to post the following Tehildar and Nath Tehsildar at Mardan Division in the best interest of Public.

S/N Name N/Tehsi	of dar	Tehsidlar	and	Posting to	Status
01 Mr. Sybo	l Mustafa	shah	1	Tehsildar (CCE Rustam Najb Tehsilda Rustam	On newly created post Post Against vacant post, due to sludy leave of Mr. Abdul Akbar Shah.

/Sec/EA/2-5

By order of Commissioner Mardan Division Mardan Dated Mardan the 29/03/2018

Copy forwarded to:-

1- Deputy Commissioner Mardan.

2- District Comptroller of Accounts Mardan.

3- Assistant Secretary (Estt), Board of Revenue & Estate Department Khyber Pakhtunkhwa Peshawar w/r his letter no. noted above. 4- PS to Commissioner Mardan Division Mardan.

5- Official Concerned.

Secretary to Commissioner Mardan Division Mardan



DATED PESHAWAR, THE OCTOBER 30, 2017

NOTIFICATION

NO. SO(E-I)/E&AD/1-1/2017. The competent authority is pleased to approve the following powers/functions of the Divisional Commissioners in Khyber Pakhtunkhwa:-

- Monitoring and supervision of Revenue Administration.
- ii Posting/transfer and service matters/DPC etc of Naib Tehsildars, District Kanungos, District Revenue Accountants and Head-Vernacular Clerk (HVC) in their respective Divisions.
- iii. Transfer of Tehsildars within their respective Divisional jurisdiction.
- The Board of Revenue shall exercise the powers to approve interdivisional transfers of Tehsildars/Naib Tehsildars after extending courtesy of consultation to the respective Divisional Commissioners.
- Consequent upon above, the Notifications bearing SO(O&M)/E&AD/2-30/2007 dated 12.10.2009, 21.9.2010 and 29.7.2013 are hereby withdrawn.

CHIEF SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. Of even No. and date.

Copy forwarded to the:-

Additional Chief Secretary, P&D Department.

2. Additional Chief Secretary (FATA), FATA Secretariat.

3 Senior Member Board of Revenue, Khyber Pakhtunkhwa.

4 All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.

5. Principal Secretary to Governor, Khyber Pakhtunkhwa.

6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.

All Divisional Commissioners in Khyber Pakhtunkhwa

8. Accountant General, Khyber Pakhtunkhwa.

9. Registrar, Peshawar High Court, Peshawar.

10. All Deputy Commissioners in Khyber Pakhtunkhwa

11. All Political Agents in FATA.

12 All District Accounts Officers in Khyber Pakhtunkhwa

13. Director, Information, Khyber Pakhtunkhwa.

14 PSO to Chief Secretary, Khyber Pakhtunkhwa.

√15. PS Secretary Establishment/PS SS(E)/SS (Reg)/PA,AS(HRD)/AS(E)/ DS(E.)/ SO(E.II)/SO(E.V), \$\(\sqrt{0} \) (O&M), E&AD 46.PS to Secretary (Admn.)/D S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Department |

17.Manager, Govt. Printing Pres≽ Peshawar.

(ISHTIAQ.AHMED) SECTION OFFICER (ESTT-!)

PH: & FAX# 091-9210529



OFFICE OF THE COMMEDIONER MATTEM DIMESON MATERIAL

Website: http://sites.google.com/site/commissionerMardandivision Address: Opposite Town Hall,

Phone: 0937-9230572-73 Fax: 0937-9230578

Near College Chowk Mardan

Emall: commissionermrd@yahoo.com Dated Mardan the 36/06/2018

No Τo

/Sac/EA/2-5

Secretary-L

Board of Revenue & Estate Department

Khyber Pakhlunkhwa Peshawar.

Subject

Proposal for Inter Division Posting/Transfer of Tehsildars and Nalb Tehsildars at Mardan Division.

In pursuance of Telephonically Discussion of Senior Member Board of Revenue with Deputy Commissioner Mardan and as per consultation with Deputy Commissioner Mardar and Swabi, the following Inter Divisional Posting Transfer of Tehsildars and Naib Tehsildars is proposed for approval

Furthermore it is therefore requested to kindly provide 02 No's of Naib Tehsildars at the disposal of Commissioner Office Mardan Division for filling the vacant posts i.e. Reader to Commissioner Mardan, Head Clerk Revenue Swabi please.

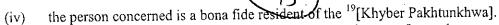
	1	- (
S/No	Name of Tchaildar/NT	From	10
) I	Mr Muhammad Shaliq	Tehsildar Takhl Bhai	Tehsildar Mardan (Vacant Post)
02	Mr. Dil Nawaz	Awaiting for Posting	Tehslidar Takht Bhai
03	Mr Abdul Qayum (Tehsildar)	Stamp Inspector Commissioner Office Mardan	Tehsildar Lahor
04	Mr. Naviab Khan (ACB)	Tehaildar Lahor	Tehsildar Stamp Inspector
05	Mr. Said Rehman	Tehsilder Topl	Tehsildar Ruslam
06	Mr. Mustala Shah (CCB)	Tehsildar Rustam	Tehsikar Topi
<u>C7 !</u>	Mr. Saifurrehman (CCB)	Tehildar Swabi	Tehsildar Kalleng
80	Mr. Waheed Ullah	Tehsildar Kallang	Tehsildar Swabi
09	Mr. Nasrullah N/T	N/T Kallang	N/T Takhi Bhai
10	Mr. Irshad Iqbal	N/T Takhi Bhai	N/T Mardan
11	Mr. Sabz Ali	N/T Lahor	
12	Mr Yadulah N/T	N/T Mardan	N/T Katlang
13	Mr. Zulligar N/T (on 6 months settlement training at District Novshera)	N/T Mardan	N/T Land Acquisition Swabi N/T HVC Commissioner Office Mardan
	No About Rashoed	N/T Land Acquisition ! Swabi	N/T Lahor
10	Mr. Wisarullah	N/T Swaoi	N/T Ruslam ,
1. 1.	Mr. Umterns	N/T Rustam	N/T Swabi

Secretary to Commissioner Mardan Division Mardan

Copy forwarded to:-

1. Deputy Commissioner Mardan & Swabi for information please.

2- PS to Commissioner Mardan.



(v) a vacancy exists to accommodate the request for such a transfer; and:

- (vi) Provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.
- (2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purpose of determining his seniority vis-à-vis other members borne on the cadre.
- (3) It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.
- 9. Appointment on Acting Charge or current Charge Basis. (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

²⁰Provided that no such appointment shall be made, if the prescribed length of service is short by more than ²¹[three years].

²²[(2)].

- (3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.
- (4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.
- (5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.
- (6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

PART-III

INITIAL APPOINTMENT

¹⁹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

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

²¹ The words one year substituted by Notification No. SOR-I(S&GAD)4-1/80/III, dated 14.3.96.

²²Sub rule (2) of rule-9 deleted vide by Notification No. SOR-VI(E&AD)1-3/2009/Vol-VIII, dated 22-10-2011.

﴿ وكالت نامه ﴾

بعدالت: مرس مراس المرس مراس المرس ا

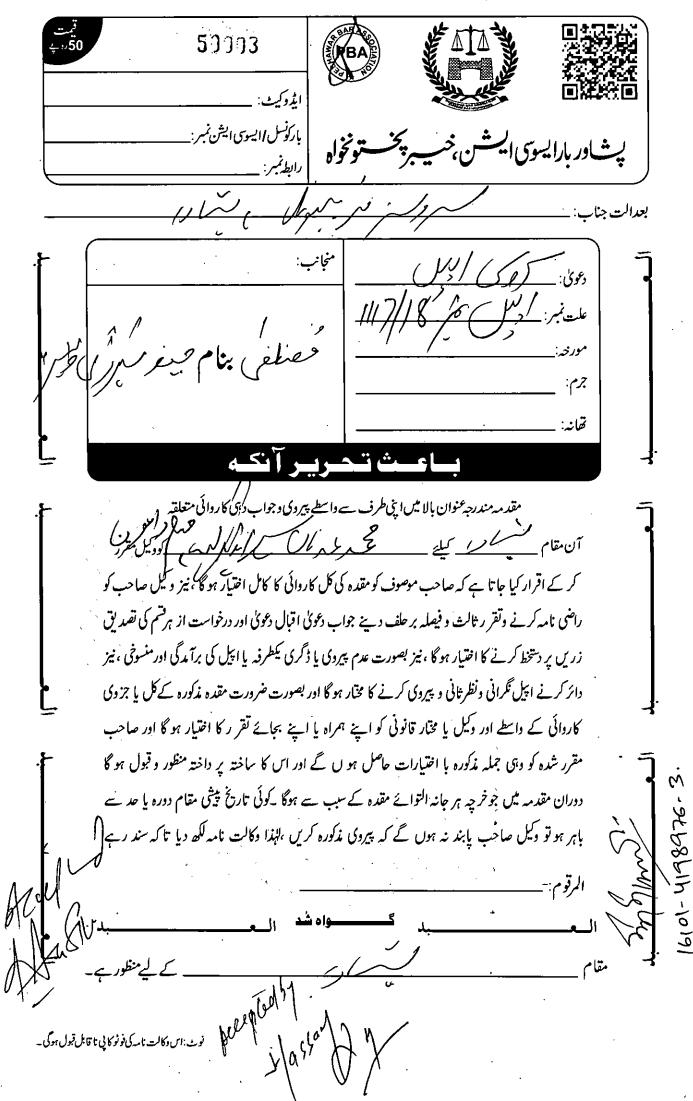
س آنكسه مقدرمه مندرجه بالاعنوان اين طرف عدوالسط بيروي وجوابدى مقرر کیا ہے۔ کہ میں ہرپیشی کا خودیا بزریعہ مختار خاص روبروعدالت حاضر ہوتار ہونگا۔ اُور بوقت یکارے جانے مقدر مہوکیل صاحب موصوف کواطلاع دے کرحا ضرعدالت کرونگاءا گرپیثی پرمن مظہر حاضر نہ ہوا اور مقدمہ میری غیرحاضری کی وجہ سے کسی طور پرمیرے برخلاف ہوگیا تو صاحب موصوف اس کے کسی طرح ذمہ دارنہ ہو نگے۔ نیز دکیل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہو نگے۔اگر مقدمه علاوہ صدرمقام کچہری کے سی اور جگہ ساعت ہونے یا بروز نقطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کوکوئی نقصان پہنچے تو اس کے ذمہ داریااس کے واسطے کسی معاوضہ کے اداکر نے یا مختارا نہ واپس کرنے کے بھی صاحب موصوف ذمه دارنه مو نگے۔ مجھے کوکل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات خودمنظور وقبول ہوگا۔اور صاحب موصوف کوعرضی دعوٰی و جواب دعوی اور درخواست اجرائے ڈگری ونظر ثانی اپیل ونگرانی ہرتیم کی درخواست پر دستخطو تقىدىق كرنے كابھى اختيار ہوگا اوركسى علم يا ڈگرى كے اجراء كرانے اور ہوتتم كے روپيدوصول كرنے اور رسيددينے اور داخل کرنے اور ہرتم کے بیان دینے اور سپر وٹالٹی وراضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔اور بصورت اپیل وبرآ مدگی مقدمه یامنسوخی و گری میطرفه درخواست علم امتناعی یا قرتی یا گرفتاری قبل از اجراء و گری بھی موصوف کوبشرطا دائیگی علیحده مختارانه پیروی کااختیار ہوگا۔اوربصورت ضرورت صاحب موصوف کوبھی اختیار ہوگایا مقدمه مذکوره یا اس کے سی جزوگی کاروائی کے واسطے یا بصورت اپیل ،اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہرامر دہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔اورد وران مقدمہ میں جو پھے ہر چاندالتو اء پڑے گا۔اورصاحب موصوف کاحق ہوگا۔اگروکیل صاحب موصوف کو پوری فیس تاریخ بیشی سے پہلے ادانہ کرونگا توصاحب موصوف کو پوراا ختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اورالی صورت

میں میرا کوئی مطالبہ کسی قتم کا صاحب موصوف کے **(خلاف میں مار) کا بندا ہیں م**انا مہلکھ دیا کہ سندر ہے۔

7/8/2018

Sol Trad

Sycalinistay, Show



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Mustafa Shah Tehsildar (CCB) Rustam District Mardan.

VERSUS

Senior Member Board of Revenue and others.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 & 3. RESPECTFULLY SHEWETH.

PRELIMINARY OBJECTIONS.

- 1. That the appellant has got no cause of action.
- 2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- 3. That the Appellant has been estopped by his own conduct to file the appeal.
- 4. That the appeal is time barred.
- 5. That the appeal is not maintainable in its present form.

ON FACTS.

- 1. No comments. Pertains to record.
- 2. Incorrect. The appellant is basically Assistant of the office of Deputy Commissioner Mardan who was posted as Tehsildar due to non-availability of regular Tehsildar for smooth running of official business. Consequent upon the Departmental Promotion Committee meetings, the newly promoted Tehsildars were placed on Revenue/Settlement Training and upon completion of the prescribed training, they have been posted out and the appellant has been repatriated to his original post and office. Posting of an official on Current Charge Basis does not create right of out of turn promotion, however his case will be placed before the Departmental Promotion Committee for promotion as Tehsildar as and when vacancies occur in his share on his own turn after fulfillment the required conditions. The question of observance of posting tenure does not arise.
- 3. Correct to the extent of repatriation to his parent office as he is basically Office Assistant.
- 4. Incorrect. The appellant is Assistant which is a separate cadre. Beside, he is the junior most and his case will be placed before the Departmental Promotion Committee for promotion as Tehsildar on his own turn.
- 5. Incorrect. The appellant is basically Assistant who was temporarily posted as Tehsildar (CCB) due to non-availability of regular Tehsildars. On completion of training of regular Tehsildar, the appellant alongwith others repatriated to their parent offices. The question of completion of 03 years tenure does not arise.

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

GROUNDS.

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

It is requested that the appeal may be dismissed.

(Respondent No. 1, 2 & 3)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

W.

No.<u>) 003</u>/ST

Dated 4 10 /2018

To,

The Commissioner, Mardan.

Subject:-

SERVICE APPEAL NO. 1117/2018 MUSTAFA SHAH VS CHIEF SECRETARY AND OTHERS

Sir,

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

Encl: As above

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PENHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service	Appeal No.	1117/2018
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Mustafa Shah Tehsildar (CCB)

VERSUS

COMMENTS ON APPLICATION FOR INTERIM RELIEF ARE AS UNDER:

- 1. No comments.
- 2. Incorrect. The appellant is basically Assistant of the office of Deputy Commissioner Mardan who was posted as Tehsildar (CCB) due to non-availability of regular Tehsildar for smooth running of official business. Consequent upon the Departmental Promotion Committee meetings, the newly promoted Tehsildars were placed on Revenue/Settlement Training and upon completion of the prescribed training, they have been posted out and the appellant alongwith other (CCB) Tehsildars have been repatriated to their original post and offices. Posting of an official on Current Charge Basis can not create right of out of turn promotion, however their case will be placed before the Departmental Promotion Committee for promotion as Tehsildars as and when vacancies occur in their share on their own turn after fulfillment required conditions.
- Incorrect. As stated above the appellant is Assistant (BS-16) and repatriated to his 3. original post, therefore the question of irreparable loss does not arise.
- 4. Incorrect. Balance of convince is in favour of respondent.
- 5. Incorrect. As stated in para-2 and 3 above.

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

Respondent No. 1, 2 & 3

BOARD OF REVENUE
REVENUE & ESTATE DEPARTMEN
Peshawar dated the 17/08/2018.



NOTIFICATION

No. 35367. The Competent Authority is pleased to place the services of the folloting senior most Naib Tehsildars/District Kanungos/Sub-Registrars at the disposal of the Commissioners noted against their names for further posting as Tehsildars in their own pay and scales again: the vacant posts in their Divisional jurisdiction:

S#	Name	Present Posting	Services placed at the disposal of Divisiona
			Commissioner.
:].	Mr. Fazal Rehman	N.T DHPP	Hazara
3.	Mr. Farruk Jadoon	N.T Mansehra	Hazara
3.	Mr. Bilal Ahmad	N.T Khanpur	Hazara
- - - - - - - - - -	Mr. Ejaz Ahmad	Tehsildar (OPS) Abbouabad	Already posted
5.	Mr. Muhammad Saleem	N.T Oghi	Hazara
∶ 6.	Mr. Sher Dil	Tehsildar (OPS) Battagram	Already posted
7.	Mr. Gohar Ali	N.T. Lakki Marwat	Bannu
. 8.	Mr. Qiyanoos Khan	N.T Hangu	Bannu
9.	Mr. Muhammad Shoaib	Naib Tehsildar Karak	Bannu
10	Air, Muhammad Arshad	Reader to Commissioner Kohat	Bannu
11.	Mr. Zafar Iqbal	N. T Kohat	Bannu
1.2	Mr. Nawab Gul	PNT Kurram	Вапли
13.	Mc Tanzil-ur-Reliman	N.T Ambar	Bannu
	Mr. Muhammad Rafiq	District Kanungo Kohat	Kohat
15.	Mr. Roohul Amin	N.T South Waziristan	Kohat
10	Mr. Sher Bahadur	N.T South Waziristan	D.I.Khan
:7.	Mr. Shaukat iqbal	N.T.L.A Tank	D.I.Khan
18.	i i i i i i i i i i i i i i i i i i i	N.T Shabqadar	Peshawar
19.	Mr. Mahmood Shah	N.T PDA	Peshawar
20	Mr. Gohar Ali	District Kanungo Swabi	Mardan
	Muhammad Yar,	Naib Tehsildar Chamla	Malakand
. 23	Mr. Rab Nawaz	Sub Registrar Chitral	Malakand
- ; .!.3. _"	Mr. Abdul Qayum	Tehsildar (OPS) Barikot	Already posted
	Mr. Amir Zareen	N.T Chakesar	Malakand
'.5	Mr. Shah Wazir	N.T Gagra	Malakand
³ 0.		N.T.Lahore	Malakand
27.	Mr. Ahmad Ali	N.T Ekkaghund	Malakand
18.	Mr. Faiz Muhammad	D. K (N.T Dargai)	Malakand

By order of Senior Visuber

Copy forwarded to the:-

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

awar Committee

Assistant Secretary (ESIL.)