

Order

24.07.2017

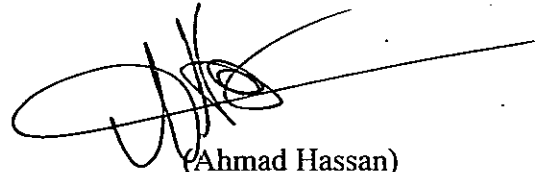
Learned counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for respondents present.

Vide separate judgment of today of this Tribunal placed on file in the connected service appeal No. 252/2014 titled "Waheed Ahmed, Tehsildar (Acting Charge Basis), Haripur-vs- Chief Secretary Khyber Pakhtunkhwa, Peshawar and 3 others", this appeal is also dismissed. Departmental action may be initiated against those responsible for illegal promotions of Tehsildars. No order as to cost. File be consigned to the record room.

Announced:
24.07.2017



(Muhammad Hamid Mughal)
Member



(Ahmad Hassan)
Member

21.07.2016

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


Member


Member

22.11.2016

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


(MUHAMMAD AAMIR NAZIR)
MEMBER


(ABDUL LATIF)
MEMBER

22.03.2017

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


(AHMAD HASSAN)
MEMBER

17.08.2015

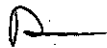
Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl: A.G for official respondents present. The learned Member (Executive) is on official tour to Abbottabad therefore, arguments could not be heard. File to come up for arguments on 20-11-2015.



Member

20.11.2015

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



Member



Member

06.04.2016

Clerk to counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Mr. Muhammad Jan, GP for respondents present. Clerk to counsel for the appellant stated that due to death of father of learned counsel for the appellant he is not present today and requested for adjournment. Adjourned for arguments to 21-7-16 before D.B.



Member



Member

22.12.2014

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



DEADER

6.2.2015

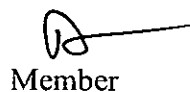
Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the official respondents present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned GP. To come up for arguments on 11.6.2015.



MEMBER

11.06.2015

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



Member



Member

03.07.2014

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


MEMBER


MEMBER

15.09.2014

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


READER

10.11.2014

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


READER

24.4.2014

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

MEMBER

MEMBER

12.5.2014.

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

MEMBER

6.6.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for respondents No. 1 & 2. None is available on behalf of respondents No. 3 & 4. Fresh notices be issued to them through registered post positively. To come up for written reply of respondents No. 3 & 4 on main appeal as well as reply/arguments on stay application on 3.7.2014.

MEMBER

MEMBER

11.03.2014

*Appeal No. 256/2014
Mr. Muhammad Jan*

Counsel for the appellant and Mr. Mir Qasim Khan,

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

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

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

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

11.03.2014

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

Member

Chairman

27.3.2014.

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

MEMBER

MEMBER


3,
25.02.2014

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


Member

3
07.03.2014



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


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 254/2014

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

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

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

No. 266 /S.T,

Dt. 20/02 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M. Asif Yousafzai Adv. Pesh.

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

*Re-submitted
Am Jai*

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 254/2014.

Muhammad Taj.

Vs

Chief Secretary KPK etc.

INDEX

S.NO	DOCUMENTS	ANNEXURE	PAGE
1-	Memo of appeal.	---	1-5
2-	Stay application.	---	6-7
3-	Seniority list.	A	8-9
4-	Rules of 2001.	B	10-14
5-	Rules of 2008	C	15-17
6-	Rules of 30.3.2011	D	18-20
7-	Rules of 2.12.2011	E	21-
8-	Promotion order.	F	22-24
9-	Order sheet. 15.11.2013	G	25-27
10-	Reversion order	H	28-29
11-	Current charge order	I	30-31
12-	Vakalat nama	---	32.

APPELLANT

MUHAMMAD TAJ.

THROUGH:

M.ASIF YOUSAFZAI

ADVOCATE.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.APPEAL NO. 254 /2014.

Muhammad Taj, Tehsildar (Acting Charge Bases),

Mansehra.....Appellant.

VERSUS

228
19-2-14

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

.....Respondents.

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

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

re-submitted to
and filed.

24/2/14.

FACTS:

- 1- That the appellant joined the Revenue Deptt: in 1986 as Patwari. The appellant was later on promoted as Girdawar in Jan 2004 and as D.K in July 2004. The appellant has also passed the Tehsildari Exam. All the dates are recorded in the seniority list the copy of which is attached as Annexure - A.
- 2- That according to the rules of 2001 the post of Tehsildar was to be filled in as: 20% initial recruitment, 30% from Naib Tehsildars, 30% from Asstt: / Sr. Scale Stenographer, D.K with three Service, Head Clerks (Revenue) of Distt: Collector. Copy of Rules of 2001 is attached as Annexure – B.
- 3- That the Rules of 2001 were superseded by Rules of 2008 and the post of Tehsildar was to be filled in as: 20% Initial Recruitment, 60% from amongst Graduate Naib Tehsildars with 5 years service, 20% on joint seniority basis from amongst Graduate Asstt:/ Sr. scale Stenographer of BOR, DLR, revenue Appellate Court/ sub Registrar with five years service. Thus the cadre of D.K was omitted in the Rules of 2008. Copy of Rules of 2008 is attached as Annexure – C.
- 4- That on 30.3.2011 the rules of 2008 were amended and the entries against S.No.1 (b) & (c) were substituted as: 60% from amongst Naib Tehsildars, D.K, DRA and Head Clerk (Revenue) with five years service. 20% amongst graduate Asstt:/Sr. Scale Stenographers of BOR, DLR, Sr. scale stenographers of Commissioners, Addl: Commissioners, Political Agents and Sub registrar with 5 years service. Thus the cadre of D.K was again included in the Rules notified on 30.3.2011. Copy of rules is attached as Annexure – D.

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

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

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

GROUND:

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

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

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

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

APPELLANT



MUHAMMAD TAJ

THROUGH:



M.ASIF YOUSAFZAI

ADVOCATE.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. _____/2014.

Muhammad Taj.

Vs

Chief Secretary KPK etc.

**APPLICATION FOR SUSPENDING THE OPERATION
OF ORDER DATED. 23.1.2014 TO THE EXTENT OF
APPELLANT TILL THE DISPOSAL OF MAIN APPEAL.****R.SHEWETH.**

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


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

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


APPELLANT

MUHAMMAD TAJ.

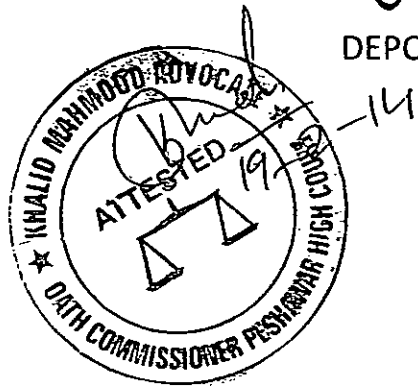
THROUGH:


M.ASIF YOUSAFZAI
ADVOCATE.

AFFIDAVIT.

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


DEPONENT.



A (8)

FINAL MERIT-BASED SENIORITY LIST OF DISTRICT KANUNGO (GENERAL) PAKISTAN AS IT STOOD ON 12/08/2008

SR. NO.	NAME OF OFFICIALS CONCERNED	DATE OF BIRTH	EDUCATIONAL QUALIFICATION	DOMICILE	DATE OF ENTRY INTO PRACTICE	APPOINTMENT POSTING TO	REMARKS	
						THE PRESENT POST		
						DATE	BPS	METHOD OF RECRUITMENT
1	Abdul Haleem	04/04/1954	Metric	Battagram	05/04/1973	12.08/2003	14	Promotee
2	Abdul Wahid	10/05/1954	F.A	Mardan	10/05/1973	01/07/2004	14	Promotee
3	Abdul Ghulam	10/05/1953	P.A	Mardan	10/05/1973	23-8-2006	14	Promotee
4	Muhammad Hayat	28/03/1954	F.A	Charsadda	20/07/1976	28/01/2007	14	Promotee
5	Waheed Ahmad	10/01/1967	F.A	Manselhra	09/01/1986	26/01/2007	14	Promotee
6	Sadiqur-Rasman	12/11/1953	Metric	Swat	12/11/1987	09/06/2007	14	Promotee
7	Showrin Shah	01/05/1957	M.A	Charsadda	01/04/1981	18/07/2007	14	Promotee
8	Ibrahim Shah	04/04/1967	F.A	Malakand	17/09/1990	06/03/2008	14	Promotee
9	Muhammad Saleem Akhtar	10/06/1956	F.A	Manselhra	15/01/1980	10/05/2008	14	Promotee
10	Raham Taj	20/01/1958	Metric	Mardan	01/04/1982	19/05/2008	14	Promotee
11	Jan Nisar	05/09/1957	Metric	Charsadda	15/05/1976	10/06/2008	14	Promotee
12	Shah Behram	20/11/1973	B.A	Tank	15/08/1997	14/06/2008	14	Promotee

ATTESTED



9

13.	Muhammad Rafiq	13.6.64	B.A	Kohat	6.3.1988	15.10.08	Promotee
14.	Ghous Ali	20.2.64	B.A	Swabi	19.12.1985	27.11.2008	Promotee
15.	Ajam Khan	15.6.63	B.A	Peshawar	1-6-1987	29.11.2008	Promotee
16.	Muhammad Javed Khan	22.4.66	B.A	Hanipur	15.9.1990	29.11.2008	Promotee
17.	Shah Noordeen	22.11.68	B.Sc	Mardan	9-8-2004	29.11.2008	Promotee
18.	Fauz Muhammad	20.03.1966	B.A	Swabi	9.9.95	25.5.2009	Promotee


DIRECTOR LAND RECORDS
KHYBER PAKHTUNKHWA

B

(10)

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
REVENUE DEPARTMENT & ESTATE DEPARTMENT

NOTIFICATION

DATED, PESHAWAR, THE 27TH NOVEMBER, 2001

No. 27944

Ad-1- In pursuance of the provisions contained in Sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1939, read with the Cabinet Division Notification No. SRO 475(1/2001), dated the 28th June, 2001, and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the Method of recruitment, qualifications and other conditions specified in column 5 to 6 of the Appendix to this notification, which shall be applicable to posts borne on the cadre strength of Revenue and Estate Department specified in column 2 of the said Appendix.

S.O

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

ATTESTED.

4

11

53

22

27945-51 / Ad-

Dated: 27-11-2001.

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

The Secretary's to Govt of NWFP:-

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

The Secretary's NWFP, Public Service Commission.

The Registrar, Peshawar High Court, Peshawar.

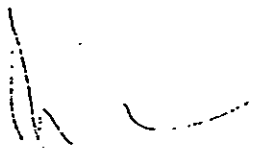
The Accountant General, NWFP, Peshawar.

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

The Private Secretary to Minister for Revenue, NWFP.

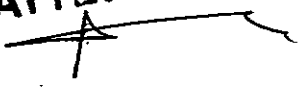
The Controller, Govt. Printing Press, NWFP, Peshawar with the

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



DEPUTY SECRETARY TO GOVT OF
THE NWFP, REVENUE DEPARTMENT.

ATTESTED



12

SCHEDULE 1

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

ATTESTED

1422-1

2-2

2	Qualification for Appointment by Initial Recruitment.	4	5	6	7
2	Graduation from a recognized University.	Passing of Waib Tensildari (Departmental) Examination and such training as may be prescribed by the Government.	21 to 22 Years.	(a) 50% by Initial Recruitment of which 10% shall be reserved for ex-Servicio men through Public Service Commission based on the merit of a competitive examination conducted by the Government with the following conditions:	7
2	Graduation from a recognized University.	Passing of Waib Tensildari (Departmental) Examination and such training as may be prescribed by the Government.	21 to 22 Years.	(a) 50% by Initial Recruitment of which 10% shall be reserved for ex-Servicio men through Public Service Commission based on the merit of a competitive examination conducted by the Government with the following conditions:	7

ATTESTED

(b)

25% of promotion on the basis of conformity cum-merit and 75% on the basis of merit.

(c)

12% of promotion on the basis of conformity cum-merit and 88% on the basis of merit.

14

No. Nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for Appointment by Promotion.	Age limit for initial recruitment.	Method of recruitment.	Remarks.
2	5	4	35	6	7
District Rangoo (Sadar Rangoo).	-	Passing of Mat. Tehsildari Departmental Examination and such training as may be prescribed by the Government.	35	By promotion, on the basis of seniority-cum-fitness, from amongst the Rangoo with three years service as such.	
Patwar.	F.A. or equivalent qualification.	Passing of Mat. Departmental Examination and successful completion of such training as may be prescribed by Government.	18 to 30 Years	By promotion on the basis of seniority-cum-fitness, from amongst the patwaris in the District with five years service as such.	
Tehsil Revenue Accountant, Masil, Mas. Masil, Mas. Masil, Mas. Masil.	F.A. or equivalent qualification from a recognized stand.			By initial recruitment.	
				By transfer from amongst the holder of the post of Patwaris who have under gone 12 weeks training in a Tehsil for the post of Masil Mas. Masil and have passed Patwar Examination.	

ATTESTED

C (15)

GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE REVENUE AND ESTATE DEPARTMENT

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

Peshawar dated the 26/12/2008.

No. _____ /Admin:135/SSRC.

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

Appendix

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

ATTESTED

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

No. 3210-61 /Admin/135/SSRC

17

Copy forwarded for information and necessary action :

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

*Tahir
file*

Deputy Secretary
Government of NWFP
Revenue & Estate Department

D
(18)

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

Peshawar dated the 30/03/2011

NOTIFICATION

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

AMENDMENTS

In the Appendix:-

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

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

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

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

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

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

ATTESTED

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

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

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

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

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

[Signature]

SECRETARY

ATTESTED
[Signature]

No. 1/Admn:1/1/296/Amendment

Copy forwarded for information and necessary action to the :-

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

*Yusuf
R.C.P.*

DEPUTY SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

ATTESIED



E
21

KEYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 000000000000, 00TH SEPTEMBER, 2012.

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

NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

No. Estt:/1/296/Amendment/29174.—In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment, Finance and Law Departments hereby directs that in this department Notification No. 32102/Admn:/135/SSRC, dated 26-12-2008 read with Notification No. 2339/Admn:/296/Amendment, dated 30.03.2011, the following further amendments shall be made, namely:-

AMENDMENTS

in the Appendix:-

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

ATTESTED

		<p>(d) The official so appointed shall successfully complete Settlement/Revenue training and pass Kanungo Certificate Examination.</p> <p>EXPLANATION:- Ministerial employees of the Board of Revenue eligible for appointment to the post of Naib Tehsildar under the provision of clause (c) shall, for the purposes of the said clause, be deemed to belong to the division and zone respectively in which their home district is situated.</p> <p>Note:- Vacancy in a division will be filled on respective divisional basis.</p>
3	District Kanungo (BPS-14)	<p>Against S.No. 3, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By selection on seniority-cum-fitness with due regard to seniority from amongst Intermediate passed Kanungos with at least 03 years.</p>
4.	Head Clerk (Revenue) BPS-14 (Divisional cadre)	<p>Against S.No. 4, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>Assistant having dealt with revenue or acquisition matters for at least 03 years.</p>
5.	District Revenue Accountant (BPS-14)	<p>Against S.No. 5, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By promotion on the basis of selection on seniority from amongst Kanungos with at least 03 years service.</p>
6.	Kanungo (BPS-9)	<p>Against S.No. 8, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By promotion on the basis of joint seniority-cum-fitness, on District level from amongst the patwaris/Tehsil Revenue Accountant who have passed the Departmental Examination of Kanungo.</p>
7.	Patwari (BPS-5)	<p>Against S.No. 8, in column No. 7, for the existing entries, at clause (a) and (b) the following shall be substituted, namely:</p> <p>(a) By initial appointment from amongst the Patwari passed candidates entered in the Register maintained by the District Collector of the district concerned having one year certificate in information technology from any institution Recognized by Board of Technical Education.</p> <p>(b) Successfully completed 09 months Settlement training. This condition will be applicable w.e.f. January, 2014.</p>

Sd/-x-x-x
SECRETARY.



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 04/06/2013

NOTIFICATION

No. ESTE/261/2013 consequent upon the recommendation of Departmental Promotion Committee, the Competent Authority is pleased to order the promotion the following Naib Tehsildar, District Kanungo, District Revenue Accountant & Sub-Registrar (BPS - 14) to the post of Tehsildar (BPS - 16) on regular basis with immediate effect:-

S.NO	NAME OF OFFICER
1.	Mr. Hazrat Qamar
2.	Mr. Muhammad Siddique
3.	Mr. Misri Khan
4.	Mr. Bashir Ahmad
5.	Mian Saminullah Jan
6.	Mr. Abdul Jalil
7.	Mr. Asghar Shah
8.	Mr. Ali Sher Khan
9.	Mr. Abdul Ghaffar
10.	Mr. Muhammad Taj
11.	Mr. Saad Rehman
12.	Mr. Qaisar Khan
13.	Mr. Najib Ullah
14.	Mr. Muhammad Ghulam
15.	Mr. Muhammad Hayat
16.	Mr. Waheed Ahmad
17.	Mr. Muhammad Hamayun
18.	Mr. Saad Ahmad
19.	Mr. Muhammad Riaz
20.	Muhammad Nawaz
21.	Mr. Mirza Taj
22.	Mr. Nauman Ali Shah
23.	Mr. Shourin Shah
24.	Mr. Hidayat Ullah
25.	Mr. Ghulam Sarwar
26.	Mr. Farzand Ali
27.	Mr. Saad Rahim
28.	Mr. Fazli Raziq
29.	Mr. Asmat Ullah
30.	Mr. Husain Bakhsh
31.	Mr. Abdur Rashid
32.	Mr. Fatch Ullah
33.	Mr. Mulazim Hussain
34.	Mr. Muhammad Israr
35.	Mr. Afzal Khan
36.	Mr. Gul Saif
37.	Mr. Jehanzab
38.	Mr. Anwar ul-Haq
39.	Mr. Khatun Khan

ATTESTED

On promotion the above officers will be on probation for a period of one year under section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1980.

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

SERIAL	NAME OF OFFICER	FROM	TO
1.	Mr. Hazrat Qamar	District Revenue Accountant Buner	Services placed at the disposal of Commissioner, Malakand for further posting.
2.	Mr. Muhammad Siddique	District Revenue Accountant Peshawar	Reader to Member - II, Board of Revenue
3.	Mr. Misri Khan	Sub-Registrar Malakand	Services placed at the disposal of Commissioner, Mardan for posting as Tehsildar Takht Bhai.
4.	Mr. Bashir Ahmad	Tehsildar Swabi	Retained on the same post.
5.	Mian Sanjullah Jan	Tehsildar Tangi	Retained on the same post.
6.	Mr. Abdul Halceem	District Kanungo Battagram	Services placed at the disposal of Commissioner, Hazara for further posting.
7.	Mr. Agha Shah	Tehsildar / Recovery Officer NHA Abbottabad	Services placed at the disposal of Commissioner, Hazara for posting as Tehsildar Balakot.
8.	Mr. Ali Sher Khan	Tehsildar on Special Duty Board of Revenue	Retained on the same post.
9.	Mr. Anwar Chaffar	Tehsildar Serai Naurang	Retained on the same post.
10.	Mr. Muhammad Taj	District Kanungo Haripur	Services placed at the disposal of Commissioner, Hazara for further posting.
11.	Mr. Saif Rehman	Tehsildar Anti-corruption Peshawar	Retained on the same post.
12.	Mr. Qamar Khan	Tehsildar (FR) Bannu	Retained on the same post.
13.	Mr. Najeeb Ullah	Special Tehsildar Irrigation (Kool Kohi) DIKhan	Retained on the same post.
14.	Mr. Muhammad Ghulam	District Kanungo Karak	Services placed at the disposal of Commissioner, Kohat for further posting.
15.	Mr. Muhammad Hayat	Tehsildar (OPS) National Accountability Bureau	Retained on the same post.
16.	Mr. Waheed Ahmad	Tehsildar (OPS) Allai	Retained on the same post.
17.	Mr. Muhammad Hamayun	Sub Registrar Du Lower	Services placed at the disposal of Commissioner, Malakand for further posting.
18.	Mr. Saif Ghulam	Tehsildar Nowshera	Retained on the same post.
19.	Mr. Muhammad Riaz	Tehsildar / Recovery Officer Peshawar Circle Peshawar	Services placed at the disposal of Commissioner, Peshawar for posting as Tehsildar Pabli.
20.	Muhammad Nawaz	Tehsildar Battagram	Retained on the same post.
21.	Mr. Mir Laif	Tehsildar Isardan	Retained on the same post.
22.	Mr. Nauran Ali Shah	PT, Lower Orakzai	Retained on the same post.
23.	Mr. Shoaib Shah	Tehsildar (OPS) Shabqadar	Retained on the same post.
24.	Mr. Hidayat Ullah	Tehsildar (OPS) Behrain	Retained on the same post.
25.	Mr. Ghulam Sarwar	Naib Tehsildar Martung	Services placed at the disposal of Commissioner, Malakand for further posting.
26.	Mr. Farzad Ali	Naib Tehsildar Chargagh	Services placed at the disposal of Commissioner, Malakand for further posting.

ATTESTED



Sl. No.	NAME OF OFFICER	CHARGE	TO
17	M. Zahir Khan	Tehsildar / Recovery Officer (OPS) Swat	Services placed at the disposal of Commissioner, Malakand for posting as Tehsildar Chergara.
18	M. Farid Raziq	Naib Tehsildar (Revenue) DC Office Swat	Services placed at the disposal of Commissioner, Malakand for further posting.
19	M. Asmat Ullah	District Revenue Accountant Lalki	Services placed at the disposal of Commissioner, Bannu for further posting.
20	M. Hussian Bakhsh	Head Clerk (Revenue) DIKhan	Services placed at the disposal of Commissioner, DIKhan for further posting.
21	M. Adur Rashid	District Revenue Accountant Tank.	Services placed at the disposal of Commissioner, DIKhan for further posting.
22	M. Fakhri Ullah	At the disposal of FATA Secretariat	Retained on the same position
23	M. Khulazam Hussain	Settlement Naib Tehsildar Pangala	Services placed at the disposal of Commissioner, DIKhan for further posting.
24	M. Farhanqad Iqbal	D/R DC Office Bannu	Services placed at the disposal of Commissioner, Bannu for further posting.
25	M. Zaid ul Islam	Tehsildar Khair Khel (OPS) Puner	Retained on the same post.
26	M. Gul Saad	Sub-Registrar Pungi	Recovery Officer N. S. P Mardan
27	M. J. Anzeb	Sub-Registrar Mardan	Services placed at the disposal of Commissioner, Mardan for further posting.
28	M. Arwan ul-Haq	Naib Tehsildar Chakaisar	Services placed at the disposal of Commissioner, Malakand for further posting.
29	M. Kutab Khan	Head Clerk (Revenue) Tank	Services placed at the disposal of Commissioner, DIKhan for further posting.

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

No. Dist. / 201 / 11 / 239 / 1222

Copy forwarded to the:-

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

ATTESTED

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

9 (25)

PESHAWAR HIGH COURT, PESHAWAR
FROM W.....

FORM OF ORDER SHEET

COURT OF
CASE NO.

SERIAL NO. OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY
1	2	3

05.11.2013

W.P No. 1720-P/2013.

Present:

Mr. Abdul Matin, Advocate, for the petitioners.

ROOH-UL-AMIN KHAN, J.:-

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

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

Rooh-ul-Amin Khan

ATTESTED

[Signature]

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

[Handwritten signature]


Zarshad

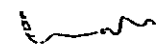
ATTESTED

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

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

Announced:
5th November, 2013.


JUDGE


JUDGE

ATTESTED




GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

H

(28)

23

Peshawar dated the /01/2014

NOTIFICATION

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

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

no-1, 9 SIR
" 2 8 NT
" are b.K
" 1. of

ATTESTED

[Signature]

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

(29)


6-

By order of
Secretary

No. Estt: 1261/1984-2.12.61.

Copy forwarded to the:-

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


Secretary - I

ATTESTED



30

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 24/01/2014.

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

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

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

(31)

By order of
Secretary

No. Estt: 126/2271-79.

Copy to the:-

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

Secretary-I

ATTESTED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Mohammad Taj

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Revenue Dept.

(Respondent)
(Defendant)

I/we Mohammad Taj (Appellant)

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

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

Dated _____/20



(CLIENT)

ACCEPTED



M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

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

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

Service Appeal No. 254/2014

Muhammad Taj

VS

Revenue Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Admitted correct by respondents because the service record of the appellant is laying in the custody of respondent department.
- 2 Partially admitted by the respondent Deptt: however the rest of the para in which the rules of 2001 were superseded by the rules of 2008 is included in para 3 of the appeal.
- 3 Admitted correct by the respondents which means that para 3 of the appeal is correct.
- 4 Admitted correct by the respondents that the rules of 2008 were amended on 30.3.2011 and Naib Tehsildar, D.K,DRA and Head Clerk(Revenue) were included for promotion as Tehsildar-16.
- 5 Admitted correct by the respondents which means that para 3 of the appeal is correct.

- 6 Admitted correct by respondents because the service record of the appellant is lying in the custody of respondent department.
- 7 Correct to the extent the order dated 5.11.2013 passed by the Peshawar High Court in a Writ Petition in which it was clearly mentioned that the writ petition was sent to the appellate authority to treat the same as departmental appeal and decide the same according to law and rules, however the appellant authority did not decide according to law and rules and reverted the appellant being unlawfully as the appellant was promoted on regular basis along with 38 officials after the recommendation of properly conducted, legally competent DPC because the appellant was senior and having eligibility for Tehsildar post as per Rules.
- 8 Incorrect. the appellant was reverted by the competent authority is not accordance with law as the appellant authority with out any notice to the appellant and with out hearing of the appellant accepted the appeal and resultantly the appellant was reverted unlawfully as the appellant was promoted on regular basis after the recommendation of properly conducted, legally competent DPC because the appellant was senior and having eligibility for Tehsildar post as per Rules.
- 9 No comments.

GROUND:

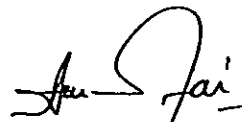
- A) Incorrect. reversion order was not accordance with law as the appellant was promoted on regular basis after the recommendation of properly conducted, legally competent DPC because the appellant was senior and having eligibility for Tehsildar post as per Rules and therefore the order dated 23.1.2014 is liable to be set aside.
- B) Incorrect. While para B of the appeal is correct.

- C) Incorrect. No proper procedure as required under the E&D rules 2011 was observed before passing the reversion order. Thus the reversion order is in total violation of law and rules.
- D) Incorrect. Peshawar High Court in its order it was clearly mentioned that the writ petition was sent to the appellate authority to treat the same as departmental appeal and decide the same according to law and rules, however the appellant authority did not decide according to law and rules and reverted the appellant being unlawfully as the appellant was promoted on regular basis after the recommendation of properly conducted, legally competent DPC because the appellant was senior and having eligibility for Tehsildar post as per Rules. Thus the reversion order was not according to law and rules and liable to be set aside.
- E) Incorrect. While para E of the appeal is correct.
- F) Incorrect. While para F of the appeal is correct.
- G) Incorrect. The appellant was not treated according to law and rules.
- H) No comments.

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

APPELLANT
Muhammad Taj

Through:



(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

[Signature]
DEPONENT

