

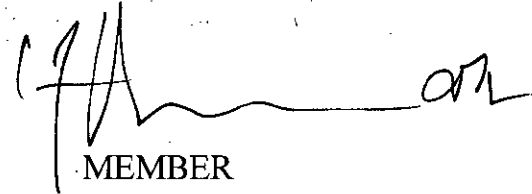
624/2013

3.12.2013

Appellant in person and Mr. Muhammad Adeel Butt,
AAG with Mukhtiar Ali, Assistant for the respondents present.
Appellant submitted an application for withdrawal of the appeal.
Application is allowed and the appeal is dismissed as withdrawn.
File be consigned to the record.

ANNOUNCED

3.12.2013


MEMBER

9.07.2013.

Counsel for the appellant and Mr. Muhammad Jan, GP with ~~Rahmatullah~~ ^{Mr. Mr. Qasim, A.S.} for the respondents present. In pursuance of Promulgation of Khyber Pakhtunkhwa Service Tribunal (Amendment) Act 2013, the Tribunal is incomplete. To come up for the same on 10.9.2013.

10.09.2013

No one is present on behalf of ~~the~~ ^{READER} appellant. Mr. Mukhtiar Ali, Supdt for respondent No.1 and Mr. Amjad Ali, Assistant for respondent No.2 and 4 with Mr. Muhammad Jan, GP for the respondents present. No one is present on behalf of respondent No.3. notice be issued to him for submission of written reply. Written reply on behalf of respondent No.1 received, copy whereof be handed over to the appellant. Representative of respondent No.2 and 4 is requested for time. To come up for written reply of respondents No.2,3 and 4 on 06.11.2013

Member

Member

7.11.2013

Since 6th November, 2013 been declared as holiday, by the provincial government vide notification dated 5.11.2013, therefore, case to come up for the same on 3.12.2013.

READER

1620-0577-3
19/12/2013

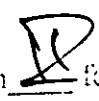
Appeal No. 624/2013
Mr. Gohar Ali

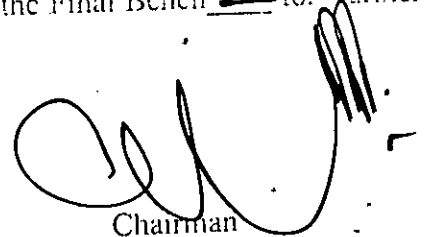
4. 13.5.2013

Counsel for the appellant present and heard. Contended that the appellant was posted as Naib Tehsildar at Lahor on 24.1.2013. He was transferred from D.K office Abbottabad as Naib Tehsildar Tehsil Topi vide order dated 17.3.2009. Vide order dated 17.1.2013 the appellant was directed to perform duty as Naib Tehsildar Lahor, with addition to his ^{own} work. He was transferred from D.K Swabi to N.T. Tehsil Lahor vide order dated 24.1.2013. On the direction of S.O V of Chief Minister Secretariat vide order dated 8.3.2013 through Respondent No. 1 letter dated 11.3.2013 Respondent No. 3 was transferred to the post of appellant as Naib Tehsildar Lahore, withdrawing the transfer order of the appellant dated 24.1.2013, vide order dated 12.3.2013. The appellant preferred a departmental appeal which was rejected on 4.4.2013. Counsel for the appellant further contended that the appellant has been transferred vide the impugned order without completing his normal tenure which is against the policy of the Government. The impugned order is politically motivated as is evident from the order, a copy of which has been sent to the Chief Minister Secretariat. Moreover, Respondent No. 3 is ^{an} Assistant ~~Tehsildar~~ and not yet promoted as Naib Tehsildar, whereas the appellant is a regular Naib Tehsildar since 2009. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the amount and process fee within 10 days. Thereafter, notices be issued to the respondents. Case adjourned to 9.7.2013 for submission of written reply.


Member.

5. 13.5.2013.

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


Chairman

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

29.4.2013

Counsel for the appellant present. In pursuance of the judgment of the august Supreme Court of Pakistan in constitution petition No. 53 of 2007 & constitution petition No. 83 of 2012, titled Sh. Riaz-ul-Haq, Advocate Supreme Court and an other-vs-Federation of Pakistan through Ministry of Law, etc, the case is adjourned on note Reader for proceeding as before on 13.5.2013.

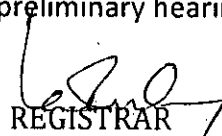
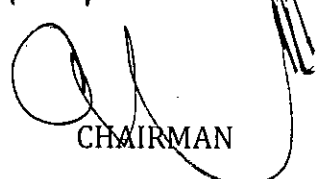


Form-A

FORM OF ORDER SHEET

Court of _____

Case No. 624/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10/04/2013	<p>The appeal of Mr. Gohar Ali presented today by Mr. Yaqub Khan 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	15-4-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on 29-4-2013.</p> <p style="text-align: right;"> CHAIRMAN</p>

Before the Service Tribunal KPK Peshawar

Appeal No. 624/2013

Gohar Ali, Naib Tehsildar, Lahor District Swabi.

R/o Village Sheraghund, Tehsil and District Swabi. Appellant

VERSUS

Senior Member Board of Revenue, Khyber Pakhtunkhwa,
Peshawar and others. Respondents

INDEX

S/No.	Description of documents	Annexure	Page	
			From	To
1.	Appeal with affidavit & stay application	-	1	6
2.	Copy of order dt: 17/3/2009	A	-	7
3.	Copy of order dated 21/11/2009	B	-	8
4.	Copy of charge report	C	9	10
5.	Copy of order dated 22/01/2013	D	11	12
6.	Copy of letter dated 11/03/2013	E	-	13
7.	Copy of impugned order dt: 12/3/13	F	-	14
8.	Copy of appeal and order dt: 4/4/13	G	15	20
9.	Copy of rule as well as orders dt: 15/3/13	H	21	25
10.	Copy of orders alongwith judgment of SVC TL dated 12/12/2011	I	26	32
11.	Copy of policy	J	33	41
12.	Stay application already at Page 6.	-	-	-
13.	Wakalat Nama	-	-	42

Appellant

Gohar Ali

Dated: 8/4/2013

Through Counsel: *Yaqub*

Peshawar High Court Peshawar

①

Before the Service Tribunal KPK Peshawar

Appeal No. 624 /2013

Gohar Ali, Naib Tehsildar, Lahor District Swabi.
R/o Village Sheraghund, Tehsil and District Swabi. Appellant

737
10/4/13

VERSUS

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Commissioner, Mardan Division, Mardan.
3. Shad Ali, Assistant now working as Naib Tehsildar Swabi Scarp, Mardan Division.
4. Deputy Commissioner, Swabi.

..... Respondents

**APPEAL AGAIST ORDER OF RESPONDENT NO.1
DATED 04/04/2013, ^{L & order of respnt: No 2 dated 18/13/2013} WHEREBY TRANSFER
ORDER OF APPELLANT DATED 24/01/2013 WAS
WITHDRAWN, AFTER TWO MONTHS, WHICH IS
ILLEGAL, AGAINST LAW AND FACTS.**

Sir,

Appellant humbly submits as under: -

1. That the appellant is posted as a Naib Tehsildar, Tehsil Lahor, District Swabi since 24/01/2013.
2. That the appellant was transferred from D.K. Office, Abbottabad to Naib Tehsildar, Tehsil Topi vide order dated 17/03/2009.

(Copy of order is attached as annexure "A")

3. That the appellant was again transferred from N.T. Tehsil Topi District Swabi to the office of D.K. Swabi vide order of respondent No.1 dated 21/11/2009 after 7th months.

(Copy of order dated 21/11/2009 is attached as annex: "B")

4. That the appellant has taken over charge report dated 26/11/2009 and worked till 16/01/2013 with the entire satisfaction of his immediate officer.

(Copy of charge report is attached as Annexure "C")

5. That due to fall vacant post of N.T. Tehsil Lahor, appellant was directed to perform the duty as Naib Tehsildar Lahor with addition to his work vide order of respondent No.1 dated 17/01/2013.
6. That due to satisfaction of his superior officer on performing of his duty appellant was recommended for posting as Naib Tehsildar Lahor, District Swabi by Deputy Commissioner Swabi vide order dated 22/01/2013, upon which appellant was transferred from D.K. Swabi to N.T. Tehsil Lahor vide order dated 24/01/2013.

(Copy of order dated 22/01/2013 is attached as Annex "D")

7. That due to politically influence as well as violation of rule of business coupled with posting / transfer policy 2009, respondent No.1 issued direction to respondent No.2 for transfer of respondent No.3 on the basis of D.O. letter of Chief Minister Khyber Pakhtunkhwa Peshawar dated 08/03/2013, vide letter dated 11/03/2013.

(Copy of letter dated 11/03/2013 is attached as annex: "E")

8. That on the direction of Section Officer-V of Chief Minister Secretariat Peshawar vide order dated 08/03/2013 through

respondent No.1 vide letter dated 11/03/2013, respondent No.3 who was Assistant, transferred to the post of appellant as a Naib Tehsildar Lahor and withdraw the transfer of appellant dated 24/01/2013 being a regular Naib Tehsildar after 2xmonths vide order dated 12/03/2013, which is illegal, gross violation of rule, against law and facts.

(Copy of impugned order is attached as annexure "F")

9. That appellant preferred an appeal before respondent No.1, which is also dismissed vide order dated 04/04/2013.

(Copy of appeal and order is attached as annexure "G")

10. That order of respondent No.1 dated 04/04/2013 and order of respondent No.2 dated 12/03/2013 is illegal, against law and facts on the following grounds: -

GROUND:

A. Because the appellant was transferred from D.K. Swabi to N.T. Lahor, Swabi vide order dated 24/01/2013 after proper recommendation and entire satisfaction of his superior i.e. D.C. Swabi as per Para-3 of Tehsildar / N.Tehsildar Rule 2008, while impugned order of withdrawn on the basis of political influences dated 12/03/2013 is illegal, against law and facts.

(Copy of rule as well as orders are annexure "H")

B. Because the appellant is regular N.T. (BPS-14) whom was promoted from Qanungo to N.T. through D.P.C. while respondent No.3 was repatriated to the post of Assistant by SMBR vide order

dated 24/02/2012 on the detection of KPK, SVC TR Peshawar vide order dated 12/12/2011 and order of D.C.O. Mardan dated 2012.

(Copy of orders alongwith judgment of SVC TL is attached as annexure "I")

- C. Because impugned order dated 12/03/2013 during imposition of bane by Chief Election Commissioner, which is gross violation of Government orders.
- D. Because impugned order has been passed on the political influences, which is evident from the impugned order read with posting transfer policy.

(Copy of policy is attached as annexure "J")

- E. Because competent authority did not apply their own mind for passing of impugned order but passed on direction of the higher authorities and political influence.
- F. That appellant as well as respondent No.3 have not been completed their tenure of service at their post.
- G. Because impugned withdrawn order is frequent order because appellant was transferred from D.K. Swabi to N.T. Lahor Swabi on 24/01/2013 and said transfer order was withdrawn on 12/03/2013 after 2x months and as per reported Judgment of Apex Supreme Court of Pakistan (PLJ-1995 SC 629) within one year transfer order and cancellation of transfer order have been passed by authority is declared illegal. Such practice adversely

affects efficiency of incumbents and also reduces their confidence and faith. Held tribunal has rightly depreciated such practice.

H. That impugned withdrawn order of appellant is not in public interest, so impugned order is not speaking order.

I. That as per the judgment of the superior courts coupled with the Section 24A of General Clause Act, public officer should passed a proper and reasonable order but in the instant case respondent No.1 and 2 have passed impugned withdrawn order on the direction and order of political authority, which is evident from impugned order dated 11/03/2013, so the impugned order has been passed on political influences.

It is therefore, humbly prayed that on acceptance of this appeal, the order of respondent No.1 dated 04/04/2013 and order of respondent No.2 dated 12/03/2013 may please be set aside and appellant may please be allowed to continue his service at his post-i.e. N.T. Lahor Swabi.

Any other relief deemed fit may also be graciously awarded.


Appellant Ghaffli

Dated: 8/4/2013 Through Counsel: Yaqoob Khan Advocate
Peshawar High Court Peshawar

AFFIDAVIT

I, undersigned declare on Oath that contents of the appeal are true and correct to the best of my knowledge and belief.

Dated: 8/4/2013.

Attested


Deponent Ghaffli

Before the Service Tribunal KPK Peshawar

Appeal No. _____/2013

Gohar Ali, Naib Tehsildar, Lahor District Swabi.
R/o Village Sheraghund, Tehsil and District Swabi. Applicant

VERSUS

Senior Member Board of Revenue, Khyber Pakhtunkhwa,
Peshawar and others. Respondents

SERVICE APPEAL

Subject: APPLICATION FOR GRANT OF INJUNCTION TO THE EFFECT THAT RESPONDENTS BE RESTRAINED FROM INTERFERING IN THE SERVICE OF APPELLANT TILL THE DECISION OF THE CASE.

Respectfully Sheweth:

- 1. That the above captioned appeal has been filed today before this Hon'able Court and date still not fixed.
- 2. That the appellant has got a prima facie case.
- 3. That the balance of convenience lies in favour of the appellant.
- 4. That there will be irreparable loss to appellant if status quo is not granted.

It is therefore humbly prayed that stay order may please be granted in favour of appellant against respondents and operation of impugned order may please be suspended till the decision of the case.


Applicant Gohar Ali

Dated: 8/4/2013 Through Counsel: Yaqoob Khan Advocate
Peshawar High Court Peshawar

AFFIDAVIT

I, undersigned declare on Oath that contents of the application are true and correct to the best of my knowledge and belief.

Dated: 8/4/2013.

Attested
Yaqoob Khan


Deponent Gohar Ali



GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 17/03/2009

Aux A
⑧
⑦

ORDER

No. 6583 /Admn:V/PF/(G) With the approval of Competent Authority, the following Posting / Transfer of Tehsildar / Naib Tehsildars is hereby ordered with immediate effect.

S.No	Name of Tehsildar	From	To
1.	Mr. Shah Qadar Naib Tehsildar (BPS - 14)	Naib Tehsildar Topi	Tehsildar -Topi (Own Pay & Scale)
2.	Mr. Gohar Ali District Kanungo (BPS - 14)	District Kanungo Abbottabad	Naib Tehsildar Topi

M/S Shah Qadar and Gohar Ali will assume charge of the post of Tehsildar Topi / Naib Tehsildar Topi, when Mr. Javed Ali Tehsildar Topi who has been posted as PMS (BPS - 17) officer relinquish the charge of the post of Tehsildar Topi.

By Order of,
Senior Member
Board of Revenue NWFP

No. 6584-91 /Admn:V/PF/(G)

Copy to:-

1. Private Secretary to Minister for Revenue NWFP
2. District Office (Revenue & Estate)/Collector Abbottabad / Swabi
3. Official concerned.
4. Personal File.
5. Office Order File.
- 6- District Accounts Officer.A/Abad & Swabi.

Attested

Assistant Secretary (Admn)
Board of Revenue NWFP.

(Better copy)

Aux B

(8)

OFFICE OF THE COMMISSIONER, MARDAN DIVISION, MARDAN.

OFFICE ORDER.

In pursuance of Asstt: Secretary(Estt) Board of revenue NWFP Peshawar letter NO. 30263/Admnd/PF(UT), dated 17.11.2009 the following posting/transfers amongst Naib Tehsildars are hereby ordered with immediate effect in the public interest.

Sr NO.	Name of NT.	Present Posting.	Proposed.	Remarks.
1.	Mr. Gohar Ali.	NT-Topi.	Distt: Kanungo Swabi.	Vice NC.2
2.	Mr. Fai z Muhammad.	Distt: Kanungo Swabi.	Report to DOR Office Swabi.	Vice NO.2
3.	Mr. Diyar Khan.	NT Scarp Wapda Mardan(Own Pay& Scarp	Report to DOR Office Swabi.	
4.	Mr. Khalid Zaman.	Newly appointed.	NT Scarp Wapda Mardan.	Vice NO.3
5.	Mr. Gul Nawaz.	-do-	NT Topi.	Vice NC.1
6.	Mr. Yadullah Khattak.	-do-	NT Land Acq: Swabi.	Vice NO.1
7.	Mr. Ali Zaman.	NT Land Pay Swabi Own Now	Report to DCO office Swabi.	
8.	Syed Abdul Akbar Shah.	Newly appointed.	Reader to Commissioner, Mardan against vacant Post.	Against vacant Post.
9.	Mr. Islahud Din.	-do-	HC(Revenue Commissioner Office, Mardan.	Against the vacant post.

BY ORDER OF
COMMISSIONER,
MARDAN DIVISION, MARDAN.

NO. 3922-33/02/05/EA/ACR. Dated Mardan the, 21.11.2009

Copy forwarded for information & Necessary action to:-

1. The Distt: Co-Ordination Officer, Mardan.
2. The Distt: Co-Ordination Officer, Swabi.
3. The Secretary-I, Board of Revenue NWFP Peshawar.
4. The Superintendent Eng: Swabi SCARP Clearance Cell, Mardan.
5. The Distt: Officer(R&E) Mardan.
6. The Distt: Officer(R & E) Swabi.
7. The Asstt: Secretary(Estt) Board of Revenue NWFP, Peshawar.
8. The land Acquisition Collector Swabi SCARP, Mardan.
9. The PS to Sr. Member, Board of Revenue NWFP, Peshawar.
10. The PS to Commissioner, Mardan Divn: Mardan.
11. Officials concerned for strict compliance.
12. Personal files.

Sd/-

Assistant to Commissioner(Rev:)
Mardan Division, Mardan.

Attested to be
true copy:-

Yaqub Khan
Advocate,
Distt: Courts Mardan.

FW/NT/...



Arif

OFFICE OF THE COMMISSIONER, MARDAN DIVISION, MARDAN.

OFFICE ORDER

In pursuance of Assistant Secretary (Estt) Board of Revenue NWFP, Peshawar letter No.30263/Admn/PP(UT), dated 17-11-2009, the following posting/transfers amongst Naib Tehsildars are hereby ordered with immediate effect in the public interest:-

S. No	Name of NT	Present Posting	Proposed	Remarks
1	Mr. Gohar Ali	NT Topi District	Distt. Kanungo Swabi	vice No 2
2	Mr. Fiaz Muhammad	Kanungo Swabi	Report to DOR Office Swabi.	
3	Mr. Diyar Khan	NT Scarp Wapda Mardan (Own pay & Scale) newly appointed	Report to DOR Office Swabi	
4	Mr. Khaidi Zaman	-do-	NT Scarp Wapda Mardan	vice No 3
5	Mr. Qazi Nawaz	-do-	NT Topi	vice No 1
6	Mr. Yaqub Khan Khattak	-do-	NT Land Acq. Swabi	vice No
7	Mr. Ali Zaman	NT Land Acq. Swabi (own pay & Scale) newly appointed	Report to DCO Office Swabi.	
8	Mr. Abdul Akbar Shah	-do-	Reader to Commissioner Mardan against the vacant post.	Against the vacant post
9	Mr. Shahid Ali	-do-	HC (Revenue) Commissioner Office Mardan	Against the vacant post

Handwritten notes and signatures on the right side of the page, including 'Arif' and '23/11/09'.

BY ORDER OF COMMISSIONER, MARDAN DIVISION, MARDAN.

Dated Mardan, the 21/11/2009

NO. 3125-33/02/05/EAJACR

- Copy forwarded for information & necessary action to:-
- 1- The District Coordination Officer, Mardan.
 - 2- The District Coordination Officer, Swabi.
 - 3- The Secretary-I, Board of Revenue NWFP, Peshawar.
 - 4- The Superintending Engineer, Swabi SCARP Clearance Cell Mardan.
 - 5- The District Officer (R & E), Mardan.
 - 6- The District Officer (R & E), Swabi.
 - 7- The Assistant Secretary (Estt) Board of Revenue NWFP, Peshawar.
 - 8- The Land Acquisition Collector, Swabi SCARP Mardan.
 - 9- The PS to Senior Member, Board of Revenue NWFP, Peshawar.
 - 10- The PS to Commissioner, Mardan Division, Mardan.
 - 11- Officials concerned for strict compliance.
 - 12- Personal files.

Alleged
Yaqub Khan
Advocate,
Distt. Court, Mardan.

Assistant to Commissioner (R&E)
Mardan Division, Mardan

23/11/09

①

⑤

from Distt Danungo Abbottabad to N/T Toji
on 1/4/2009

3

Annex
9

HANDING/ TAKING OVER.

In compliance with the Office Order issued by the Worthy Commissioner Mardan Division Mardan, bearing Endst: No-3922-33/02/05/EA/ACR dated 21/11/2009, ~~He~~ both the undersigned ~~handed~~ /taken over the charge of the post /office of District Kanungo Swabi today on 26/11/2009 (After. Noon) please.

~~Handed over by:~~

Taken over by:

~~Mr. Amir Mohammad~~

Mr. Gohar Ali

No 760-770 /DK

Dated 26 /11/2009

Copy forwarded to:-

1. The Assistant Secretary, Establishment, NWFP, Peshawar.
2. The PS to the Senior Member Board of Revenue, NWFP, Peshawar.
3. The Commissioner, Mardan Division Mardan.
4. The Director, Land Record, NWFP, Peshawar.
5. The District Coordination Officer, Swabi.
6. The District Officer (R&E)/Collector, Swabi.
7. The District Accounts Officer Swabi.
8. The Deputy District Officer (R) Swabi /Lahor.
9. The Deputy District Officer (J) Swabi /Lahor.

Attested




A handwritten signature in black ink, appearing to be 'Gohar Ali'.

MR. GOHAR ALI
DISTRICT KANUNGO,
SWABI

4
~~10~~ (10) (B)
OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN.

ORDER

Mr. Gohar Ali, District Kanungo (BPS-14) Swabi, in addition to his own work shall also perform the additional duties of NT Lahor till further orders.


Commissioner,
Mardan Division Mardan.

No. 122-24 /PSC(M)

Dated Mardan 17th Jan: 2013.

Copy to:

- 1- Deputy Commissioner Swabi.
- 2- Assistant Commissioner Lahor.
- ✓ 3- Official concerned.


Commissioner,
Mardan Division Mardan.

Attested



5

Amir B

OFFICE OF THE DEPUTY COMMISSIONER, SWABI

No. 442 /DCS /PS/1
To:

Dated Swabi the 2nd January, 2013

(11)


The Commissioner, Mardan Division
Mardan.

Subject: FILLING OF VACANT POST OF NAIB TEHSILDAR LAHOR

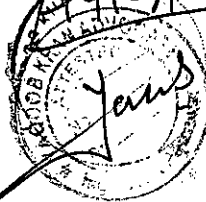
Memo:

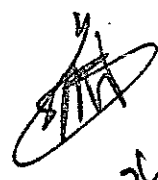
I would like to invite your kind attention towards letter No. 121/PSC(M) Dated 17-01-2013 wherein services of Mr. Shah Nadeem, Naib Tehsildar Lahor has been surrendered to Board of Revenue and the post is likely to be remained vacant.

In light of the above, , Mr. Gohar Ali District Kanungo BPS-14 is recommended for posting as Naib Tehsildar Lahor against the vacant post in the interest of public service on the basis of his long tenure as DK Swabi.


Deputy Commissioner
Swabi.

Act -
as per request issue in order
shall also job offer
Swabi work of - DR


Yous


24/01



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

12

OFFICE ORDER:

Consequent upon the request of the Deputy Commissioner Swabi, Mr. Gohar Ali District Kanungo BPS-14 Swabi is hereby posted as Naib Tehsildar Lahor against vacant post. In addition to his own duties he will also look after the work of the District Kanungo Swabi till further orders.

Commissioner
Mardan Division Mardan

Endst: 156 /Gen:/ ACR

Dated Mardan the, 29/01 /2013

Copy forwarded to the: -

- 1- Secretary-I, Board of Revenue, Revenue and Estt. Department Peshawar.
- 2- Deputy Commissioner Swabi w/r to his letter No.442 dated 22.01.2013..
- 3- Assistant to Commissioner, Swabi ad Lahor.
- 4- District Comptroller, DAO Office Swabi.
- 5- Official Concerned.
- 6- P.File.

Admitted

Yous



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated 11/03/2013

And 'E'
(13)

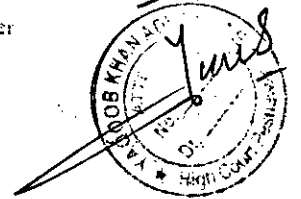
ORDER

No.Estt:V/PF/Shad Ali/_____ The competent authority is pleased to place the services of Mr. Shad Ali, Assistant presently working as Naib Tehsildar (OPS), Swabi Scarp at the disposal of Commissioner, Mardan Division, Mardan for posting as Naib Tehsildar (OPS) Lahor District Swabi against the vacant post in public interest.

By Order of
Senior Member

Attested

End: No. Estt:V/PF/Shad Ali 3970-77



Copy forwarded to the:-

1. Commissioner, Mardan Division, Mardan.
2. Deputy Commissioner, Swabi.
3. Project Director, Swabi Scarp WAPDA Mardan.
4. ~~Section Officer-V, CM Secretariat, Peshawar w/r to his letter No.SOV/CMS/KPK/Rev: 02/2012/2803 dated 8.3.013.~~
5. District Accounts Officer, Swabi.
6. Official concerned.
7. Office Order file.
8. Personal file

[Signature]
Assistant Secretary (Estt.)



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN

F-9
A-10
14

OFFICE ORDER:

In pursuance of Govt: of Khyber Pakhtunkhwa Revenue and Estate Department Peshawar Notification No.3270-77/ Estt:V/PF/ dated 11.03.2013, Mr. Shad Ali Assistant working as N/T (OPS) Swabi Scarp, is hereby posted as NT Lahor District Swabi.

Our office order issued vide No.156/Gen:/ACR dated 24.01.2013 is hereby withdrawn.

12/3/13
Commissioner
Mardan Division Mardan

Endst: 723-20 /ACR/EA/2-5/Vol-IV

Dated Mardan the, 12-3 /2013.

Copy forwarded to the: -

- 1- Secretary-I, Board of Revenue, Revenue and Estt: Department Peshawar w/h to his notification No. cited above.
- 2- Deputy Commissioner Swabi.
- 3- Project Director, Swabi Scarp WAPD Mardan.
- 4- District Comptroller, DAO Office Swabi and Mardan.
- 5- Official Concerned.
- 6- P.File.

Attested



Bairam Khan
Assistant to Commissioner (R)
Mardan Division Mardan.

12.3.13.

Ann 9
15

**THE COURT OF SENIOR MEMBER BOARD OF REVENUE
KHYBER PAKHTUNKHWA, PESHAWAR**

Departmental Appeal No. 24/2013
Date of Institution 13.03.2013
Date of Decision 04.04.2013

Gohar Ali Naib Tehsildar, Lahor, District Swabi..... (Appellant)

VERSUS

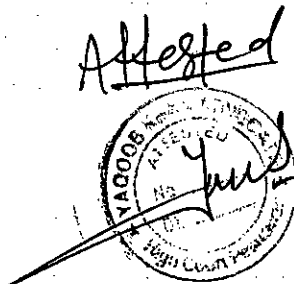
Commissioner, Mardan Division etc.....(Respondents)

ORDER

Brief facts of the case are that the appellant who is basically District Kanungo was transferred from the post of District Kanungo, Abbottabad as Naib Tehsildar Topi, district Swabi by Board of Revenue on 17.03.2009 as the post of District Kanungo had to be filled in by transfer from Naib Tehsildar as provided in Tehsildar, Naib Tehsildar / Subordinate Revenue Service Rules 2008 notified on 26.12.2008. Thereafter he was transferred from the post of Naib Tehsildar Topi, as District Kanungo Swabi by the Commissioner, Mardan Division on 21.11.2009. He was given additional charge of the post of Naib Tehsildar Lahor, District Swabi on 17.01.2013 and on the recommendation of the Deputy Commissioner, Swabi, the appellant was posted as Naib Tehsildar Lahor, District Swabi against the vacant post and addition to his own duties he had to look after the work of the post of District Kanungo Swabi by Commissioner, Mardan Division on 24.01.2013. The said order was later on withdrawn by the Commissioner Mardan Division on 12.03.2013 who has been empowered for making posting transfer within respective Division.

Moreover, posting / transfer is the part and parcel of service of a Government Servant. It is made with the aim and purpose to ensure proper functioning and smooth running of the public Administration and official business. Posting / transfer is the discretionary powers of the appointing / competent authority. Furthermore, Section 10 of the Civil Servant Act, 1973 also provides that a Government Servant is bound to serve anywhere in the province as public interest is kept in mind. As such, appeal is hereby dismissed.

ANNOUNCED
04.04.2013



Attested
(FAZLURREHMANI)
SENIOR MEMBER
BOARD OF REVENUE

BEFORE THE COURT OF S.M.B.R. K.P.K. PESHAWAR

GOHAR ALI, N.T. TEHSIL LAHOR
DISTRICT SWABI

VERSUS

COMMISSIONER

D.C. SWABI

SHAD ALI, ASSISTANT NOW WORKING
AS NT (OPS) SWABI SCARP, MARDAN

APPEAL AGAINST ORDER OF RESPONDENT NO:1
DATED 12.3.2013 WHEREBY TRANSFER ORDER
OF APPELLANT FROM DK SWABI TO NT TEHSIL
LAHOR SWABI DATED 24.1.2013 WITHDRAWN WHICH
IS ILLEGAL, AGAINST LAW AND FACTS.

Respectfully sheweth :

1. That the appellant is posted as a N.T. Tehsil Lahor, District Swabi since 24.1.2013.
2. That the appellant was transferred from D.K. office, Abbottabad to N.T. Tehsil Topi vide order dated 17.3.2009 (copy of Order is attached as Annexure 'A').
3. That the appellant was again transferred from N.T. Tehsil Topi, District Swabi to the office of D.K. SWABI vide order of respondent No.1 dated 21.11.2009 after 7th months. Copy of order is attached as Annexure 'B')
4. That the appellant has taken over charge report dated 26.11.2009 and worked till 16.1.2013 with the entire satisfaction of his immediate officer. (copy of charge report is attached as Annexure 'C')
5. That due to fall vacant post of N.T. Tehsil Lahor, appellant was directed to perform the duty as N.T. Lahore with addition to his work vide order of respondent No.1 dated 17.01.2013.

(contd....2nd....)

6. That due to satisfaction of his superior office on performing of his duty appellant was recommended for posting as N.T. Tehsil Lahor, Distt. Swabi by D.C. SWABI vide order dated 22.1.2013, upon which appellant was transferred from D.K. SWABI to N.T. TEHSIL LAHOR vide order dated 24.1.2013. (copy of order dated 22.1.2013 and 24.1.2013 is attached as annexure 'E').

7. That due to politically influences as well as violation ~~rule~~ *rule* of business coupled with posting/transfer policy 13.1.2009, after completion of all codal formalities, and performing and recommendation of his superior, transfer order of appellant from D.K. Swabi to N.T. Tehsil Lahor, Swabi dated 24.1.2013, as withdrawn vide impugned order dated 12.3.2013 after two months, *which* is illegal, against law and facts, on the following grounds (copy of Policy and impugned order dated 12.3.2013 is attached as Annexure 'F')

GRUNDS:

- A) Because appellant was transferred from D.K. SWABI to N.T. Lahor, Swabi vide order dated 24.1.2013 after proper recommendation and entire satisfaction of his superior i.e. D.C. SWABI as per Para 3 of Tehsildar/ N.Tehsildar Rule 2008, while impugned order of withdrawn on the basis political influences dated 12.3.2013 is illegal, against law and facts (copy of rule ~~8~~ as well as orders are annexure 'G').
- B) Because the appellant is regular N.T. (BPS-14) whom was promoted from Qanugo to N.T. through D.P.C. while respondent No.3 was retriated to the post of assistant by ~~with~~ SMBR vide order dated 24.2.2012 on the detection of KPK, SVC TR PESHAWAR vide order *dated 12¹² and 2011* of D.C.O. MARDAN dated 2012 (copy of orders alongwith *order* judgement of SVC TL is attached as annexure 'H').

(contd....3rd....)

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- C) Because impugned order dated 12.3.2013 during imposition of ban by Chief Election Commissioner, which is gross violation of Government orders.
- D) Because impugned order has been passed on the political influences, which is, evident from the impugned order/^{2/w}posting transfer policy (copy of policy is attached as annexure 'I').
- E) Because competent authority did not apply their own mind for passing of impugned order but passed on direction of the higher authorities *and Politically influence.*

It is therefore humbly prayed that on acceptance of this appeal, the impugned order dated 12.3.2013 may please be set aside and appellant may please be allowed to continue his service on his post.

Any other relief deemed fit may also be graciously awarded.

Yaqub
APPELLANT

THROUGH : YAQOOB KHAN
ADVOCATE MARDAN

Dated. 13.3.2013

Attested
Yaqub

BEFORE THE COURT OF SMBR PESHAWAR

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GOHAR ALI ... VS.... COMMISSIONER MARDAN ETC.

SEVICE APPEAL

SUBJECT: APPLICATION FOR SUSPENSION OPERATION
OF THE IMPUGNED ORDER DATED 12.3.2013
TILL THE DECISION OF THE CASE.

Respectfully sheweth:

1. That the above captioned case is filed today before this honourable court and date still not fixed.
2. That the appellant has got a prima facie case.
3. That the balance of convenience lies in favour of the appellant.
4. That there will be irreparable loss to appellant if status quo is not granted.

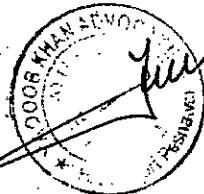
It is therefore humbly requested that on the acceptance of this application operation of order dated 12.3.2013 may please be suspended till the decision of the case.

APPELLANT

THROUGH : YAQOOB KHAN ADVOCATE
MARDAN

Dated: 13.3.2013

Attested



**BEFORE THE COURT OF SENIOR MEMBER BOARD OF REVENUE KHYBER
PAKHTUNKHWA PESHAWAR.**

Gohar Ali (N.T) Tehsil Lahor

Petitioner

Versus

Commissioner Mardan,

D.C Swabi,

Shad Ali, Assistant, now working as N.T (Ops) Scarp Mardan.

Respondents

Para wise Comments on behalf of Commissioner Mardan.


Respectfully Sheweth :

- 1- No Comments.
- 2- Pertain to record of Board of Revenue.
- 3- Correct to the extent that the petitioner was transferred: from N/T Tehsil Topi.
- 4- No Comments.
- 5- Correct.
- 6- Correct. Respondent No,3 was posted as N/T lahor in his own pay and scale.
- 7- Incorrect. Respondent No,3 was posted as N/T lahor District Swabi in pursuance of the Government of Khyber Pakhtunkhwa Board of Revenue Notification No 3270-77-Estt, dated 11.3.2013, through which the services of Respondent No, 3 was placed at the disposal of Respondent No,1 for posting as N/T (OPS).

Grounds

- (A) As discussed in Para 7.
- (B) No comments. Pertains to record of Board of Revenue.
- (C) No Comments
- (D) Incorrect the impugned order has been issued in pursuance of Notification of Board of Revenue. (Annexure A).
- (E) No comments.

In view of the above discussion the appeal is not maintainable and may please be filed.

Attested


[Signature]
 Commissioner
 Mardan Division Mardan

GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE REVENUE AND ESTATE DEPARTMENT

NOTIFICATION

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

(15)

Peshawar dated the 26/12/2008.

No. 32/02 /Admn:I/135/SSRC. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO. 457 (1) / 2001 dated 28th June, 2001 and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts borne on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

Appendix

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

(15)

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

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	2	3	4	5	6	7
6.	Kanungo (BPS - 09)	District Officer (Revenue & Estate) /Collector,				By promotion, on the basis of joint Seniority -cum- fitness, on District level from amongst the Patwaris / Tehsil Revenue Accountant and Wasil Baqi Nawis who have passed the Departmental Examination of Kanungo with at least five Years Service as such.
7.	Senior Tehsil Revenue Accountant (BPS 07) and Junior Tehsil Revenue Accountant Wasil Baqi Nawis / Additional Wasil Baqi Nawis (BPS - 05)	-	-	-	-	By transfer from amongst Patwaris
8.	Patwari (BPS - 05)	District Officer (Revenue & Estate) /Collector,	Intermediate or equivalent qualification, who have passed the Patwari Examination having one year diploma in information technology from any institution technology from any institution recognized by Board of technical education	18 to 30	By initial recruitment	By initial appointment for amongst the Patwari passed candidates entered in Register maintained by the District Collector of the District Concerned having one year diploma in information technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

Sd/-
Secretary to Government of NWFP
Revenue and Estate Department

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2
1
No. 32103-61 /Admn:I/135/SSRC

Copy forwarded for information and necessary action :

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

Tubal
7/14

**Deputy Secretary
Government of NWFP
Revenue & Estate Department**

(B)



OFFICE OF THE
COMMISSIONER KOHAT DIVISION
KOHAT

No. 297 /EA/Cmr-Kt

(29)

Dated Kohat Feb: 15, 2012

19-2-12

OFFICE ORDER:

Consequent upon the surrendered/ recommendations of Political Agent, Kurram, the following postings/ transfers amongst Tehsildars in Kohat Division are hereby ordered with immediate effect in the public interest:

S.No.	NAME of Officer	From	To	Remarks
1.	Mohammad Rafiq, District Kanungo.	Tehsildar Thali (OPS)	P.T Alizai, Lower Kurram (OPS)	Requisitioned against S.No. 2.
2.	Bagh Bostan, Tehsildar	P.T Alizai Lower Kurram (Surrendered by PA Kurram)	Tehsildar Thali	Vice No. 1

18/2/12

-Sd-

COMMISSIONER KOHAT DIVISION
KOHAT.

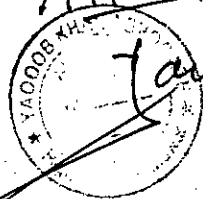
Under No. & Date Execd

Copy forwarded to the:

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
2. Additional Chief Secretary FATA, FATA Secretariat, Peshawar.
3. District Coordination Officer, Hangu.
4. Political Agent, Kurram Agency.
5. District Officer (R&E), Hangu.
6. District Accounts Officer, Hangu.
7. Agency Accounts Officer, Parachinar.
8. P.S to Commissioner, Kohat Division, Kohat.
9. Officers concerned.

18/2/12

Attested
Taus



(Signature)

Assistant (d) Commissioner (Rev/GA),
Kohat Division, Kohat.

Aug 20
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OFFICE OF THE
DISTRICT COORDINATION OFFICER
MARDAN

No 2984-87 /DCO(M)/EA-01-A
Dated Mardan the _____ /2012

OFFICE ORDER

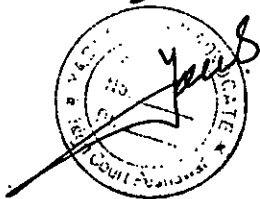
The Competent Authority is pleased to adjust Mr. Shad Ali, Assistant repatriated to this office by the Assistant Secretary (Estt) Board of Revenue, Revenue & Estate Department Peshawar vide his order/ letter No.Estt:V/Shad Ali/3626 dated 24.2.2012 in the office of Executive District Officer (F&P) Mardan against vacant post w.e.f. 7.2.2011 to 31.3.2012 for the purpose of pay as per direction of Khyber Pakhtunkhwa Service Tribunal Peshawar.

By Order of
District Coordination Officer
Mardan

Endst: No. & Date Even

Copy forwarded to :-

- 1 The Commissioner, Mardan Division, Mardan.
- 2 The Assistant Secretary (Estt) Board of Revenue, Govt. of Khyber Pakhtunkhwa, Revenue & Estate Department Peshawar with reference to his letter cited above.
- 3 The Executive District Officer (F&P) Mardan alongwith arrival report of the official concerned. You are requested to call the original Matric Certificate from the official concerned and compare it with the date of birth in his Service Book before payment.
- 4 PS to District Coordination Officer, Mardan.
- 5 The official concerned.



M. Khan

Accounts Officer,
DCO-office-Mardan

FAX

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Estt: V/Shad Ali/ 3626
Peshawar dated the 24/10/2012

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To ✓

The District Coordination Officer,
Mardan.

Subject: ORDER.

I am directed to refer to the subject noted above and to state Mr. Shad Ali assistant was repatriated to your office vide order No. 2409/Estt: V/ Shad Ali, dated 07-02-2012 against which the official filed an appeal before Service Tribunal and status quo was granted in his favour. The Service Tribunal now remanded his case with the direction to consider his case through Departmental Promotion Committee (copy of judgment/order dated 12-12-2011 is enclosed). Due to stay order dated 01-12-2011 issued by Peshawar High Court (copy enclosed) in a case titled "Zahid Kamal VS SMBR" Departmental Promotion Committee could not be held at this stage.


I am therefore further directed to request you to adjust the official against vacant post of Assistant and also make arrangement of salary for the period from 07-02-2011 to date.


Assistant Secretary (Estt.)

No. Estt: V/Shad Ali/

Copy forwarded to the:-

1. Commissioner, Mardan Division for information and necessary action please.
2. Mr. Shad Ali, Assistant with the direction to report to District Coordination Officer, Mardan for further posting in his parent office.

Attested

Faris

Assistant Secretary (Estt.)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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NO 1651 /ST

DATED 29 / 12 /2011

To,

The SMBR,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

PS/S/MBLR
No. <u>65</u>
Date <u>4-1-2012</u>
Govt. of Khyber Pakhtunkhwa

Subject: APPEAL NO. 3026/2010 SHAD ALI VS SMBR AND OTHERS

I am directed to forward herewith a certified copy of order dated 12.12.2011 passed by this Tribunal on the above mentioned appeal for strict compliance and progress report to the undersigned.

Encl: As above

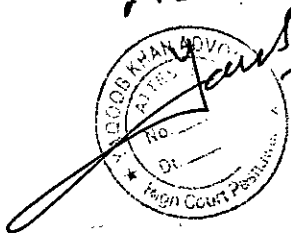
[Signature]
REGISTRAR
KPK, SERVICE TRIBUNAL
PESHAWAR

Copy matted.
Pl. to us with record of
summons appellants.

SMBR
4/1/2012

1kg

Attested



1/12/11
4/1/2012

(10-14) by Board of Revenue vide order dated

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 3026/2010

Date of institution -23.11.2010

Date of decision -12.12.2011

Shah Ali Naib Tehsildar, Circle Topi, Tehsil and District Swabi..... (Appellant)

VERSUS

1. The Senior Member, Board of Revenue N.W.F.P. Peshawar.
2. The Secretary to Government of NWFP, Revenue and Estate Department, Peshawar.
3. The Secretary to Government of NWFP, Establishment Department.
4. The Accountant General, NWFP, Peshawar.
5. Umer Said, Tehsildar, presently working as Tehsildar Dargai Malakand Division.....(Respondents)

Appeal under Section 4 of the Service Tribunals Act 1974 for the declaration to the effect that the impugned order dated 10.6.2010 may kindly be set, void abinitio without jurisdiction and without any lawful authority. The respondents may be directed to promote the appellant as Naib Tehsildar on regular basis as he has already qualified/eligible to be promoted.

Mr. Khan Akbar Khan, Advocate For Appellant
Mr. Tahir Iqbal Kattak, A.G.P For Respondents 1&4.

SYED MANZOOR ALI SHAH
MR. KHALID HUSSAIN

MEMBER
MEMBER

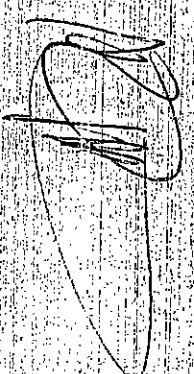
JUDGMENT

SYED MANZOOR ALI SHAH MEMBER: This appeal has been filed by the appellant against the order dated 10.6.2010 for the declaration to the effect that the impugned order may be set ^{aside} being void abinitio, without jurisdiction and without any lawful authority and the respondents be directed to promote the appellant as Naib Tehsildar on regular basis as he is qualified/eligible to be promoted.

Brief facts giving rise to present appeal are the appellant is an employee of Revenue Department and there is no charge/adverse remarks against him. Initially the appellant was posted as Assistant in the office of District Officer Revenue and Estate, Mardan. The appellant was later on transferred and posted as Naib Tehsildar Swabi, Mardan in his own pay and scale (BPS-14) by Board of Revenue vide order dated

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18.1.2006. During his posting as District Revenue Accountant, the Commissioner Mardan issued a Notification dated 5.11.2009⁴, posted the appellant temporarily to look after the office of Tehsildar. The appellant participated in the examination held for the post of Naib Tehsildar and was declared passed in the examination held for the post of Naib Tehsildar vide Notification dated, 1.1.2008 issued by the office of Director Land Record in which the appellant alongwith 37 other Candidates passed by granting them grace marks. The appellant participated in departmental examination of DMG, PCS CEG officer and Tehsildar having Roll No. 15 conducted by Public Service Commission held from 17.4.2008 to 30.4.2008 in which vide Notification of Establishment Department dated 20.6.2008 declaring the appellant to be a pass candidate in examination. The appellant worked on higher post as Naib Tehsildar / Tehsildar for the last 4 years but still he is waiting to be confirmed as Naib Tehsildar / Tehsildar. According to promotion principle where a person on such higher post on acting charge basis only because of allowing regular promotion to such post was being delayed by competent authority in which he was subsequently fit for such promotion, Civil servant was entitled not only to salary attaching to such post but also consequential benefits from that very date from which he had put on the said post of officiating or acting charge basis. The appellant filed a representation before Respondents No. 1 which was decided in negative by Respondent No.1 on 10.6.2010 while representation of one other candidate namely Umer Said was conformed. By giving promotion to third person a fundamental right guaranteed by the Constitution of Islamic Republic of Pakistan 1973 was violated and the appellant approached to the Honourable Peshawar High Court for the redressal of his grievance. The Honourable High Court vide his order dated 8.9.2010 directed Respondent No. 1 to dispose of the appellant's representation within fortnight. In reply to the direction by the august Court, Respondent No. 1 submitted letter dated 25.10.2010 claiming that Departmental/appeal representation has already been dismissed vide order dated 10.6.2010. Till 25.10.2010 the appellant had no knowledge regarding the said decision/order. He prayed that the impugned order dated 10.6.2010 communicated 25.10.2010 may be set aside and the respondents be directed to promote/confirm the



(31)

(20)

appellant as Naib Tehsildar/ Tehsildar on Regular basis, as he is academically and legally qualified.

3. Arguments heard and record perused.

4. The learned A.G.P argued that passing of departmental examination does not automatically lead to promotion. According to Tehsildar/Naib Tehsildari Service Rules 2008, twenty percent quota is reserved for promotion, on the basis of joint seniority cum fitness from amongst Junior Scale Stenographers and Assistants of the offices of Political Agents and Assistant political Agent Frontier Region, Assistants / Junior Scale Stenographers of Ex-Deputy Commissioners / Commissioners offices presently working in the offices of DCO/ ACO/ EDOP (F&P) and DOR, who are Graduate with five years Service as such are eligible for promotion. The assertions have no effect on the appeal in hand. The appellant is basically Assistant of the office of District Officer (R&E)/ Controller, Mardan and posted as Naib Tehsildar in his (Own Pay and Scale) therefore, he cannot avail the benefits of appointment on (Acting Charge Basis) as there are other officials senior to him. His regular promotion to the post of the Naib Tehsildar will be considered through Departmental Selection and Promotion Committee strictly in accordance with Rules. Furthermore, the post of Naib Tehsildar on which the appellant was posted in (own Pay and Scales) falls within the quota of initial recruitment. The appellant is basically Assistant of the office of District officer (R&E)/Collector, Mardan. Under the Rules his promotion will be made as Naib Tehsildar strictly in accordance with rules/policy. Therefore, no fundamental right of appellant has been infringed. So as the promotion of third person is concerned no junior official has been promoted. In fact Respondent No. 1 rejected the departmental appeal of the appellant having no merit, on 10.6.2010 before passing of order dated 8.9.2010 by the Peshawar High Court. The appellant was fully aware of the rejection order dated 10.6.2010 passed by Respondent No. 1.

5. The representative of SMBR produced a copy of letter dated 13.6.2009 and stated that Respondent No. 5 has been promoted on the Chief Minister directives to give one step promotion for officials/officers who were available during Swat operation.

6. From the perusal of the order it is evident that the respondent was not promoted in view of the Chief Minister directives referred to above and the representative of respondents has given mis-statement in his behalf as the name of private respondent is not mentioned in the list of those who were promoted on the directive of Chief Minister. Counsel for the appellant produced a copy of order of SMBR dated 7.1.2010 vide which the private respondent was promoted on the basis of application submitted by him (Uma Said). Counsel for the appellant stated that the appellant was senior to the private respondent as is evident from the joint seniority list issued on 6.7.2004. The appellant has already been promoted as Naib Tehsildar on acting charge basis prior to the private respondent as such he is senior to him.

7. In view of the above, the Tribunal intends to agree with the arguments put forth by the counsel for the appellant that the appellant is senior to the private respondent and the promotion of the respondent was made on administrative basis and no DPC was held which is not valid in the eyes of law. The case is, therefore, remanded to the SMBR to consider the case of appellant on the basis of record, seniority-cum-fitness and to place the case before the DPC for consideration and proper order within a period of 2 months. The SMBR may also consider the grievance of appellant regarding release of his salary. No order as to costs. File be consigned to the record.

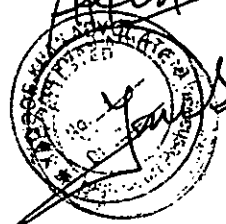
ANNOUNCED.
12.11.2011

(Signature)
(KHALID HUSSAIN)
MEMBER.

(Signature)
(SYED MANZOOR ALI SHAH)
MEMBER.

Certified copy
(Signature)

(Signature)
Attested
(Signature)



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

(Regulation Wing)



J.P.
Axx
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POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts, of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.

1 Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted, vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer-Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.
2 Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

- ix) Regarding the posting of husband/wife, both in Provincial service, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement. DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned.

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All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

NO. The Competent Authority is pleased to order the transfer of Mr. _____ Department and to post him as _____ in the interest of public service, with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF NWFP

Endst. No. and date even.
Copy forwarded

- 1.
- 2.
- 3.
- 4.
- 5.

(NAME)
SECTION OFFICER
Administrative Department

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No: SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict

	c) Within the Secretariat from one Department to another	Secretary (Etablissement)
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xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

[Handwritten signature]

observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{Authority: Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008}.

.....
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28th Oct, 2005.}

.....
The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;
- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

*{Authority: Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 8-6-2004
Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.}*

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{Authority: -Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005}

APPEAL NO. 1013 /2010

11/11
27/5/10

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Mr. Sherullah, B&A Officer,
Office of the EDO,
Mardan.

APPELLANT

VERSUS

1. The Secretary Education Department (E&SE), KPK, Peshawar.
2. The Director, Education (E&SE), KPK, Peshawar.
3. The D.C.O. Mardan.
4. The EDO, (E&SE), Mardan.
5. Mr. Karim Khan, Superintendent, EDO, E&SE, Dir Upper.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE NWFP SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 18.2.2010 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT

2010

Appellant with counsel present & heard. The learned counsel for the appellant argued that within one and half month of their transfer/posting at Mardan, the appellant in this appeal as well as appellants in the connected appeals, were transferred to far flung districts in the Province by the Director (E&S) Education, Peshawar, without recommendation of the local EDO, to which the latter took exception vide his Memo. dated 19.2.2010, wherein, he also asked for cancella-

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that in view of this situation, the appellants have not been relieved from their existing place of posting so far. The learned counsel for the appellant also argued that in a similar nature case, the appeal has been admitted for regular hearing vide order dated 26.5.2010. In view of the above, this appeal as well as the connected appeals are admitted for regular hearing. Process fee & security be deposited within 10 days. There-after, notices be issued to the respondents for written reply/ comments on 10.6.2010.

The learned counsel for the appellants also argued application for suspension of the impugned transfer order. Since the impugned order has already been suspended in the aforesaid appeal already admitted for regular hearing, status-quo be also maintained in this appeal as well as in the connected appeals, in the meantime, subject to notice.

CHAIRMAN

Attested

31.5.10

31.5.10

THE ONLY JANE BAKING POWDER

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PAK EDITOR: THURSDAY, NOVEMBER 15, 2012

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یورپ کیسے ہیں، جب ہم (پاکستان کے لیے) رہیں

یورپ کیسے ہیں، جب ہم (پاکستان کے لیے) رہیں

یورپ کیسے ہیں، جب ہم (پاکستان کے لیے) رہیں

یورپ کیسے ہیں، جب ہم (پاکستان کے لیے) رہیں

یورپ کیسے ہیں، جب ہم (پاکستان کے لیے) رہیں

یورپ کیسے ہیں، جب ہم (پاکستان کے لیے) رہیں

میرورپ کیسے ہیں

ملک کو درپیش چیلنجز سے نمٹنے کیلئے تمام سیاسی قوتیں مل کر کام کریں، سیاست کو دلچسپی میں نہ بدلا جائے، ملک بچے گا تو ہم بچیں۔

اسلام آباد (جنگ) وزیراعظم نے کہا کہ ملک کو درپیش چیلنجز سے نمٹنے کیلئے تمام سیاسی قوتیں مل کر کام کریں، سیاست کو دلچسپی میں نہ بدلا جائے، ملک بچے گا تو ہم بچیں۔

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 839/2013

Mr. Gohar AliAppellant

VERSUS

Senior Member, Board of Revenue and othersRespondent

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 IS AS UNDER:-

PRELIMINARY OBJECTIONS

1. The appellant has no locus standi to bring the present Service Appeal.
2. The appellant is estopped by his own conduct to bring the present Service Appeal.
3. The appellant has no grounds in support of his Appeal and no cause of action.
4. That the appeal is not maintainable and bad for mis-joinder & non-joinder of parties.

RESPECTFULLY SHEWETH.

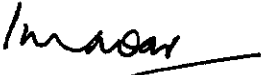
ON FACTS.

- 1 Pertains to facts.
- 2 No comments.
- 3 Pertains to facts.
- 4 Pertains to facts.
- 5 Correct to the extent that Commissioner, Mardan Division order that the petitioner may perform as Naib Tehsildar Lahor in addition to his own duties.
- 6 Pertains to record.
- 7 Incorrect. Mr. Shad Ali was placed at the disposal of Commissioner, Mardan for posting as Naib Tehsildar in OPS due to non-availability of regular Naib Tehsildar.
- 8 Incorrect. The petitioner has mis-stated that he is a regular Naib Tehsildar; infact he is District Kanungo (BPS – 14). The August Tribunal vide Judgment in Appeal Mohammad Taj versus Senior Member Board of Revenue & others has disapproved of District Kanungos being posted as Naib Tehsildars (Judgment Annexed).
- 9 Correct. The appeal of the Petitioner was dismissed as it sought relief contrary to Law / decision of Service Tribunal.
- 10 Incorrect. The appellant has no locus standi to claim posting as Naib Tehsildar, therefore has no right to file instant appeal.

ON GROUNDS

- A. Incorrect. The appellant's posting by Respondent No. 2 was contrary to rules therefore creates no rights. The Annexure-I has no relevance with the point in issue.
- B. Incorrect. The appellant is a District Kanungo and cannot be posted as Naib Tehsildar.
- C. Incorrect. Election Commissioner never placed any prohibition on such transfers.
- D. Incorrect. The Appellant has no evidence to prove the allegation.
- E. Incorrect. Proper application of Rules and decisions of August Tribunal has been made. The order suffers from no infirmity.
- F. Incorrect. Government's servants can be posted prior to completion of tenure.
- G. Incorrect. The cited precedence had different facts and cannot be applied in appellant's case.
- H. Incorrect. The appellant is not vested with any authority to pass Judgment whether orders were made in public interest or not.
- I. Incorrect. Detail reply has been given in preceding paragraph.

In view of the above the appeal may be dismissed with costs.


Senior Member
Board of Revenue
(Respondent No. 1)

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BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1826/2009

Date of institution – 10.11.2009

Date of decision - 15.01.2010

Muhammad Taj, Naib Tehsildar, Haripur.....(Appellant)

VERSUS

1. SMBR, NWFP, Peshawar.
2. Commissioner, Hazara Division Abbottabad.
3. Muhamad Bashir, Naib Tehsildar Oghi.....(Respondents)

Service appeal u/s 4 of the NWFP Service Tribunals Act 1974 against the impugned order dated 6.11.2009 passed by Respondent No. 2 whereby the appellant was unlawfully transferred from the post of Naib Tehsildar as District Kanungo vice Respondent No. 3 against which appellant filed departmental appeal to Respondent No. 1 on 10.11.2009 but the same was dismissed vide order dated 10.11.2009.

Mr. Khalid Rehman, Advocate.....For appellant.
Mr. Noor Zaman A.G.P.....For Respondents 1-2.
Mr. Ijaz Anwar, Advocate.....For Respondent No. 3.

MR. ABDUL JALIL.....MEMBER.
SYED MANZOOR ALI SHAH.....MEMBER.

JUDGMENT.

ABDUL JALIL, MEMBER :- This appeal has been filed by the appellant against the order dated 6.11.2009 whereby he was transferred from the post of Naib Tehsildar as District Kanungo vice Respondent No. 3. He has prayed that the impugned order may be set aside.

2. Brief facts of the case are that the appellant was serving as Naib Tehsildar Haripur. Earlier to that he was posted as District Kanungo Haripur from 1.7.2004 till 14.6.2009. On completion of his tenure he was transferred as Naib Tehsildar Respondent No. 3 who served for more than 5 years as Naib Tehsildar Haripur and after hardly serving 4 months as District Kanungo, managed his re-transfer as Naib Tehsildar Haripur while the appellant was re-transferred as District Kanungo in deviation of rules

ATTESTED
EXAMINER
NWFP Service Tribunal
Peshawar

and also against the posting/transfer policy. The appellant filed a departmental appeal which was rejected on 10.11.2009. Hence, the instant appeal.

3. Arguments heard and record perused.

4. The learned counsel for the appellant argued that the transfer order has been made in violation of rules and posting/transfer policy. Respondent No. 3 served as Naib Tehsildar for more than 5 years and that he was posted as District Kanungo. Legally he could not be re-posted as Naib Tehsildar within a period of 4 months. The appellant has served for more than 5 years as District Kanungo and hardly served for 4 months as Naib Tehsildar, re-transferred as District Kanungo illegally and in violation of the rules and tenure policy. He emphasizes that the posts of District Kanungo and Naib Tehsildar are inter-transferable and exhibited notification dated 1.7.2009 whereby the posts of District Kanungo and Naib Tehsildar have been shown inter-transferable. He also argued that the transfer is politically motivated as Respondent No. 3 has exerted political pressure on Respondents No. 1 and 2 for his re-transfer. He also argued that this Tribunal had granted status-quo to the appellant but the same was not maintained by the respondents. In the concluding remarks he stated that there are many District Kanungos who have been posted as Naib Tehsildars by the same transferring authority which means that it is inter-transferable post.

5. The A.G.P and counsel for the private respondent argued that in the Land Record Manual the duties of District Kanungo have been mentioned that the post of District Kanungo is a separate cadre and the person who is holding the District Kanungo cadre post cannot be transferred as Naib Tehsildar. In this regard they mentioned separate seniority list of District Kanungo and Naib Tehsildars. They further argued that under the rules, Naib Tehsildar cadre can be transferred as District Kanungo. The appellant was wrongly posted vide order dated 10.6.2009 with unlawful means and violation of Section 8 and 13 (3) of the Land Revenue Act 1967. The representative of the respondent department was directed vide order sheet dated 12.1.2010 to provide the following information :-

ATTESTED


- i). That District Kanungo is a separate cadre or D.Ks & N.Ts have have joint cadre..
- ii). Service Rules of District Kanungo and Naib Tehsildars and inter-transferable or not.

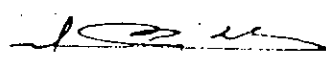
In this regard the representative of the SMBR produced a copy of letter bearing No. 803/Admn; dated 13.1.2010 wherein it has been stated that District Kanungo is a separate cadre as is evident from Tehildari and Naib Tehsildari Subordinate Service Rules 2008 vide S.No. 3 of Appendix which defines that District Kanungo post can be filled by transfer from Naib Tehsildar. According to the above existing rules, Naib Tehsildars are not inter-transferable but Naib Tehsildar can be transferred as District Kanungo.

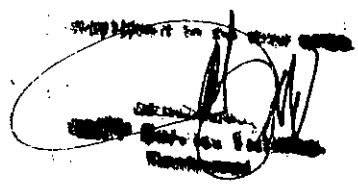
6. In view of the above discussion, the appeal of the appellant is dismissed as under the rules as explained above, the appellant has no right to be posted as Naib Tehsildar as per above referred rules.

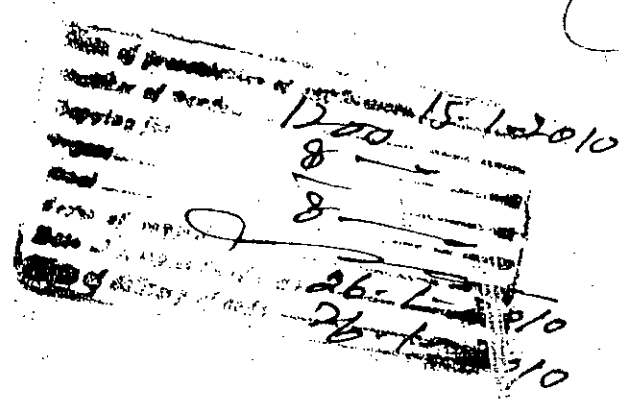
7. The Tribunal further observes and direct that all District Kanungos who have been posted as Naib Tehsildars in violation of the above referred rules may be reverted/posted to their original cadre (District Kanungo). No order as to costs. File be consigned to the record.

ANNOUNCED.
15.1.2010.


(SYED MANZOOR ALI SHAH)
MEMBER.


(ABDUL JALIL)
MEMBER.




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26-1-2010

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 839/2013

Mr. Gohar Ali.....Appellant

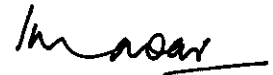
VERSUS

Senior Member Board of Revenue and othersRespondent

PARAWISE COMMENTS ON STAY APPLICATION ON BEHALF OF
RESPONDENTS NO. 1 IS AS UNDER:-

- 1 No comments.
- 2 Incorrect, the appellant has no locus standi to bring the present application.
- 3 Incorrect. The appellant is basically Distinct Kanungo cannot be posted as Naib Tehsildar *as per decision of Service Tribunal.*
- 4 Incorrect. No loss will be sustained by the appellant.

In view of the above application for temporary injunction may be dismissed.



Senior Member
(Respondent No. 1)

“B”

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

No.

F-13-11

Appeal No. *624* of 20 *13*

Gohar Ali Appellant/Petitioner

Versus

SMPR Peshawar Respondent

Respondent No. *3*

Notice to: —

*Shad Ali Assistant new workings
Naib Tehsildar, Swabi Scarp Mardan*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....*12th*.....

Day of.....*Sep*.....20 *13*

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

کے والدین عزیز سرور میں شریک ہو کر دعا کرتے ہیں

عنوان مقدم

"دو عریضی بنام" ڈیفنڈنٹ کا پ.ا. ۱۱۰۲

دو عریضی بنام ڈیفنڈنٹ کا پ.ا. ۱۱۰۲

"ڈیفنڈنٹ کا پ.ا. ۱۱۰۲"

عنوان

چونکہ ڈیفنڈنٹ نے مقدمہ میں "عنوان مقدمہ"

عنوان مقدمہ میں "عنوان مقدمہ"

عنوان مقدمہ میں "عنوان مقدمہ"

عنوان مقدمہ میں "عنوان مقدمہ"

عنوان مقدمہ میں "عنوان مقدمہ"

3-12-13

"دو عریضی" کے والدین عزیز سرور میں شریک ہو کر دعا کرتے ہیں

۱۱/۱۲/۲۰۱۳