

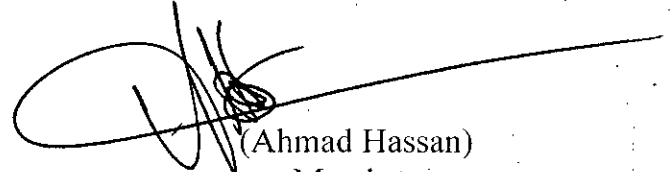
Order

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

1118/18

08.1.2019

Nemo for the appellant. Addl. AG alongwith Muhammad Arif, Superintendent for respondents present.




The representative of respondents states that comments on behalf of respondents No. 1 to 3 had already been submitted and respondent No. 4 is relying on the same. To come up for arguments on 25.01.2019 before the D.B./The appellant may submit rejoinder, if so advised, within 10 days.

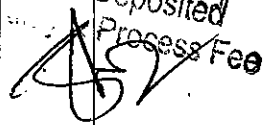

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1118/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/09/2018	<p>The appeal of Mr. Mustamir 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.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	7-9-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10-9-18</u>.</p> <p style="text-align: right;"> MEMBER</p>
10.09.2018		<p>Appellant Mustamir, Shah in person alongwith his counsel Mr. Javed Iqbal Gulbela, Advocate present and heard in limine.</p> <p>Contends that the appellant has been transferred frequently without any justification.</p> <p>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.</p> <p style="text-align: right;"> Chairman</p>

Appellant Deposited
Security Process Fee


01.10.2018

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Attaullah, Assistant Secretary for the respondents present. Replication on stay application as well as written reply on main appeal not submitted. Learned Additional AG requested for time to file the same. Adjourned. To come up for replication on stay application as well as written reply on main appeal on 19.11.2018 before S.B. Notice be also issued to appellant and his counsel for attendance for the date fixed.


(Muhammad Amin Khan Kundi)
Member

19.11.2018

Clerk of the counsel for appellant present. Mr. Muhammad Arif, Superintendent on behalf of respondents No. 1 to 3 alongwith Mr. Kabirullah Khattak, Additional AG present. Written reply on behalf of respondents No. 1 to 3 submitted. Representative of respondent No. 4 is not in attendance therefore, notice be issued to respondent No. 4 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondent No. 4 on 08.01.2019 before S.B.


Muhammad Amin Khan Kundi
Member

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

In Re S.A. 1118 /2018

Mustamir Shah Naib Tehsildar


VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and
Others

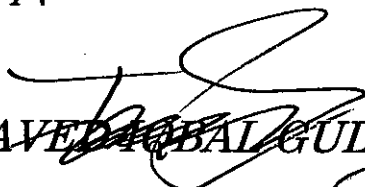

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Dated: 07/09/2018


Appellant

Through


JAVED IQBAL GULBELA
&

SAGHIR IQBAL GULBELA
Advocate High Court
Peshawar.

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

①

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

In Re S.A 1118 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1410

Dated 07-9-2018

Mustamir Shah Naib Tehsildar Khairabad Nowshera.

-----(*Appellant*)

VERSUS

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

-----(*Respondents*).

**SERVICE APPEAL U/S 04 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE IMPUGNED OFFICE
ORDER NO.30051, DATED: 13/08/2018 OF
THE OFFICE OF THE SENIOR MEMBER
BOARD OF REVENUE, KHYBER
PAKHTUNKHWA PESHAWAR WHEREBY
THE DEPARTMENTAL APPEAL OF THE
APPELLANT AGAINST THE IMPUGNED
NOTIFICATION NO. ESTT:I/P/T/27078
DATED 09/07/2018 WAS DISMISSED IN A
CLASSICALLY CURSORY MANNER**

Filed to Way
Registrar
07/9/18

Respectfully Sheweth

1. That the Appellant is performing his duties as Naib Tehsildar on Current Charge Basis. (CCB) in Khairabad Nowshera.

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/27078 dated 09/07/2018, impugned office order NO. 30051 dated 13/08/2018 were illegally issued whereby the Appellant were repatriated to his parent office in an illegal, discriminatory, void, and unwarranted manner. (Copies of the impugned office orders dated 09/07/2018 and 13/08/2018 is annexed as annexure "A to (B) (B))

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 Senior Clerk (BPS-14), but having the ability and potential, otherwise eligible as well, have been transferred and posted as Naib Tehsildar on Current Charge Basis (CCB), wherein his rights is protected and governed by Rule-9 of the Transfer, Promotion and

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

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 "D & E")
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 alia:-

GROUND:

- 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

the same time ⁽⁵⁾ 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 favorite 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 appeasement 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

⑦

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 not 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/27078 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 Naib 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 Naib Tehsildar on Current Charge Basis likewise others of the same impugned transfer and posting orders/Notification.

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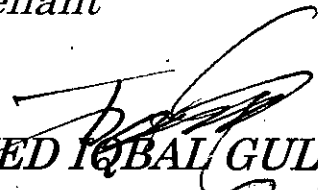
*Any other relief not specifically asked for
may also graciously be extended in favour of
the Appellant in the circumstances of the
case.*

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.



Advocate.

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

(9)

In Re S.A _____/2018

Mustamir Shah Naib Tehsildar

VERSUS

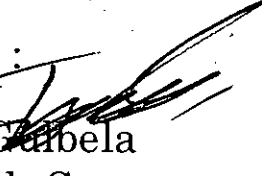
Chief Secretary Khyber Pakhtunkhwa Peshawar and
Others

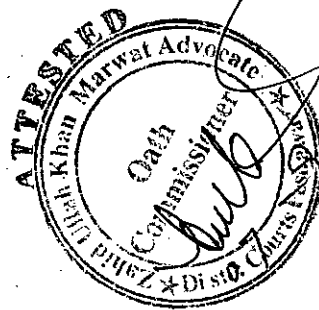
AFFIDAVIT

I, Mustamir Shah Naib Tehsildar Khairabad Nowshera, 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

Identified By:


Javed Iqbal Gurbela
Advocate High Court
Peshawar.



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

(195)

In Re S.A _____/2018

Mustamir Shah Naib Tehsildar

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and
Others

**APPLICATION FOR SUSPENSION OF
THE IMPUGNED OFFICE ORDER NO.
ESTT:I/P/T/27078, DATED: 09/07/2018 OF
THE OFFICE OF THE SENIOR MEMBER
BOARD OF REVENUE, KHYBER
PAKHTUNKHWA PESHAWAR WHEREBY
THE DEPARTMENTAL APPEAL OF THE
APPELLANT AGAINST THE IMPUGNED
NOTIFICATION NO. 30051 DATED
13/08/2018 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 indispensable.

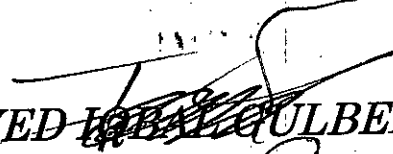
It is, therefore, most humbly prayed that on acceptance of the instant petition the operation of the impugned notification for as mentioned above may kindly be suspended till the final disposal of the accompanying appeal.

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

Through


~~JAVED IQBAL GULBELA~~
&
~~SAGHIR IQBAL GULBELA~~
Advocates High Court
Peshawar

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BEFORE THE HONBLE KYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re C.M. No# _____ \ 2018
In Re S.A. _____ \ 2018

Mustamir Shah Naib Tehsildar


VERSUS

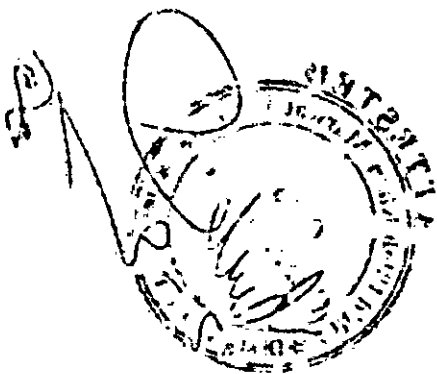
Chief Secretary Kyber Pakhtunkhwa Peshawar and
Others

AFFIDAVIT

I, Mustamir Shah Naib Tehsildar Khairabad Nowshera,
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 GURBANI
Advocate High Court Peshawar



(13)

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

In Re S.A _____/2018

Mustamir Shah Naib Tehsildar

VERSUS

Chief Secretary Khyber Pakhtunkhwa Peshawar and
Others

ADDRESSES OF PARTIES


APPELLANT.

Mustamir Shah Naib Tehsildar Khairabad
Nowshera.

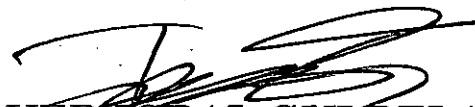
RESPONDENTS:

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 Peshawar Division Peshawar.

Dated: 07/09/2018


Appellant

Through


JAVED IQBAL GULBELA
&
SAGHIR IQBAL GULBELA
Advocate High Court
Peshawar.

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

(14)

Peshawar dated the 05/07/2018

Amended - A

ORDER

No. Est: DVT/27078 In pursuance to the concurrence of the Election Commission of Pakistan conveyed through letter No. F.2(18)/2018-Cord., dated 05.07.2018, the Competent Authority is pleased to order the posting / transfer amongst the following Naib Tehsildars with immediate effect and in public interest:-

S.No	Name of Naib Tehsildar	From	To
1.	Mr. Kifayatullah	Naib Tehsildar Mohmand	Naib Tehsildar Khair Abad
2.	Mr. Mustamir Shah Senior Clerk	Naib Tehsildar (CCB) Khair Abad	Repatriated to his parent office
3.	Mr. Qasim Khan	Tehsildar (CCB) Pabbi	Naib Tehsildar Acquisition Charsadda
4.	Mr. Shakil Barki	Naib Tehsildar Halimzai	Naib Tehsildar Passport Torkham
5.	Mr. Ahmad Ali	Naib Tehsildar Bazaar Zakhakhel	Naib Tehsildar Ekkaghund.
6.	Mr. Khaista Rehman	Naib Tehsildar Ekkaghund	ORA Charsadda. Mr. Muhammad Tahir ORA (CCB) repatriated to his parent office.
7.	Mr. Muhammad Riaz	Naib Tehsildar BARA	Naib Tehsildar Halimzai
8.	Mr. Muhammad Shahid	Naib Tehsildar Mullagori	Naib Tehsildar Dara
9.	Mr. Shehryar Khan	Naib Tehsildar Khwezai	Naib Tehsildar Mullagori
10.	Mr. Riaz Ullah	Naib Tehsildar Ambar	Naib Tehsildar FR Peshawar.
11.	Mr. Tehseenullah Kanungo	Naib Tehsildar (CCB) Passport Torkham	Naib Tehsildar (CCB) Khwezai
12.	Mr. Tanzeel-ur-Behman	Naib Tehsildar FR Peshawar	Naib Tehsildar Ambar
13.	Mr. Fale Muhammad	PMT (OPS) South Waziristan	Naib Tehsildar (OPS) Mohmand Circle
14.	Mr. Inayat-Ur-Behman	Naib Tehsildar (OPS) Charsadda	Naib Tehsildar (OPS) Pendiak
15.	Mr. Nasrullah	Naib Tehsildar Katlang	Naib Tehsildar Takht Bhai
16.	Mr. Arshad Iqbal	Naib Tehsildar Takht Bhai	Naib Tehsildar Mardan
17.	Mr. Sabar Ali	Naib Tehsildar (OPS) Takht Bhai	Naib Tehsildar (OPS) Katlang
18.	Mr. Yaqub Gul Bela	Awaiting posting in Commissioner Office Mardan	Naib Tehsildar Land Acquisition Swabi
19.	Mr. Abdur Rasheed	Naib Tehsildar Land Acquisition Swabi	Naib Tehsildar Lahore
20.	Mr. Nisar Ullah	Naib Tehsildar Swabi	Naib Tehsildar Rustum

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JAVED IQBAL
Daudzai Law Chamber
District Court
Peshawar
0300-366507

21.	Mr. Umbaras	Naib Tehsildar Rustum	Naib Tehsildar Swabi
22.	Mr. Fazale Rabi	Naib Tehsildar (CCB) Haripur	Naib Tehsildar (CCB) Abbottabad
23.	Mr. Ghulam Murtaza	Naib Tehsildar Khanpur	HCR DC Office Haripur
24.	Mr. Hafiz Bilal	HCR DC Office Haripur	Naib Tehsildar Khanpur
25.	Mr. Imtiaz	Naib Tehsildar Oghi	Naib Tehsildar Baffapahal
26.	Mr. Inayat	Naib Tehsildar Mansehra	Settlement Naib Tehsildar Mansehra
27.	Mr. Farrukh Jadoon	Tehsildar (OPS) Balakot	Naib Tehsildar Mansehra
28.	Mr. Awal Khan	DK DC Office Haripur	Naib Tehsildar Allai
29.	Mr. SherZada	Naib Tehsildar (OPS) Battagram	Repatriated to his parent office
30.	Mr. Saif ur Rehman	Naib Tehsildar (OPS) Kandi	Repatriated to his parent office
31.	Mr. Gul Shehrad	Naib Tehsildar Abbottabad	Naib Tehsildar Battagram
32.	Mr. Muhammad Saleem	Tehsildar (OPS) Abbottabad	Naib Tehsildar Oghi
33.	Mr. Aqeel Ahmad	Naib Tehsildar (OPS) Kandar	Repatriated to his parent office
34.	Mr. Sabir Hussain Shah	Naib Tehsildar Settlement Mansehra	Repatriated to his parent office
35.	Mr. Dilidar Khan	Sub Registrar Mansehra	Naib Tehsildar Kandar
36.	Mr. Muhammad Asghar	Naib Tehsildar Martung Shangela	Naib Tehsildar Barang
37.	Mr. Sadaqat Ali Senior Clerk	Naib Tehsildar Gadezai	Repatriated to his parent office.
38.	Mr. Nimatullah (DK)	Naib Tehsildar (CCB) Chagharzai	Naib Tehsildar Barikot
39.	Mr. Sultan Zeb	Naib Tehsildar Chama	Naib Tehsildar Khwazakhela
40.	Mr. Naseer Abbas	Naib Tehsildar (CCB) Gagra	Repatriated to his parent office
41.	Syed Zafar Ali	Naib Tehsildar Charhagh	Naib Tehsildar Dir Upper (Headquarter)
42.	Mr. Alam Zeb	Naib Tehsildar Barikot	Naib Tehsildar Sheringal Dir Upper
43.	Mr. Shah Wasir	Naib Tehsildar Matta	Naib Tehsildar Gagra with additional charge of NT Chagharzai
44.	Mr. Ibrar Ahmad	Naib Tehsildar (ACB) Kalam	Naib Tehsildar (ACB) Gadesai Buner
45.	Mr. Nawab Ali Senior Clerk	Naib Tehsildar KhwazaKhela	Repatriated to his parent office
46.	Mr. Jehan Ali	Naib Tehsildar Balzal Malakand	District Kanungo Swat
47.	Mr. Faiz Muhammad	District Kanungo Swat	Naib Tehsildar Dargai. Mr. Faiz Dargai NT (CCB) Dargai, repatriated to his parent office.
48.	Mr. Sardar Yousaf	PNT DC office SW	Naib Tehsildar Bathkela

[Handwritten signature and scribbles]

Advocate High Court
Mob: 0345 9405501

49.	Mr. Muhammad Rafiq	PNT-I Kurrum	DK Kohat
50.	Mr. Faraz Rafiq	PT (CCB) Hangu	PNT Jawaki
51.	Mr. Muhammad Haseer	PNT (OPS) Jawaki	Naib Tehsildar (OPS) Hangu
52.	Mr. Zafar Iqbal	Tehsildar (OPS) Kohat	Naib Tehsildar Kohat
53.	Mr. Hafiz Ud Din	PNT Lower Orakzai	PNT Upper Orakzai
54.	Mr. Saaz Muhammad	PNT Central Kurrum	PNT Dara
55.	Mr. Khaista Akbar	PNT Upper Orakzai	PNT Lower Orakzai
56.	Mr. Javed Khan	DRA Kohat	PNT-I Kurrum
57.	Mr. Muhammad Shoab	Naib Tehsildar Kohat	Naib Tehsildar Karak. Mr. Wasir Mohammad HT (CCB) Karak, repatriated to his parent office.
58.	Mr. Musadiq Hussain	PNT-II Upper Kurrum	DRA Kohat
59.	Mr. Asmatullah	PNT Dara	PNT Central Kurrum
60.	Mr. Umar Farooq	PNT (OPS) Shewa	Repatriated to his parent office
61.	Mr. Abdul Salam	NT Lakki	NT Kakki
62.	Mr. Gohar Ali	NT Serai Naurang	NT Lakki
63.	Mr. Ali Akbar	NT (CCB) Tajori	Repatriated to his parent office
64.	Mr. Nek Nawaz	DRA Lakki	NT Tajori
65.	Mr. Ghulam Abbas	PT (OPS) Dostli	PT (OPS) Mirali
66.	Mr. Shafiqullah	Naib Tehsildar Bakka Khel	Naib Tehsildar Domail
67.	Mr. Musharaf Khan	Naib Tehsildar Domail	DK Bannu
68.	Mr. Abdul Rehman	Sub-Registrar Bannu	Naib Tehsildar Bannu
69.	Mr. Murad Ali	DRA Bannu	Naib Tehsildar Naurang
70.	Mr. Fazal Karim	Naib Tehsildar Pindiali	PNT South Wazirsatan

By Order Of
Senior Member

No. Estrd/57/95/2017/27079-98

Copy forwarded to the:-

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

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-8406501

[Signature]
Assistant Secretary (List)



Handwritten signature/initials

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

17

Peshawar dated the 17/08/2018.

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NOTIFICATION

No. Estt:EP.1 . Consequent upon completion of settlement Revenue training of newly promoted regular Tehsildar/Naib Tehsildar, the Competent Authority is pleased to repatriate the services of the following Assistants/Senior Scale Stenographer and Junior Scale Stenographer temporarily posted on Current Charge Basis as stop gap arrangement as Tehsildars/Naib Tehsildars, to their parent offices with immediate effect:

S#	Name & Designation	Present posting	Remarks
1.	Mr. Hasnain Ahmad, Assistant	Tehsildar (CCB) Puran	Repatriated to his parent office
2.	Mr. Ahmad Ali Assistant	Tehsildar (CCB) Gagra	Repatriated to his parent office
3.	Mr. Atiqur Rehman, Assistant	Tehsildar (CCB) Drosh	Repatriated to his parent office
4.	Mr. Tariq Ahmad, Assistant	Tehsildar (CCB) Booni	Repatriated to his parent office
5.	Mr. Muhammad Younas, Assistant	Tehsildar (CCB) Fimergara	Repatriated to his parent office
6.	Mr. Arifullah, Assistant	Tehsildar (CCB) Samarbagh	Repatriated to his parent office
7.	Mr. Muhammad Ilyas, Assistant	Tehsildar (CCB) Loi Mamund	Repatriated to his parent office
8.	Mr. Saraf Ali, Assistant	Tehsildar (CCB) FR Bannu	Repatriated to his parent office
9.	Mr. Tariq Aziz, Assistant	Naib Tehsildar (CCB) Miranshah	Repatriated to his parent office
10.	Mr. Sarazeb, Assistant	Tehsildar (CCB) Shawal	Repatriated to his parent office
11.	Mr. Kifayatullah, SSS	Tehsildar (CCB) Tank	Repatriated to his parent office
12.	Mr. Zardad Khan, Assistant	Tehsildar (CCB) WAPDA Abbottabad	Repatriated to his parent office
13.	Mr. Khalid Azmat, Assistant	Tehsildar Takht-e-Nasrati	Repatriated to his parent office
14.	Mr. Faizullah Senior Scale Stenographer	Tehsildar (CCB) Thal	Repatriated to his parent office
15.	Mr. Feroz Khan, Assistant	Tehsildar (CCB) Mirali	Repatriated to his parent office
16.	Mr. Malak Zahid, Assistant	Tehsildar (CCB) Bannu	Repatriated to his parent office
17.	Mr. Nabiullah, Junior Scale Stenographer	Canal N.T (CCB) Peshawar	Repatriated to his parent office

No. Estt:EP.1/30393-430

JAWED IQBAL, C.A. Bala
District Accounts Officer
Peshawar

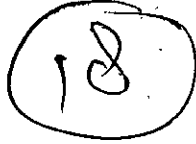
By order of Senior Member

JAWED IQBAL, C.A. Bala
Ejazul Law Chambers
Advocate High Court Peshawar
Mob: 0345-9405501

Copy forwarded to the:-

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

Assistant Secretary (Estt.)



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;
(O&M) SECTION
ESTABLISHMENT & ADMINISTRATION DEPARTMENT**

**JAVED IQBAL Gul Bafa
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501**

**Advocate High Court Peshawar
Mob: 0345-9405501**

(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.

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;

³⁷Provided that no such appointment shall be made, if the prescribed length of service is short by more than ³⁸[three years].

(2) 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.

(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

10. Appointment by Initial Recruitment :- (1) Initial appointment to posts ³⁹[in various basic pay scales] shall be made-

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or

³⁷ Full stop at the end of Rule 9 (1) replaced with colon and proviso added by Notification No. SOR-1 (S&GAD)-1/80/Vol-II, dated 20-10-1993.

³⁸ The words one year substituted by Notification No. SOR-1(S&GAD)-1/80/III, dated 14.3.96.

³⁹ The words in basic pay scale-16 to 21 substituted by Notification No. SOR-1(S&GAD)-1-117/91 (C), dated 12-10-1993.

JAVED IQBAL Gul Balā
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

JAVED IQBAL Gul Balā
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

To

The Worthy Chief Secretary
Khyber Pakhtunkhwa, Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED NOTIFICATION Estt.:I/P/T/27057
dated 09/07/2018 WHEREBY THE APPELLANT
HAS ILLEGALLY BEEN REPATRIATED TO
PARENT DEPARTMENT

Respected Sir;

1. That the appellant is performing his duties as Tehsildar/ Recovery Officer on Current Charge Basis. (CCB) in PESCO.
2. That the appellant is being subject to persistent acts of discrimination on continuous basis and turned to be into shuttle cock as without observing the normal tenures of posting and transfer, the appellant is transferred and posted again and again.
3. That the appellant who had been posted to the present place on dated 05/03/2018, the same had been issued after posting order dated 12/02/2018 which had been fallen after posting order dated 31/07/2017 and ironically this had been in the series of transfer and posting order dated 28/04/2017. (Copies of transfer and posting orders are annexed as annexure "A to A/III").
4. That this was the background that yet another, herein impugned Notification No. Estt.:I/P/T/27057 dated 09/07/2018 was illegally issued whereby the appellant was repatriated to his parent department in an illegal, discriminatory, void, and unwarranted manner. (Copies of the impugned office order dated 09/07/2018 is annexed as annexure "B")
5. That before passing on to the grounds of the instant appeal, it is pertinent to mention that the appellant holding the substantive pay scale of Assistant (BPS-16) but having the ability and potential, otherwise eligible as well, have been transferred and posted as Tehsildar/Recovery Officer on Current Charge Basis (CCB) PESCO, wherein his rights are protected and governed by Rule-9 of the Transfer, Promotion and Appointment Rules 1989.(Copy of the rule 9 is annexed as annexure "C")

JAVED I. B. L. Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
0945-9405501

6. 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.

7. That the Election Commission of Pakistan had imposed ban on transfer and posting of any Civil Servant/ Government Servant and if any posting/transfer order is deemed proper then the prior permission of the (ECP) is to be obtained. It is to be noted that this exception is afforded in extra ordinary circumstances and should rarely be resorted to in acute and dire need and that too much sparingly and individually in important cases. But what happened here the Respondent department under the umbrella of this exceptional sanction mechanism applied for and was granted sanction, of a thorough reshuffling of the whole department and that too was made subject to the sheer discrimination and favoritism.

8. That in the garb of the aforementioned empowerment and sanction from ECP and Establishment department, the appellant was repatriated to his parent department while the favourties and blue eyed were simply transferred and posted to other field duties, thus feeling aggrieved the appellant moves the instant Departmental appeal upon the following grounds inter alia:-

Grounds:

A. That persistent orders of transfer and posting of any Civil Servant/Government servant is always hazardous and injurious to the Potential and capabilities of the such civil servant /Government servant and has always been depreciated and discouraged by the Superior Courts, being always held as violation to fundamental rights and not solely to the service rights.

B. That the impugned transfer and posting orders are highly discriminatory ones and at the same time the repatriating 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

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without any justification and the same tantamount to violation of duty service law

II. That no one can be condoned unheard, nor anyone can be condemned for no wrong.

I. That from every angle and perspective the impugned transfer and posting orders are illegal, discriminatory, void, unwarranted, vexatious, unlawful and is liable to be cancelled and set aside.

It is therefore, most humbly requested that on acceptance of the instant departmental appeal, the impugned notification No. Estt/NVT/27057 dated 09/07/2018 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 name be struck off deleted from the list of transferred Tehsildars and be left at his place of serving/posting and even if the same is not feasible then the Appellant be posted and transferred in the same capacity of Tehsildars or Current Charge Basis likewise others of the same impugned transfer and posting orders/Notification.

Dated: 11/07/2018

Appellant

Mustamir Shah

No. Vaid Tehsildar Bahirabad

20

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

OFFICE OF THE
DEPUTY COMMISSIONER
NOWSHERA
Diary No. 8922
Date 16-8-2018

No. Estt: V/ Mustamir/Nowshera/ 30051
Peshawar dated the 13/08/2018

To

Amr - E⁶

Mr. Mustamir Shah,
Senior Clerk,
Office of the Deputy Commissioner Nowshera.

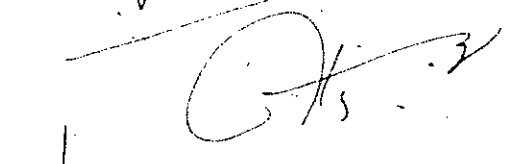
Through Deputy Commissioner Nowshera


SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION Estt: I/P/T/27078 dated 09/07/2018 WHEREBY THE APPELANT HAS ILLEGALLY BEEN REPATRIATED TO PARENT DEPARTMENT

Your Departmental appeal dated 11.07.2018 on the subject has been examined and rejected by the Appellate Authority.


Assistant Secretary (Estt)

Mustamir Shah


DEPUTY COMMISSIONER
NOWSHERA


Daudzai Law Chambers
Advocate High Court Peshawar
Mob: 9945-9405501

Amir

22 25



OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

0345-34455
www.coma.gov.pk

[Handwritten Signature]

Dated 08/08/2018

[Handwritten notes and signatures on the right margin]

On the recommendation of the Deputy
Commissioner Upper, Mr. Rana Dilak, Assistant of his office is hereby
recommending against the vacant post of Tehsildar Languin, Dir Upper in
the larger public interest.

By Order
COMMISSIONER MALAKAND DIVISION

Copy forwarded to -

- 1. The Secretary Board of Revenue, Khyber Pakhtunkhwa Peshawar, for information, please.
 - 2. The Deputy Commissioner Dir Upper with reference to his Memo: No. 17693/DC/Est/02(P/T Officer), dated 30.07.2018, for information & necessary action, please.
 - 3. The District Accounts Officer, Dir Upper.
 - 4. The officer concerned, for compliance.
- Order File.

SECRETARY TO COMMISSIONER
MALAKAND DIVISION

[Large handwritten signature and notes in the lower left quadrant]

13-1

ABAL Gul Bela
Law Chamber
Court Peshawar
0345-34455



BETTER COPY

35
28

OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

P.# 0946 09240458
Email: secretarytocmd@gmail.com

Dated: 08/08/2018

ORDER

No. 4432/2/19/Estt: On the recommendation of the Deputy Commissioner, Dir Upper, Mr. Rahman Ullah, Assistant of his office is hereby transferred and posted against the vacant post of Tehsildar Larjum, Dir Upper. In his own pay scale in the larger public interest

By Order
COMMISSIONER MALAKAND DIVISION

No. 4433-3/2/19/Estt

Copy forwarded to:

1. The Secretary Board of Revenue, Khyber Pakhtunkhwa Peshawar for information, please.
2. The Deputy Commissioner Dir Upper with reference to his Memo: No. 1/693/DC/Estt/02(P/T 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 File

SECRETARY TO COMMISSIONER
MALAKAND DIVISION

JAVED IQBAL
Daud Jalal Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

JAVED IQBAL Gul Bela
Daud Jalal Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

JAVED IQBAL
Daud Jalal Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

Tel: 09469240087
 Email: secretarytoind@ggnll.com

COMMISSIONER MALAK AND DIVISION
 MALAK AND DIVISION
 Dated: 13/08/2018

OFFICE ORDER:

10/4-2018 Etc. The following posting/transfer among the Tehsildars is ordered with immediate effect in the larger public interest:-

Sr	Name & Designation	From	To
1	Mr. Tariq Ahmadi Tehsildar (CUB)	Tehsildar, Mastuj Chitral	Tehsildar (CUB) Mulkhov, Chitral against the vacant post.
2	Mr. Nadeem Assistant	Assistant DC, Office Chitral	Tehsildar (CUB) Mastuj Chitral vice S. No. 1

By Order
 COMMISSIONER MALAK AND DIVISION

10/5-18 Etc.
 Copy forwarded to
 Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar
 Secretary, District Board, Chitral
 District Officer, Chitral
 District Officer, Mastuj
 District Officer, Mulkhov
 District Officer, Peshawar

COMMISSIONER MALAK AND DIVISION
 MALAK AND DIVISION

JAVED IQBAL
 District Officer
 Malak and Division
 Tel: 0346-940001

Lawyer Gul Beta
 Law Chamber
 District High Court Peshawar
 Tel: 0346-9405501

(Handwritten signature)

BETTER COPY
OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

(Dated: 13/08/2018)

P.# 0946 92-10087
Email: secretarytoCMD@gmail.com
OFFICE ORDER:

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

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

By Order
COMMISSIONER MALAKAND DIVISION

No. 4515-19/2/19/Estt:
Copy forwarded to:-

1. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioners. Chitral
3. The District Accounts Officer. Chitral
4. The officers concerned for compliance.
5. Office Order File

(NAEEM AKHTAR)
SECRETARY TO COMMISSIONER
MALAKAND DIVISION

JAVED IQBAL
Dattaraj Law Chamber
Advocate High Court Peshawar
Phone: 0345-9405504

JAVED IQBAL Gul Bela
Dattaraj Law Chamber
Advocate High Court Peshawar
Phone: 0345-9405504



Tel# 0946-9240458
 Email: secretarytoemd@gmail.com

OFFICE OF THE
 COMMISSIONER MALAKAND DIVISION
 SWAT

27

Dated 13/05/2018

OFFICE ORDER

No. 4498 /2/18/Estt. The following posting/transfer among the T. & S. Tehsildars within Malakand Division is hereby ordered with immediate effect.

Name & Designation	Posting/Transfer
Mr. Arif Ahmad, Tehsildar (CCB)	Posting to Naib Tehsildar, Barikot, Swat against the vacant post.
Mr. Ghadezal, Buner	Waiting for posting for Naib Tehsildar, Ghadezal, Buner on CCB, vice S.No. 1.

By Order
 COMMISSIONER

No. 4498 /2/18/Estt.

Copy forwarded to:

1. Mr. Arif Ahmad, Tehsildar (CCB), Barikot, Swat
2. Mr. Ghadezal, Buner
3. Mr. Arif Ahmad, Tehsildar (CCB), Barikot, Swat
4. Mr. Ghadezal, Buner
5. Mr. Arif Ahmad, Tehsildar (CCB), Barikot, Swat
6. Mr. Ghadezal, Buner

[Signature]
 Secretary
 Malakand Peshawar
 9405501

SECRETARY TO COMMISSIONER
 MALAKAND DIVISION

[Handwritten notes]

[Handwritten signature]

BETTER COPY
OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

Dated: 13/08/2018

P.# 0946 97-10458
Email: secretarytoemdc@gmail.com
OFFICE ORDER:

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

S#	Name & Designation	From	To
1	Mr. Abrar Ahmad, Naib Tehsildar (CCB)	Naib Tehsildar Ghadezai, Buner.	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. 4500-05/2/18/Estt:
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
5. The officers concerned for compliance.
6. Office Order File

SECRETARY TO COMMISSIONER
MALAKAND DIVISION

JAVED IQBAL Gul Bela
Esq. Law Chamber
Peshawar

JAVED IQBAL
Esq. Law Chamber
Peshawar
Mobile: 0345-940001

(Handwritten initials)

(Handwritten number 28)



OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHAHRI SWAT

Tel# 0946-9240453

Fax# 0946-9240453

Dated: 21/12/2018

ORDER

The Tehsildar, Larjan, Dir Upper is hereby transferred and posted against the vacant post of Tehsildar, Barakot, District Swat with immediate effect in the larger public interest.

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

By Order
COMMISSIONER MALAKAND DIVISION

No. 4449-56 21/12/2018

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.

(NAEEN AKHTAR)
SECRETARY TO COMMISSIONER
MALAKAND DIVISION

(Handwritten signatures and initials)

(Handwritten signature)

3/12/18

BETTER COPY

OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

P.# 0946-9240458

Email: secretarytocmd@gmail.com

Dated: 09/08/2018

ORDER

No. 4448/2/19/Estt. Mr. Abdul Qaam, Tehsildar (CCB) Barawal District Dir 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 DIVISION

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

(NALLEM AKHTAR)
SECRETARY TO COMMISSIONER
MALAKAND DIVISION

JW...
D...
...
... 0946-9240458

Gul Bela
Chamber
Peshawar
Tel: 0345-9405501

Government of Khyber Pakhtunkhwa
**OFFICE OF
 COMMISSIONER
 BANNU DIVISION**

Office of the Commissioner, Bannu Division
 District Office, Bannu
 Peshawar
 Khyber Pakhtunkhwa

3069-74/AS/15/20
 1-2-2018

(Handwritten signatures and initials)

OFFICE ORDER:

Following posting/transfers amongst the Tehsildars/Naib Tehsildars of the division are hereby ordered in the public interest with immediate effect:

Sl. No.	Name of Tehsildar	From	To
	Mr. Muhammad Jahan, Tehsildar (BPS-15 OPSI)	Naib, Awaiting posting	Naib, Tehsildar Banna
	Mr. Abdul Rehman, Naib Tehsildar (BPS-15)	Naib, Banna	Tehsildar, Naib, Tehsildar Bakka Khel
	Mr. Anayatullah, Tehsildar (BPS-15)	Naib, Awaiting for posting	Tehsildar, Banna, KPSI OPSI
	Mr. Muhammad, Tehsildar (BPS-16)	Naib, Tehsildar Khel	Naib, Tehsildar, Banna, Inspection, State's Counsel, Office, Banna, Division

Sd/
**Commissioner
 Bannu Division**

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.

(Signature)
**Secretary to Commissioner
 Bannu Division**

JAVED IQBAL
 District Law Officer
 District Office, Bannu
 Mob: 0345-955551

JAVED IQBAL, Gulistan
 District Law Officer
 District High Court Peshawar
 Mob: 0345-955501

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29

Government of Khyber Pakhtunkhwa
OFFICE OF
COMMISSIONER
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:

Sr. No	Name of Tehsildar	From	for	To
1	Mr. Muhammad Jamal, Naib Tehsildar (BPS 15 OPS)	Awaiting posting		Naib Tehsildar Bannu
2	Mr. Abdur Rehman Shah, Naib Tehsildar (BPS-15)	Naib Tehsildar Bannu		Naib Tehsildar Bakka Khel
3	Mr. Anayatullah, Naib Tehsildar (BPS 15)	Waiting posting		Tehsildar Bakka Khel (OPS)
4	Mr. Muhammad Akram, Tehsildar (BPS 16)	Tehsildar Khel	Bakka	Inspector Stamps, Commissioner Office, Bannu Division

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.

JAVEDI
Daudza
Advocate High Court Peshawar
Mob: 0345-946501

Secretary to Commissioner
Bannu Division
JAVEDI Gul Bela
Daudza Member
Advocate High Court Peshawar
Mob: 0345-946501

GOVERNMENT OF KHYBER PAKHTUNKHWA

BOARD OF REVENUE

REVENUE & ESTATE DEPARTMENT

Peshawar dated the 17/08/2018.

NOTIFICATION

No. 30367. The Competent Authority is pleased to place the services of the following 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 against the vacant posts in their Divisional jurisdiction.

S#	Name	Present Posting	Services placed at the disposal of Divisional Commissioner.
1.	Mr. Fazal Rehman	N.T DHPP	Hazara
2.	Mr. Farruk Jadoon	N.T Manshra	Hazara
3.	Mr. Bilal Ahmad	N.T Khanpur	Hazara
4.	Mr. Ejaz Ahmad	Tehsildar (OPS) Abbottabad	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.	Mr. Muhammad Arshad	Reader to Commissioner Kohat	Bannu
11.	Mr. Zafar Iqbal	N. T Kohat	Bannu
12.	Mr. Nawab Gul	PNT Kurram	Bannu
13.	Mr. Tanzil-ur-Rehman	N.T Ambar	Bannu
14.	Mr. Muhammad Rafiq	District Kanungo Kohat	Kohat
15.	Mr. Roohul Amin	N.T South Waziristan	Kohat
16.	Mr. Sher Bahadur	N.T South Waziristan	D.I Khan
17.	Mr. Shaukat Iqbal	N.T L.A Tank	D.I Khan
18.	Mr. Adil Waseem	N.T Shabqadar	Peshawar
19.	Mr. Mahmood Shah	N.T PDA	Peshawar
20.	Mr. Gohar Ali	District Kanungo Swabi	Mardan
21.	Muhammad Yar,	Naib Tehsildar Chamla	Malakand
22.	Mr. Rab Nawaz	Sub Registrar Chitral	Malakand
23.	Mr. Abdul Qayum	Tehsildar (OPS) Barikot	Already posted
24.	Mr. Amir Zareen	N.T Chakesar	Malakand
25.	Mr. Shah Wazir	N.T Gagra	Malakand
26.	Mr. Abdur Rashid	N.T Lahore	Malakand
27.	Mr. Ahmad Ali	N.T Ekkaghund	Malakand
28.	Mr. Faiz Muhammad	D. K (N.T Dargai)	Malakand

By order of
Senior Member

Copy forwarded to the:-

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

OPAL Gul Bela
Law Chamber
Court Peshawar
No: 5-840524

ASSIST

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 28/08/2018.

NOTIFICATION

No. Estt/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.

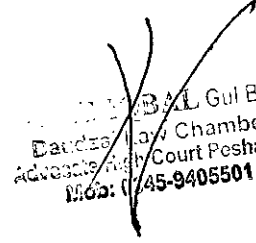
S#	Name of Kanungo
1.	Inayat Ur Rehman (Already posted)
2.	Muhammad Nadeem
3.	Abdul Jabbar
4.	Saeed Ullah Khan
5.	Gohar Ali Khan
6.	Muhammad Hammayun
7.	Jehangir Khan
8.	Tehseen Ullah (Already posted)
9.	Mr. Waqif Khan


By order of
Senior Member

No. Estt/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.
4. Officials concerned.
5. Office order file.


Gul Bela
District Law Chamber
District Court Peshawar
Phone: 0745-9405501


Assistant Secretary (Estt.)

وکالت نامہ

بعدالت: سروس ٹریسٹول
 نام: چیف سیکرٹری KPK
 منجانب سال دعویٰ سروس ایسٹ
 تاریخ 7/9/2018

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی
 بمقام سٹیسٹ کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ ہائی کورٹ کو بدیں شرط وکیل
 مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل
 صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے
 کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر
 مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر
 مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر
 من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی
 صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور
 صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و
 تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل
 کرنے اور ہر قسم کے بیان دینے اور سپروائشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا قریبی یا گرفتاری قبل اجراء ڈگری بھی موصوف
 کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا
 اس کے کسی جزو کی 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 ہر امر دہی اور ایسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل
 ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو
 پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند ہے۔
 مورخہ 2018۔

سٹیسٹ
 13

[Handwritten signatures and stamps]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 1118/2018.

Mustamir ShahAppellant

VERSUS

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

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

PRELIMINARY OBJECTIONS.

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

ON FACTS

1. Pertains to record.
2. Incorrect. No discrimination has been done with the appellant.
3. Incorrect. The appellant is basically Senior Clerk of the office of Deputy Commissioner Nowshera who was posted as Naib Tehsildar (CCB) due to non availability of regular Naib Tehsildar for smooth running of official business. Consequent upon the Departmental Promotion Committee meetings, the newly promoted Naib Tehsildars were placed on Revenue / Settlement Training and upon completion of the prescribed training, they have been posted out and the appellant alongwith others (CCB) Naib Tehsildars have been repatriated to their original post and offices. Posting of an official on current charge basis cannot create right of out of turn promotion, however their case will be placed before the Departmental Promotion Committee for promotion as Naib Tehsildar as and when vacancies occur in their share on their own turn after fulfillment required conditions.
4. Correct to the extent of pay scale (BS - 14) but promotion is always made on the basis of seniority -cum-fitness. His case will be placed before the Departmental Promotion Committee for promotion as Naib Tehsildar on his own turn.
5. Incorrect. He is basically Senior Clerk, therefore he was repatriated to his original post of Senior Clerk, the question of tenure as Naib Tehsildar does not arise.

6. Correct to the extent that his departmental appeal was filed by the appellate authority i.e Chief Secretary Khyber Pakhtunkhwa.
7. Incorrect. All the current charge Tehsildar and Naib Tehsildar have been repatriated to their original posts.
8. Incorrect. Appeal of the appellant is not maintainable.

GROUNDS.

- A Incorrect. No discrimination has been done with the appellant and no violation of any rules committed by the respondent.
- B Incorrect. As stated in para - 3 of the facts, the appellant is basically Senior Clerk therefore on availability of regular Naib Tehsildar the appellant was repatriated to his original post.
- C Incorrect. No discrimination has been done with the appellant.
- D Incorrect. As stated in para - 3 of the facts.
- E Incorrect. Both the orders are fair, just and according to law / rules.
- F Incorrect. As the appellant is basically Senior Clerk, therefore completion of tenure as Naib Tehsildar does not cover the rules.
- G Correct to the extent that the appellant was posted as Naib Tehsildar (CCB) and was repatriated under the provision laid down in Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules 1989.
- H Incorrect. There was no disciplinary proceedings to be heard the appellant in person.
- I Incorrect. All the posting / transfer and repatriation orders were issued strictly in accordance with law / rules and no illegality / irregularity has been committed.
- J Correct to the extent the departmental appeal of the appellant has been dismissed by the appellate authority.
- K The respondents will also submit additional grounds at the time of arguments.

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



Respondent No. 1, 2&3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 1118/2018.

Mustamir ShahAppellant

VERSUS

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

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

PRELIMINARY OBJECTIONS.

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

ON FACTS


1. Pertains to record.
2. Incorrect. No discrimination has been done with the appellant.
3. Incorrect. The appellant is basically Senior Clerk of the office of Deputy Commissioner Nowshera who was posted as Naib Tehsildar (CCB) due to non availability of regular Naib Tehsildar for smooth running of official business. Consequent upon the Departmental Promotion Committee meetings, the newly promoted Naib Tehsildars were placed on Revenue / Settlement Training and upon completion of the prescribed training, they have been posted out and the appellant alongwith others (CCB) Naib Tehsildars have been repatriated to their original post and offices. Posting of an official on current charge basis cannot create right of out of turn promotion, however their case will be placed before the Departmental Promotion Committee for promotion as Naib Tehsildar as and when vacancies occur in their share on their own turn after fulfillment required conditions.
4. Correct to the extent of pay scale (BS - 14) but promotion is always made on the basis of seniority -cum-fitness. His case will be placed before the Departmental Promotion Committee for promotion as Naib Tehsildar on his own turn.
5. Incorrect. He is basically Senior Clerk, therefore he was repatriated to his original post of Senior Clerk, the question of tenure as Naib Tehsildar does not arise.

6. Correct to the extent that his departmental appeal was filed by the appellate authority i.e Chief Secretary Khyber Pakhtunkhwa.
7. Incorrect. All the current charge Tehsildar and Naib Tehsildar have been repatriated to their original posts.
8. Incorrect. Appeal of the appellant is not maintainable.

GROUND.

- A Incorrect. No discrimination has been done with the appellant and no violation of any rules committed by the respondent.
- B Incorrect. As stated in para - 3 of the facts, the appellant is basically Senior Clerk therefore on availability of regular Naib Tehsildar the appellant was repatriated to his original post.
- C Incorrect. No discrimination has been done with the appellant.
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- J Correct to the extent the departmental appeal of the appellant has been dismissed by the appellate authority.
- K The respondents will also submit additional grounds at the time of arguments.

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



Respondent No. 1, 2&3