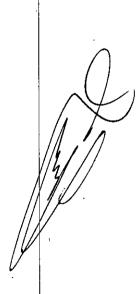
when after the above order of SMBR the seniority list was

diana de Maria

circulated vide office order No. 15261/Admn:V/SL, dated 10.08.2010, the appellant was virtually relegated in seniority list of his Sr. No. 17 and instead he was placed at serial No. 62 ignoring the fact that the competent authority had already regularized his services w.e.f. 13.01.2004. It is undisputed that the order of the SMBR regularizing the services of the appellant as Naib Tehsildar is still in the field having not been challenged anywhere by anybody. Thus when once the services of the appellant as Naib Tehsildar were regularized w.e.f. 13.01.2004, whe was placed at Sr. No. 17 of the seniority list. As this order is still in the field, hence, his claim to seniority from the said date appears to be well founded. Thus prima-facie the case of seniority of the appellant is in consonance with Section 8 of the Civil Servants Act, 1973 because his services were regularized w.e.f. 13.01.2004 by the order of the competent authority. It was asserted that when the appellant was relegated, he was badly discriminated keeping in view identical cases of Mr. Naib Din and Miraj Muhammad. That while deciding his departmental appeal, competent authority ignored order of SMBR offer dated 29.9.2009 followed by notification dated 18.01.2010 in favour of the appellant. That in view of the celebrated judgment of the august Supreme Court of Pakistan reported as 2009-SCMR-1, the department ought to have treated the appellant similarly while discriminatory treatment has been



meted out to him as is apparent from the record of the case.

5. For what has been discussed above, as the question of seniority is involved and the concerned civil servants have not been made parties, therefore, we would once again remit the case to the appellate authority to decide the matter within 30 days of the receipt of this order, giving full opportunity of hearing to the appellant without any discrimination. If the departmental appeal is not decided within the stipulated period, then this appeal be deemed to have been allowed and consequently the appellant be entitled to seniority w.e.f. 13.1.2004 as already ordered by the SMBR on 29.09.2009 alongwith with all back benefits. The appeal is disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record room.

<u>ANNOUNCED</u> 01.12.2015.

(ABDUL LATIF) MEMBER (PIR BAKHSH SHAH) MEMBER 11.11.2015

Appellant with counsel (Mr. Bilal Ahmad Kakaizai, Advocate) and Mr. Usman Ghani Marwat, Sr. GP with Mukhtiar Ali, Supdt. for the respondents present. Arguments heard. To come up for order on

Member

Member

03.09.2015

Appellant with counsel and Mr. Mukhtiar Ali, Supdt alongwith Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant moved an application of grant of interim relief copy of which is given to the respondent-department. To come up for reply/arguments on application on 2-10-2015.

Member

Meimber Meimber

02.10.2015

Appellant in person and Mr. Mukhtiar Ali Supt: alongwith Addl: AG for respondents present. Arguments could not be heard due to general strike of the Bar. To come up for arguments

on //-//-/5

Member

Member

24.2.2015

Counsel for the appellant and Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the respondents present. Rejoinder received on behalf of the appellant. Copy whereof is handed over to the learned GP. To come up for arguments on 10/4.2014.

MEMBER

10.4.2015

Appellant with counsel and Mr. Ziaullah, GP with Mukhtiar Ali, Supdt. for the respondents present. Since the court time is over, therefore, case is adjourned to 26.6.2015 for arguments.

MEMBER

MEMBER

26.06.2015

Appellant in person and Asstt. A.G with Naeem Khan, Assistant for the respondents present. Due to general strike of the bar, counsel for the appellant is not available. Therefore, case to come up for arguments on 03.09.2015.

Member

Member

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the respondents present. Due to incomplete Bench, case is adjourned to

MEMBER

2.12.2014

Clerk to counsel for the appellant, and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the respondents present. The Tribunal is incomplete. To come up for the same on 14.1.2015.

14.1.2015

Counsel for the appellant and Mr. Ziaullah, GP with Mir Qasam, Assistant Secretary for the respondents present. The learned counsel for the appellant submitted that due to non-availability of the appellant for to-day, rejoinder cannot be submitted. He further stated that on the same point, there is another appeal No. 301/2013 fixed for 24.2.2015 in which the present appellant is a private respondent, and that the instant case may also be clubbed with that appeal. As such file to come up for rejoinder along with the same appeal on 24.2.2015.

24.2.2015

with Emperiar Ali, Supdt. for the respondementation. Rejoinder received on behalf of the appellant. Copy whereof is handed over to the learned GP. To come up for arguments on 10.4.2014.

MEMBER

20.05.2014

Appellant in person and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the respondents present. Certain points need further clarification. Appellant is directed to produce his counsel on the next date. To come up for further arguments on 26.6.2014.

MEME

MEMBER

26.6.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for respondents present. Certain points need further clarification. To come up for further arguments on 25.07.2014.

MEMBER

MEMBER

25.07.2014

Appellant with counsel, Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the respondents present. Due to retirement of learned executive Member, the bench is incomplete. To come up for arguments on 28.08.2014.

**MEMBER** 

28.08.2014

Counsel for the appellant and Mr. Kabeerullah, Asstt. AG with Mukhtiar Ali, Supdt. for the respondents present. The Bench is incomplete, due to ex-Pakistan leave of learned executive Member. To come up for arguments on 15.10.2014.

**MEMBER** 

8.1.2014.

Clerk to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the respondents present. Reply filed. Copy handed over to clerk to counsel for the appellant. To come up for rejoinder on 2.4.2014.

MEMBER

MEMBÉR

2.4.2014.

Appellant with counsel and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the respondents present. Rejoinder received. Copy handed over to the learned GP. To come up for arguments on 30.4.2014.

MIGUBER

MEMBER

30.04.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for respondents present. Mr. Sultan Mahmood Khattak, learned Bench of the Bench is on official tour to D.I.Khan, therefore, case is adjourned to 13.5.2014 for arguments.

**MEMBER** 

13.5.2014

Appellant with counsel, and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the respondents present. Arguments heard. To come up for order on 20.5.2014.

\* MEMBER

MEMBER.

04.09.2013

Ament No. 932/2013. Mr. Suleen Asment

Counsel for the appellant present Preliminary arguments

heard to some extent. Therefore, pre-admission notice be issued to the GP/respondents along with full details. To come up for preliminary hearing on 31.10.2013.

Member

31.10.2013

Appellant with counsel and Mr. Mir Qasim, Assistant Secretary with Mr.Zia Ullah, GP for the respondents present. Preliminary arguments heard. The instant appeal has been filed against order dated 12.09.2012 which was conveyed to the appellant on 17.04.2013 in response to execution/petition. The instant appeal filed on 09.05.2013 which is within time. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules as seniority has to be properly fixed from 13.01.2004 vide as per order dated 29.09.2009 and 18.01.2010. 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, notice be issued to the respondents. Case adjourned to 08.01.2014 for submission of written reply.

31.10.2013

This case be put before the Final Bench 11 for further proceedings.

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## Form- A FORM OF ORDER SHEET

Court of	 			 	 		
asé No	 •	932/2	013			, ,	

	Case No	932/2013						
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate						
1	2	3						
1	28/05/2013	The appeal of Mr. Saleem Asmat resubmitted today by Mr. Bilal Ahmad Kakaizai Advocate, may be entered in the						
٠.		Institution Register and put up to the Worthy Chairman for						
		preliminary hearing.						
		REGISTRAR						
2	15-7-201	This case is entrusted to Primary Bench for preliminary						
		hearing to be put up there on $4-9-20/3$ ,						
1 :-								
	ve f	CHAIRMAN						
* .		CHARMAN						
	1							
	· · ·							
-								

The appeal of Mr. Saleem Asmat Naib Tehsildar Irrigation Gomal D.I.Khan received today i.e. on 09/05/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of Tentative Seniority list and departmental appeal against it mentioned in para-2&3 of the memo of appeal respectively (Annexure-C) are not attached with the appeal which may be placed on it.
- 2- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 15 8 /S.T.

REGISTRAR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Bilal Ahmad Kakaaizai Adv. Pesh.

Deptt Appeal / Representation is already attached as Annexur-B, however alongwith Anni C, Tentative Deniority hist has also been attached. Plz put before Tribunal.

## BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: 939 / 2013

SALEEM ASMAT

**Versus** 

Govt. of K.P.K. etc.

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Annexure-D	Order Sheets of SMBR	12-13
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Accessed		NIL
Wakalatnama		Nil

Through:

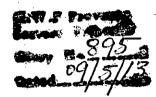
BILAL AHMAD KAKAIZAI

ppellant,

(Advocate, Peshawar)

### BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: 932/2013



#### SALEEM ASMAT

Naib Tehsildar, Irrigation, Gomal, D.I.Khan

**APPELLANT** 

#### **VERSUS**

- GOVERNMENT OF K.P.K
   Revenue & Estate Department
   Through Secretary
   Peshawar.
- Senior Member Board of Revenue KPK, Peshawar.

....... RESPONDENTS

15/12

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT, 1974

AGAINST ORDER NO. ESTT: V/SALEEM ASMAT/17989 DATED

12.09.2012 COMMUNICATED TO THE APPELLANT ON 17.04.2013 IN

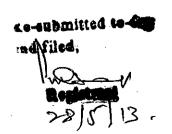
COURT, DURING EXECUTION PROCEEDINGS, WHEREBY

DEPARTMENTAL APPEAL / REPRESENTATION AGAINST IMPUGNED

SENIORITY LIST HAS BEEN REJECTED.

Prayer:

That on acceptance of this Service Appeal the Impugned order dated 12.09.2012 be set aside and Seniority List be corrected as per Order dated 29.09.2009 and 18.01.2010 of Respondent No. 2 with such other relief as may deem fit in the circumstances of the case may also be granted.



### Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

- 1. That, vide Office Order No.15261 / Admn: V / SL dated 10.08.2010, the Impugned Seniority List was circulated wherein Appellant was shown at S.No.62, copy of the Impugned Seniority List is attached as <u>Annexure-A</u>.
- 2. That, as Appellant was assigned Seniority w.e.f 31.03.2008 and was placed at S.No.62 instead of assigning seniority from 13.01.2004 i.e. below the name of Mr. S. Asghar Shah and above the name of Mr. Ali Sher at Serial No. 18, therefore, Appellant submitted his Departmental Appeal / Representation before the Respondent No.2, copy of the same is attached as <u>Annexure-B</u>. Moreover Tentative Seniority List circulated vide Boards Office No. 1270/Adm dated 30.06.2010 is attached as <u>Annexure-C</u>.
- 3. That, the Departmental Appeal was submitted on 28.10.2010 but vide Impugned Order dated 16.04.2011, the Departmental Appeal / Representation was held non-maintainable as being time barred, copy of the Order in Appeal is attached as Annexure-D.
- 4. That, against the said decision Appellant preferred Service Appeal No. 813 / 2011 which was decided on 19.06.2012 with the direction to decide the Departmental Appeal of the Appellant afresh, on merits, copy of the Order / Judgment dated 19.06.2012 is attached as *Annexure E*.
- 5. That, even than the Respondents were reluctant to decide the Departmental Appeal of the Appellant hence the Appellant filed Execution Petition No. 186 / 2012 in Service Appeal No. 813 / 2011, copy of the Execution Petition is attached as *Annexure F*.
- 6. That, on 17.04.2013, during the Execution Proceedings, Appellant was handed over Order dated 12.09.2012 whereby the Departmental Appeal of the Appellant was rejected, copy of the Order dated 12.09.2012 and Order / Judgment dated 17.04.2013 of Honourable Service Tribunal are attached as

<u>Annexure G & H</u>. Hence, this Service Appeal on the following amongst other grounds: -

#### **GROUNDS:**

- A. That, the Impugned Appellate Order in Appeal dated 12.09.2012 is illegal, unlawful, void and ineffective.
- B. That, the same is against the principles of Natural Justice, also.
- C. That, Appellant was Appointed & posted as Naib Tehsildar in his own pay & scale vide Order dated 13.01.2004 and on the same day he assumed the charge, copy of the Posting Order is attached as **Annexure-J**.
- D. That, Appellant claimed his Seniority w.e.f. the date of his posting, therefore, his appeal was accepted by the Respondent No. 2 on 29.09.2009 whereby the services of Appellant as Naib Tehsildar were regularized w.e.f. 13.01.2004, copy of the Order of Respondent No.2 is attached as <u>Annexure–K</u> and Order in this respect, dated 18.01.2010 is attached as <u>Annexure–L</u>.
- E. That, a Seniority List showing the position of the Naib-Tehsildars according to the date of regularization of each, was circulated vide Boards office No.1270/Admn dated 30.06.2010. In this Seniority List the name of the Appellant appears at S.No.17,
- F. That, the cancellation of the Provisional Seniority List and circulation of the Impugned Seniority List is against the factual position and the service rules.
- G. That, according to the service rules and law laid down by the Superior Courts of Pakistan, the Seniority of the civil servants is determined from the date of continuous service of the officials but this principle / criteria has been by-passed and violated in a fanciful and unlawful manner, thus the Seniority

List circulated is liable to be set-aside and revised/corrected in accordance with the rules.

It is, therefore, requested that Appeal be accepted as prayed

for.

Appellant

Through:

BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

## (5)

### BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: \_\_\_\_\_ / 2013

SALEEM ASMAT

**Versus** 

Govt. of K.P.K. etc.

### <u>AFFIDAVIT</u>

I, Saleem Asmat S/o Haji Nasrullah Khan, Naib Tehsildar, Irrigation, Gomal, D.I.Khan, Appellant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

WHALD MAYMO

A OUTH COMMISSION ALSKANING TO

Identified by:

BILAL AHMAD KAKAIZAI (Advocate, Peshawar)

Deponent

### BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No:	/ 2013	
SALEEM ASMAT	<u>Versus</u>	Govt. of K.P.K. etc.
APPELLANT:	ADDRESSES OF PARTIES.	
SALEEM ASMAT Naik	n Tehsildar, Irrigation, Gom	al. D.I.Khan

#### **RESPONDENTS:**

1. GOVERNMENT OF K.P.K, Revenue & Estate Department, through Secretary, Peshawar.

2. SENIOR MEMBER BOARD OF REVENUE, KPK, Peshawar

Through,

BILAL AHMAD KAKAIZAI (Advocate, Peshawar)

Appellant







# GOVERNMENT OF KHYBER PAKHTUNKHWA REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 10 /08/2010

#### OFFICE ORDER

No. 25.2 6 Admn:V/S.L. In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and in supersession all subsequent Notifications issued in this behalf Final revised Seniority List of regular Naib Tehsildars (BPS – 14) in Khyber Pakhtunkhwa, as stood on 30.06.2010, is hereby published for information of all concerned. Seniority List Circulated vide this Department Notification No. 12700/Admn:V/SL, dated 30.06.2010 is hereby cancelled.

No 15367 -69 No 15367 /Admn: V/S.L. By Order of, Senior Member Board of Revenue Khyber Pakhtunkhwa

Copy alongwith a copy of Final Seniority List is forwarded to:-

- All Divisional Commissioners, in Khyber 1 Pakhtunkhwa
- 2. Office Order File

They are requested to circulate the same amongst the Naib Tehsildars concerned working under their jurisdiction to trol.

Assistant Secretary (Estt)
Board of Revenue Khyber Hakhtunkhwara)

Reyoute & Living Department Kaybee Parampicans

Till

Allestas

FINAL SENIORIT

LEHSTLDARS (BS-14) IN KHYBER PAKHTUNKHWA AS STOOD ON 30.06.2010.

	FINAL SENIORIT	TEHOLODA				
S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
- 1.	Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Promoted as Tehsildar on Acting Charg Basis
2.	Mr. Muhammad Naib Din M.A	30.09.1959 NW Agency	24.11.1980	17.01.1996	do	Naib Tehsildar
3.	Mr. Abdul Nabi F.A	05.04.1957 Kohat	12.12.1976	10.04.2001	do	do
4.	Mr. Gulshan Mehmood F.A	01.05.1957 Kohat	08.01.1975	13.03.2004	do	do
5.	Mr. Hameed Khan Afirdi (MA/B.Ed)	15.02.1962 (FR Kohat)	14.03.1984	10.04.2001	do	-do-
6.	Mr. Abdul Samad (MA)	30.11.1960 Karak	03.05.1979	10.04.2001	do	-do-
7.	Mr. Javed Anwar Kamal (F A)	15.05.1958 Charsadda	01.11.1976	12.10.2002	do	Promoted as Tehsildar (BPS – 16) on Acting Charge basis
8.	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	do	12-do
9.	Mr. Mian Samiullah Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002	do	do
10.	Mr. Ghani Khan B.A	02.02.1952 Charsadda	1979	12.10.2002	do	do
11.	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	do	Naib Tehsildar
12.	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	do	do
13.	Mr. Muhammad Riaz Khan  (B.A LLB)	08.05.1970 Bannu	02.06.1994	24.03.2003	Direct	Promoted as Tehsildar (BPS - 16) or Acting Charge basis
14.	Mr. Shamas Gul B.A	1952 NW Agency	1973	09.05.2003	Promotee	Naib Tehsildar
15.	Mr. Javed Hussain (Matric)	13.06.1952 Haripur	27.05.1977	30.06.2003	do	do
16.	Mr. S.Asghar Shah (Matric)	25.12.1959 Haripur	25.05.1981	30.06.2003	do	do
17.	Mr. Ali Sher Khan B.A LLB	15.02.1978 Peshawar	14.02.2004	14.02.2004	Direct	do
18.	Mr. Tariq Saleem B.A	14.08.1971 Tank	14.02.2004	14.02.2004	Direct	Naib Tehsildar
<u> </u>			<del></del>			Secretary Millian

S Frity List of Nieb Tehsilder

Rayanue & Enace U.S.

		•	·	<i></i>		
	AMT OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
100	Mr. Abdul Ghaffar B.A	15.12.1974 Tank	14.02.2004	14.02.2004	do	do
	Mr. Said Rehman (Matric)	30.10.1958 Mardan	01.10.1980	22.11.2004	Promotee	do
121	Mr. Kiramat Ullah B.A	03.03.1974 Tank	29.11.2004	29.11.2004	Direct	do
22.	Mr. Akbar Iftikhar Ahmad (B.A) LLB	29.03.1977 Hangu	24.11.2005	24.11.2005	do	do
23.	Mr. Qaisar Khan (B.A)	09.04.1975 DIKhan	19.12.2005	19.12.2005	do	do
24.	Mr. Najib Ullah (BA)	15.02.1969 DIKhan	06.03.19969	27.02.2006	do	do
25.	Mr. Muhammad Ayub Khan. (B.A)	01.03.1964 Bannu	12.06.2006	12.06.2006	do	do
26.	Mr. Abdur Rehman Shah (B.A)	15.02.1985 Bannu	23.01.2007	23.01.2007	do	do
27.	Mr. Sarir Ahamd (Matric)	13.05.1955 Peshawar.	28.02.1977	31.05.2007	Promotee	do
28.	Mr. Hasham Gul (B.A)	01.01.1955 Peshawar	07.06.1982	31.05.2007	do	do
29.	Muhammad Riaz (Matric)	22.05.1958 Nowshera	06.08.1978	31.05.2007	do	do
30.	Mr. Atta Ullah (Matric)	1.04.1956 Charsadda	06.11.1978	31.05.2007	do	do
31	Mr. Musadiq Hussain (Matric)	21.08.1955 Hangu	12.05.1973	31.05.2007	do	do
32.	Mr. Abdul Qayyum (Matric)	03.01.1954 Kohat	23.06.1970	31.05.2007	do	do
33.	Muhammad Nawaz (F.A)	30.03.1957 Mardan	20.05.1976	31.05.2007	do	do
34.	Mr. Mir Laiq Shah (F.A)	27.04.1963 Mardan	08.03.1983	31.05.2007	do	do
35.	Mr. Nouman Ali Shah BCS(Hons)	17.09.1984 Bannu	06.07.2007	06.07.2007	Direct	do
ī.	Muhammad Bashir (F.A)	10.12.1956 Haripur	01.11.1976	20.07.2007	do	do
	Mr. Hidayat Ullah (Matric)	28.04.1962 Malakand	13.03.1991	20.07.2007	do	<del></del>
••••	Mr. Iftikhar Ahmad (Matric)	02.04.1954 Mansehra	15.07.1979	20.07.2007	do	do
,	Mr. Ghulam Sarwar (Matric)	01.03.1955 Shangla	01.03.1978	20.07.2007	Direct	Naib Tehsildar
•	<u> </u>		1	-		Section of Contract

-4

of Niab Tehsilder

	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
	Mr. Aftab Hussain Shah (B.A)	04.05.1958 DIKhan	1309.1980	01.01.2008	do	do
61.	Mr. Sikandar Hayat Shah (Matric)	20.01.1958 Bannu	18.02.1981	05.01.2008	do	do
62	Mr. Ghulam Abbas (Matric)	15.02.1958 Lakki Marwat	11.11.1982	05.01.2008	do	do
63.	Mr. Saleem Asmat (BA)	03.01.1959 DIKhan	27.03.1984	31.03.2008	do	do
64.	Mr. Raqibas Khan (FA)	01.09.1956 Bannu	05.03.1982	02.04.2008	do	do
65.	Mr. Habib Ahmad B.A	04.04.1955 Swat	06.04.1981	02.04.2008	do	do
66.	Mr. Himayat Ullah Qureshi (B.A)	06.11.1958 Tank	10.011978	02.04.2008	do	do
67.	Mr.Maqsood Ahmad (BA)	11.01.1951 Nowshera.	10.02.1982	08.05.2008	do	do
68.	Mr.Abdullah Jan (FA)	17.10.1958 Charsadda.	01.09.1977	08.05.2008	do	do
69.	Mr. Miraj Muhammad (F.A)	30.09.1958 Charsadda	31.05.1975	12.05.2008	do	do
70.	Mr.Nazir Ahmad (Matric)	12.03.1954 Mansehra	18.08.1979	08.05.2008	do	do
7].	Mr. Muhammad Ziafat (F.A)	12.02.1955 Abbottabad.	06.10.1976	08.05.2008	do	do
72.	Mr. Abdur Rasheed (B.Com)	06.02.1952 DIKhan	01.09.1972	08.05.2008	do	do
73.	Mr.Raheem Ahmad (C.Com)	17.11.1951 DIKhan	01.03.1975	08.05.2008	do	
74.	Mr.Naimat Ullah Khan (BA)	11.08.1967 Tank	16.06.1990	08.05.2008	do	do
75.	Mr. Naik Muhammad (B.A)	04.04.1971 Kohat	26.07.1995	10.05.2008	do	do
6.	Mr. Amanullah (Matric)	09.06.1956 Tank	09.06.1956	29.05.2008	do	do
7.	Mr. Shah Zaman (F.A)	16.07.1958 Tank	03.07.1984	29.05.2003	do	do
8.	Mr. Abdur Rashid (Matric )	1958 DEKhan	1987	29.05.2008	do	do
9.	Muhammad Ayub (Middle) Molsiu	04.11.1960 Tank	18.12.1986	29.05.2008	do	do
	Mr. Amir Muhammad (B.A)	06.04.1961 Swabi	28.08.1988	11.08.2008	do	do
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S No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
	Mr. Muhammad Umar (M.A)	10.03.1966 Mardan	16.07.2002	17.06.2006	Promotee	Naib Tehsildar
81. 82.	Mr. Farman Ali (MA)	04.02.1963 Mardan	16.07.2002	09.10.2008	do	do
83.	Mr. Maqboolur Rehman (F.A)	02.05.1959 Bannu	07.04.1980	13.01.2009	Selectee	do
84.	Mr. Shakir Ullah S/O Khan Mir (MA. MBA)	15.01.1978 Khyber Agency	02.02.2009	02.02.2009	Direct	do
85.	Mr. Munir Ahmad S/O	20.03.1979 SWA	02.02.2009	02.02.2009	·do	do
86.	Jhangi Khan (MSc)  Mr. Rahamd Ullah khan S/O Ahmad Khan (MSc. Chem)	18.04.1978 Lakki Marwat	02.02.2009	02.02.2009	do	do
87.	Mr. Abdul Kabir S/O	15.07.1979 Kyber	02.02.2009	02.02.2009	do	do
S8.	Akram Jan (MA) Mr. Imtiaz Ali Shah S/O Muhammad Ali Shah (MSc)	14.04.1980 Karak	02.02.2009.	02.02.2009	do	do
89.	Mr. Khalid Khan S/O Ifitikhar Hussain (MA)	23.03.1978 Bajuar	02.02.2009	02.02.2009	do	do
90.	Mr. Fazli Wadood S/O Fazli Mahmood (BA)	04.04.1982 Mohmand	02.02.2009	02.02.2009	do	do
91.	Muhammad Riaz Khan S/O Musa Khan (MA)	25.03.1983	02.02.2009	02.02.2009	do	do
92.	Mr. Irshad Ali S/O Dost Muhamamd (MA)	15.03.1978 Mohmand	02.02.2009	02.02.2009	do	do
93.	Mr. Noor-ul-Amin	21.091978 DIKhan	02.02.2009	02.02.2009	do	do
94.	S/O Zar Moeen (MA)  Mr. Amir Nawaz S/O  Gul Daraz (RSc/MPA)	22.04.1975 DIKhan	02.02.2009	02.02.2009	do	do
95.	Gul Daraz (BSc/MPA)  Mr. Shah Wazir S/O  Abdul Khon (MSa)	30.03.1980 SWA	02.02.2009	02.02.2009	do	do
96	Abdul Khan (MSc) Mr. Imran S/o Ahmad Jan (MSc)	11.04.1982 NWA	02.02.2009	02.02.2009	do	do
97.	Mr. Sikandar Khan S/O Sar Zamin Khan (M.A)	10.12.1976 Swat	02.02.2009	02.02.2009	do	do
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S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
	Mr. Ishtiaq Ahmad Khan S/O Allauddin (M.A)	30.04.1979 Malakand	02.02.2009	02.02.2009	Direct	Naib Tehsildar
77.	Mr. Shamsul Islam S/O Faqir Gul (MA)	10.04.1979 Malakand	.02.02.2009	02.02.2009	do	do
100.	Mr. Allah Noor S/O Hazrat Noor (MA)	11.04.1983 (FR) DIKhan	02.02.2009	02.02.2009	do	do
101.	Mr. Riaz Muhamamd S/O Noor Muhammad (MA)	28.07.1974 SWA	02.02.2009	02.02.2009	do	do
102.	Muhammad Tariq Aziz S/O Ayaz Khan (MA)	04.02.1981 NWA	02.02.2009	02.02:2009	do	do
105.	Mr. Zeeshan Abdullah S/O Abdullah Khan (BA)	26.08.1982 SWA	02.02.2009	02.02.2009	dô	do
	Muhammad Hayat S/O Sanab Gul (MA)	12.11.1981 Mohmand	02.02.2009	02.02.2009	do	do
]	Mr. Shah Saud S/O Khitab Gul (LLB)	05.04.1979 Peshawar	02.02.2009	02.02.2009	do	do
100.	Muhammad Ilyas S/O Shah Nasim Khan (MSc)	03.03.1975 Swat	02.02.2009	02.02.2009	do	do
5	Mr. Yasir Salman Kundi S/O Hamid Khan Kundi (MBA)	03.08.1979 Lakki Marwat	02.02.2009	02.02.2009	do	do
108. S	Mr. Sher Alam Khan S/O Sher Afzal (M.A Eng: Pol:Sience)	01.04.1995 Swat	02.02.2009	02.02.2009	do	do
Ţ	Mr. Akmal Khan S/O Umar Din (MSc)	20.01.1980 Karak	02.02.2009	02.02.2009	do	do
S	Mr. Yadullah Khan Khattak 8/O Mohibullah Khattak (MA)	23.05.1979 Mardan	02.02.2009	02.02.2009	do	do
F	Mr. Ahmad Hashmi S/O Fazli Rabbi (B.A)	2.04.1983 Dir Lower	02.02.2009	02.02.2009	do	do
	Mr. Jamshad Khan S/O Mir Kaman Khan (MA)	15.06.1980 Swat	02.02.2009	02.02.2009	do	do

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s,No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
	Mr. Amin Ullah Khan S/O	07.06.1977 DIKhan	02.02.2009	02.02.2009	Direct	Naib Tehsildar
113.	Dost Muhammad Khan (BA)	15.04.1982 Mardan	02.02.2009	02.02.2009	do	do
114.	Mr. Islahuddin S/O Syed Badshah (BA.LLB)		02.02.2009	02.02.2009	do	do
115.	Mr. Zahid Younis S/O Muhamamd Younis (M.A)	20.01.1978 Karak	02.02.2009	02.02.2009	do	do
116.	Mr. Naimat Ullah S/O Khanim Ullah (Double M.A)	26.04.1973 Dir	<u> </u>	02.02.2009	do	do
117.	Muhammad Riaz S/O Fazal Aziz (LLB)	02.02.1980 Dir Lower	02.02.2009	02.02.2009	do	do
118.	Muhammad Yar S/O Faqir Gul (MA)	02.02.1979 Malakand	02.02.2009	02.02.2009	do	do
119.	Mr. Sher Ali Khan S/O Sahibzar Gul (M.A)	13.11.1974 Swat	02.02.2009		do	/do
120.	Mr. Munawar Shah S/O	12.02.1973 Dir Lower	02.02.2009	02.02.2009		do
121.	Abdur Rashid (M.A) Mr. Iftikhar uddin S/O	05.08.1973 Charsadda	02.02.2009	02.02.2009	do	do
122.	Zewar Din (MSc) Muhammad Khalid Zaman	19.12.1978 Mardan	02.02.2009	02.02.2009	do	
<u> </u>	S/O Shams-uz-Zaman (M.A. Bed) Mr. Younis Khan S/O	15.06.1981 Upper Dir	02.02.2009	02.02.2009	do	do
123.	Waqif Khan (M.A) Mr. Mujahid Ali S/O	19.04.1974 Nowshera	02.02.2009	02.02.2009	do	do
124.	Khalil-ur-Rehman (M.A)  Syed Abdul Akbar Shah		02.02.2009	02.02.2009	do	do
125.	S/O Syed Gul Chaman (MSC/M.A)	11.04.1981 Mardan		00.00.0000	do	do
126.	Mr. Anwar Zeb S/O	01.03.1982 Charsadda	02.02.2009	02.02.2009		HIND
127.	Alam Zeb (M.A) Syed Sultan Haider Shah S/O Syed Gulzar Hussain Shah	08.12.1972 Peshawar	02.02.2009	02.02.2009	do	Assistant Score Dep Revenue & Estro Dep
121.	(BA. LLB)					Revenue & Large Khyber Pakhtunkhwa

Senforthy List of Niab Tehsildar

5.10.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
128.	Mr. Aftab Ahmad S/O Javed Muhammad (MSc)	08.12.1982 Peshawar	02.02.2009	02.02.2009	Direct	Naib Tehsildar
129.	Mr. Dil Nawaz Khan S/O Alam Zeb (LLB)	22.03.1979 Swabi	02.02.2009	02.02.2009	do	do
130.	Mr. Kifayat Ullah S/O Haji Akbar (M.A)	09.01.1977 Peshawar	02.02.2009	02.02.2009	do	do
131.	Mr. Faqir Hussain S/o Muhammad Younis (BA)	10.10.1983 Nowshera	02.02.2009	02.02.2009	do	do
132.	Mr. Zulfiqar Khan S/O Arsala Khan (M.Com)	15.04.1983 Peshawar	02.02.2009	02.02.2009	do	do
133.	Mr. Waqar Ahmad S/O Muhammad Irfan (M.A)	24.04.1980 Mansehra	02.02.2009	02.02.2009	do	do
134.	Muhammad Faraz Qurashi S/O Muhammad Riaz Qureshi (MBA)	17.03.1982 Abbottabad	02.02.2009	02.02.2009	do	do
135.	Mr. Fazal ur Rehman S/O Habib-ur-Rehman (M.A)	10.07.1975 Haripur	02.02.2009	02.02.2009	do	do
136.	Mr. Farukh Jadoon S/O Anwar Ahmad Khan (BSc)	04.05.1984 Abbottabad	02.02.2009	02.02.2009	do <b></b>	do
137.	Mr. Fayaz Ahmad S/O Pir Khan (M.A)	10.03.1982 Abbottabad	02.02.2009	02.02.2009	do	do
138.	Bilal Ahmad S/O Farid-ud-Din (BA. B.Ed)	10.10.1978 Haripur	02.02.2009	02.02.2009	do	do
139.	Mr. Tanveer Shahzad S/O Muhammad Sahif (M.A)	30.12.1977 Mansehra	02.02.2009	02.02.2009	do	do
140.	Mr. Ejaz Ahmad S/O Muhammad Riaz (3 – M.A)	15.04.1982 Abbottabad	02.02.2009	02.02.2009	do	do
141.	Muhammad Salim S/O Muhammad Saddiq (BSC)	03.05.1978 Abbottabad	02.02.2009	02.02.2009	do	do
142.	Muhammad Sohail S/O Muhammad Ayub (BA)	16.11.1979 Abbottabad	02.02.2009.	02.02.2009	do- <del>-</del>	do
143.	Mr. Sajid Saleem (BA)	01.04.1978 DIKhan	06.11.1996	10.02.2009	Selectee	dossistant S//

Seniority List of Niab Febrildar

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S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
144	Mr. Adil Waseem (BA)	25.12.1988 Nowshera	27.02.2009	27.02.2009	Direct	Naib Tehsildar
144.	Qazi Muhammad Aslam (Matric)	25.11.1953 Abbottabad	05.07.1980	02.05.2009	Promotee	do
145.		24.04.1984 Kohistan	27.12.1993	02.05.2009	do	do
146.	Mr.Abdul Qayum (BA)	31.03.1951 Hangu	01:01:1971	.02.05.2009	do	the same the second great property and the second of the second and the second
147	Mr. Mirza-Ali-(Matric)	25.10.1966 Kohat	01.04.1985	02.05.2009	do	do
148.	Mr.Roohul Amin (Matric)	14.02.1962 Kohat	01.07.1991	02.05.2009	do	do
149.	Mr.Qianoos (BA)	19.01.1959 Malakand	05.12.1991	02.05.2009	do	do
150.	Mr.Khurshid Ali (Matric)	01.07.1959 Shangla	01.03.1978	02.05.2009	do	do
151.	Mr.Latif-ur-Rehman (Matric)		01.03.1978	02.05.2009	do	do
152.	Mr.Jehan Wali (Matric)	01.02.1957 Shangla	01.03.1978	02.05.2009	do	do
153.	Mr.Amir Zarin (Matric)	06.08.1959 Shangla	İ	02.05.2009	do	do
154.	Mr. Shah Wazir (Matric)	02.02.1960 Swat	05.04.1981	02.05.2009	Selectee	do- <b>-</b>
155.	Mr. Sher Bahadar (BA)	07.04.1965 Tank	10.10.1992	<u> </u>	do	do
156.	Mr. Shaukat Iqbal (M.A)	2/11/1973 DIKhan	19.10.1992.	02.05.2009		<u> </u>
157.	Mr.Gohar Ali (B.A)	31.03.1980 Bannu	29.05.2009	29.05.2009	Direct	do
158.	Mr. Mehmood Shah (Matric)	01.02.1959 Peshawar	04.10.1977	02.06.2009	Promotee	do
159.	Mr.Sher Dil (BA)	24.01.1974 Kohistan	10.04.1995	02.06.2009	do	do
160.	Mr.Muhammad Arshad (BA)	20.01.1967 Kohat	02.09.1984	26.06.2009	do	do
	Mr.Zafar Iqbai (B.A. L.L.B)	25.02.1963 Kohat	02.04.1987	02.07.2009	do	do
161.		15.11.1966 Kohat	01.01.1995	02.07.2009	do	do
162.	Mr.Nawab Gul (M.A)	30.06.1960 Mardan	30.08.1988	07.07.2009	do	do
163.	Mr. Umbaras Khan (B.A)	10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	Bevenue Pern do Kinyber Pern Bevenue Pern Kinyber
164. 	Mr. Shakeel-ul-Rehman	10.00.1770 10.101		<u>. i</u>	• ,	Beaging Estimate

S.No:	NAME OF NAID TEHRILDAD	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
165.	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	Naib Tehsildar
166.	Muhammad Aslam Khan (Matric)	08.01.1953 DIKhan	16.07.1983	18.07.2009	do	do
167.	Mr.Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	do <b></b>	do
168.	Mr. Shah Nawaz (FA)	05.04.1953 DIKhan	013.01.1984	18.07.2009	do	do
169.	Mr.Abdur Rashid (MSC)	05.01.1962 Swabi	28.08.1988	01.10.2009	do	do
170.	Mr.Ahmad Ali M.A (B.ed)	17.04.1962 Swabi	28.08.1988	01.10.2009	do	do
171.	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	22.10.2009	do	do
172.	Mr. Muhammad Shoaib (BA)	01.01.1968 Kohat	09.12.1990	11.11.2009	do	do
173.	Shafiq-ur-Rehman (BA)	14.02.1959 Mardan	13.12.1985	23.11.2009·	qo	do

Assistant Secretary (Estt)

Board of Revenue Khyber Pakhtunkhwa

Assistant Secretary (Estt)

Assistant Secretary (Estt)

Revenue & Estate Depti.

Revenue & Estate Depti.

Revenue & Fakhtunkhwa.

Khyber Pakhtunkhwa.



# BEFORE THE SENIOR MEMBER BOARD OF RERVENUE, KHYBER PAKHTOONKHWA, PESHAWAR

Representation for correction of Seniority list of Naib Tehsildars (B-14) circulated vide SMBR office order No. 15261/Admn V/Sh dated 10.8.2010, whereby the petitioner has been wrongly placed at S.No. 62 of the impugned list and has been deprived of the legal right of Seniority in violation of the rules.

#### Prayers:-

To set aside the impugned Seniority list and to place the petitioner at the right place, keeping in view the date of the regularization of the service as N.T, W.e.f \$3.01.2004.

Respected Sir,

The petitioner respectfully submits as under:-

1) That the petitioner was appointed as Naib Tehsildar (P.N.T FR, D.I.Khan), in his own Pay and Scale vide Senior Member Board of Revenue order No 652-63/Admn: I/FF(S)/NT. dated 13.01.2004 (Copy attached as Annexure 'A')

2) That the petitioner assumed the charge of the Political Naib Tehsildar FR DIK on 13.01.2004 and has been continuously working/holding the post till date.

3) That against the excesses in service affair the petitioner had been voicing his grievances for over six years and at last succeeded in appeal before the SMBR who very kindly acceded to my request and accepted the appeal vide his Judgment dated 29.9.2009 followed by Notification issued by his office vide No. 982-90 dated 18.01.2010. (Copy of the Judgment and Notification attached as Annexure 'B' and 'C' respectively.

4) That a Seniority list showing the position of the N.Ts according to the date of regularization of each, was circulated vide Boards office No. 1270/Adm dated 30.6.2010. In this Seniority list the name of the petitioner appears at S.No. 17. (Copy placed at Annexure 'D')

5) That to the astonishment of the petitioner, a revised Seniority list (now impugned) has been circulated, showing the date of appointment of the petitioner as 31.3.2008 and thus placed at S.No. 62 in the impugned Seniority list.

6) That the cancellation of the provisions Seniority list and circulation of the impugned list is against the factual position and the service rules.

5/118/2 28/10/2010

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- 7) That according to the service rules and law laid down by the Superior Courts of Pakistan, the Seniority of the civil servants is determined from the date of continuous service of the Officials. But this principle/criteria has been by-passed and violated in a fanciful and unlawful manner, thus the Seniority list circulated is liable to be set-aside and revised/corrected in accordance with the rules.
- 8) That the petitioner has already objected on the impugned Seniority list in his appeal/petition dated 20.9.2010 on various grounds, which may please be considered as part of this representation.

In the wake of above submissions it is humbly prayed that the impugned Seniority list may please be modified and corrected keeping in view the date of appointment of the petitioner as 13.01.2004 and the petitioner's name shown at the proper place, to meet with the ends of justice.

The petitioner would also like to be heard in person, to further elaborate the position, if the need be.

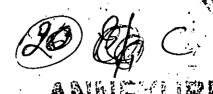
Yours obediently

(Saleem Asmat)

Naib Tehsildar, Presently waiting for posting

Petitioner

Dated. 26-10-2010



### GOVERNMENT OF NWFP REVENUE & ESTATE DEPARTMENT

No 6933-45 Admn: V/S. 1/09

Dated Peshawar the 24/03/2010

To

All Assistant to Commissioner, in NWFF

2. All Political Agents in NWFP.

Subject:

TENTATIVE JOINT SENIORITY LIST PREPARED ON PROVINCIAL BASIS

OF NAIB TEHSILDARS (BPS - 14) AS STOOD ON 31.12.2009

Sir

I am directed to enclose herewith Tentative Seniority List of Naib Tehsildars (BPS = 14) as stood on 31.12.2009 for information. The same may be circulated amongst the concerned officials serving under your control with the direction to forward their objection if any within 15 days from the date of issuance of this Circular.

In case no objection is received within the stipulated period, it shall be presumed that they are satisfied with the position assigned to them in the Seniority List prepared on Provincial Basis and no objection will be entertained after expiry of stipulated period.

Assistant Secretary (Eatt)
Board of Revenue NWFP



Total 189

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ANNEXUE

REVISED FINAL SENIORITY LIST OF NAIB TEHSILDARS (BS-14) IN NWFP AS STOOD ON 57.98-2609

2000年7月,1960年2月 - 1960年2月				A STOOD ON	
NAME OF NAIB TEHSILDAR	A DATE OF DIDTE	DATE OF IST	DATE OF APPONT		31.12.20.09
QUALIFICATION		GOVT; SERVICE	AS NAIB TEHSILDAR	METHOD OF RECRUITMENT.	REMARKS
Le Jac Mrs Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08:1995	28.08.1995	This is a second of the second	
2. Mr. Hameed Khan Afirdi	The Allerta		at of Semon	Promote	Tehsildar or Acting Charge Basis  Seniority Assigned by the Court of
3Mr. Abdui Samad (MA)	3: 30.11.1960 Karak	03.05.1979	10.04.2001		Hember, Bar of Revenue, NWFP
Mr. Muhammad Sohaib (BA)	7 01.01.1968 Kohat	09.02.1990	10.04.2001	Promotee	Seniority Assemed by the Court of S Member, Beat of Revenue, NWFP
5. Mr. Javed Anwar Kamal FA	15.05.1958 Charsadda	01.11.1976	10.04.2001	Promotee	Seniority Assigned by the Court of S' Member, Boar of Revenue, NWFP.
i. Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	Contraction (	
7. Mr. Mian Samiullah Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002		1947 EV
Mr. Ghani Khan B.A	02.02.1952 Charsadda	1979.	12.10.2002	do	—do-એ કડાએ ક
Mr. Ghulam Farooq (Metirc)	.01.01.1957 Bajaur	23.02.1978	13.01.2003	do	—do4-i\
0. Mr. Naz Amin Khan (Metric)	- 12.05.1960 Bajaur	25.11.1981	13.01.2003	^ 2 = do ^ 2do	do; (** 25.5)
<ol> <li>Mr. Muhammad Riaz Khan B.A LLB</li> <li>Mr. Shamas Gul B.A</li> </ol>	: 08 05.1970 Bannu	02.06.1994	24.03.2003	Direct	
3. : Mr. Muhammad Naib Din M.A	20.00 10.50 NW Agency	1973	09.05.2003	Promote	do1
Mr. Javed Hussain	30.09.1959 NW Agency 13.06.1952 Haripur	24.11.1980   25.05:1981	09.05.2003	do	dodadadadadadada
Mr. S. Asghar Shah (Metric)	25.12.1959 Haripur	25.05.1981	30.06.2003	= ===do	-do 1 - 2 -
Mr. Saleem Asmat (BA)	03.01.1959 DIKhan	27.03.1984	13.01.2004	Pysmot-	Result vd-do-Asster Secy:
17					12 NO. 6733-45/Adm
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· Service of		<b>多数性的性质的性质的性质</b>	STATE WATER	_	/-340.

C. No. 303/2010 6

Saleem Asmat

Versus

Board of Revenue, Khyber Pakhtunkhwa,

ORDER 28/10/2010

Departmental Appeal/Representation received by post from Mr. Saleem Asmat Naib Tehsildar for correction of seniority. Iist circulated vide Board of Revenue, Khyber Pakhtunkhwa order No. 15161/Admn:V/S.L. and 10/08/2010. Call for comments from Assistant Secretary (Estt.), Board of Revenue, Khyber Pakhtunkhwa. Case to come up on 25/11/2010.

25.11.2010.

SMBR

Appolland orbsent. PO is busy in other in partant opportant opportant opportant. To come up can 2.12.2010.

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30-12-2010.

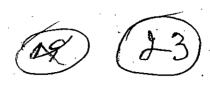
Apellant present in person, arguments heard. Form from arguments and perusal of record it appears that the appellant was considered by the DSPR on 26-5-2008 and was not promoted. The DSPR mas headed by the then super. Subsequently, the super hearing an appeal against the decision of DPC regularized the services of the appellant.

ATTESTED

Roader to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.

Office to seek advise of from Establishme Depth on whether an officer heading the DPC can promote review the decision of the DPC and pass an order many to the decision. The

ATTESTED



26.5.2011

Appellant present while PC is on Tour / Inspection to Mancehra. To come up on 12.3. 2011 Jun James proceedings.

Ready

12.3.2011

Appellant present and heaved.

He submitted minimes of DR morning held over 31.3 2008, which is placed in fraction of the morning be commerced with the present appeal may care to lonic up our 2.4.2011 gar humans.

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ATTESTED

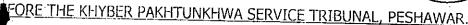
Hiprolland Colors Acoment Novil. Toksaller has but somelled con asplication for adjournal cuth The horson that The modes easy of dangliler has taken place on 2/4/2×41 house her nested for adjournment - Appliation be placed on file case accordingly adjourned for 16-4-2011

Reader to Senior Member Board of Revenue, Khyber Pakhtunkhwa.

16-4-2011

Apellant present. Perusal of his appeal Chows that he has chall anged the Senioring list circulated on 10-8-2010 after 75 days i.e on 26-10-2010, which is quite after the randatory limit of 30 days. Therefore the appeal/representation is not praintainable. Manual

ATTESTLD



Appeal No. 813/2011

Saleem Asmat Naib Tehsildar.

Date of hearing

19.6.2012

S.No.

### (Appellant)

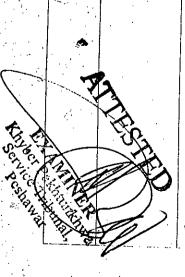
 Government Secretary

VC1303	•	The Contract of the Contract o
ent of Khyber Revenue & and others	Estate Department, through its (Respondent	eshawar
Order/proceedings of	f Court with signature of	
Judge/Magistrate	•	J.,.

	19.6.2012	Appellant with counsel, and Mr. Sherafgan Khattak,
		AAG with Attaullah, Superintendent for the respondents
		present. Arguments heard and record perused.
.		
•		2. The appellant Saleem Asmat filed the instant appeal
	, , ,	against the order dated 16.4.2011 of respondent No.2
		whereby his departmental appeal against the seniority list
7-4. 1901 -	و العو	circulated on 10.8.2010 has been rejected being time barred.
_		It has been prayed that on accentance of the appeal the

it on acceptance of the appeal, the impugned order may be set aside and the seniority list be corrected or his departmental appeal/representation be decided on merits.

The learned counsel for the appellant argued that the 3. appellant was promoted as Naib Tehsildar in his own pay and scale vide order dated 13.1.2004. He filed departmental appeal before respondent No. 2 for regularization of his service and seniority. The appeal was accepted and his services were regularized as Naib Tehsildar w.e.f. 13.1.2004. A seniority list was issued on 30.6.2010, wherein his name was placed at S.No.17. On 10.8.2010, the impugned seniority list was issued wherein name of the appellant appeared at S.No. 62 instead of S.No. 17. The impugned seniority list was never received by the appellant and he came to know about on 21.10.2010. So he immediately filed departmental appeal on 26.10.2010. The Appellate Authority was required to decide the departmental appeal on merits









6. In view of the above, the impugned order dated 16.4.2011 is set aside and the case is remanded to the departmental appellate authority for decision afresh on the departmental appeal of the appellant on merits. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED 19.00.2019

(SULTAN MAHMOOD KHATTAK) (NOOR ALIKHAN)
MEMBER MEMBER

Certified to he dare copy

vice Tribunal Peshawar

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## BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No:

813 / 2011

**SALEEM ASMAT** 

<u>Versus</u>

Govt. of K.P.K. etc.

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Appellant / Applicant -

Through,





## BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

813 / 2011

SALEEM ASMAT
Naib Tehsildar,
HANGU

VERSUS

1. GOVERNMENT OF K.P.K
Revenue & Estate Department,
Through Secretary, Peshawar.

2. Senior Member Board of Revenue,
KPK, Peshawar.

RESPONDENTS

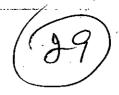
## APPLICATION FOR IMPLEMENTATION OF JUDGEMENT DATED 19.06.2012

Respectfully Sheweth,

Service Appeal No:

 That, Appellant / Applicant filed the subject mentioned Appeal in this Honorable Tribunal, which was accepted on 19.06.2012 with the following observations: -

"In view of the above, the Impugned Order dated 16.04.2011 is set aside and the case is remanded back to the Departmental Appellate Authority for decision afresh on the Departmental Appeal of the Appellant on merits. Parties are left to bear their own costs. File be consigned to record".





Certified copy of the Judgment dated 19.06.2012 is attached as **Annexure-A**.

- 2. That, the Department / Government accepted the above Judgment by not filing CPLA before the apex Court i.e. Supreme Court of Pakistan.
- 3. That, the Respondents were time and again requested to implement the above said Judgment in its letter & sprit but they seems to be reluctant.
- 4. That, justice delayed is Justice denied.

In view of the above, it is requested that Respondents be directed to implement the Judgment dated 19.06.2012 without any further delay with such other relief as may deem fit in the circumstances of the case may also be granted.

Appellant / Applicant

Through:





## BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No:

813 / 2011

SALEEM ASMAT

Versus

Govt. of K.P.K. etc.

### AFFIDAVIT

I, Saleem Asmat S/o Nasrullah Khan Naib Tehsildar, HACSOLL Appellant / Applicant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal.

Deponent

Identified by:





## BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No:

813 / 2011

**SALEEM ASMAT** 

<u>Versus</u>

Govt. of K.P.K. etc.

**ADDRESSES OF PARTIES.** 

**APPELLANT:** 

Saleem Asmat, Naib Tehsildar, HANGU

**RESPONDENTS:** 

1. GOVERNMENT OF K.P.K, Revenue & Estate Department, through Secretary, Peshawar.

2. Senior Member Board of Revenue, KPK, Peshawar.

Appellant / Applicant

Through,

(32) (F) G

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR

Execution le tition NO-136/12

Service Appeal No:

813 / 2011

Date of Decision:19.06.2012

SALEEM ASMAT

Naib Tehsildar,

HANGU

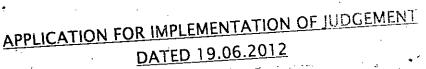
APPELLANT

**VERSUS** 

1. GOVERNMENT OF K.P.K Revenue & Estate Department, Through Secretary, Peshawar.

2. Senior Member Board of Revenue, KPK, Peshawar.

RESPONDENTS



7.04.2013

Counsel for the petitioner, Attaulian, Supdt and Mir Qasim, Assistant Secretary with Arshad Alam, GP for the respondents present. Proper Implementation report with Annexure-A received, copy handed over to the Counsel for the petitioner. Arguments on implementation heard. The judgment of the Tribunal in service appeal No.813/2011 dated 19.05.2012 has been implemented in true letter in spirit. As such the application is filed. File'be consigned to the recored.

ANNOUNCED 17.04.2013. self-Memleus Member

ATT

GOVERNMENT OF KHYBER PAKHTUNKHWA BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT No. Estt: V/Saleem Asmat/ 17987

Peshawar dated the 12/09/2012

To

Mr. Saleem Asmat, Naib Tehsildar Hangu.

Subject:

IMPLEMENTATION OF JUDGMENT DATED 19.06.2012 PASSED BY SERVICE TRIBUNAL KHYBER PAKHTUNKHWA IN SERVICE

APPEAL NO.813/2011

Your application dated 25.07.2012 has been examined in light of the Appointment Promotion Transfer Rules, 1989 and it is observed that in light of Section -8(4) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post.

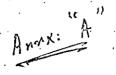
Since your regularization order as Naib Tehsildar has been issued on 18.01.2010 as such seniority as Naib Tehsildar has been assigned from the said date. Prior to this you were posted as Naib Tehsildar in Own Pay & Scale; therefore your request for grant of seniority from the date of posting as Naib Tehsildar in Own Pay & Scale cannot be acceded to.

Assistant Secretary (Estt:)

Not a case of proportion ashion as with

DIA And P-1

TAMINE XUBE



GOVERNMENT OF N.Y.F.P. REVERUE AND ESTATE DEPARTMENT.

FESHAWAR DATED THE 12/1/2004.

QRDER.

Adm: I/PF(3). On the resonmendation of the District Coordination Officer, B.I.Khan Mr. Salin Asmat presently working as Assistant Finance and Planning Separtment, D.C.O. Office Tank to hereby transferred and posted as Political Mail: Toballdur Darazinda F.R. B.I.Khan in his own pay and souls against the vacant post till further orders.

SENIOR HEMBER, B.W.F.P.

Endst: No. 852-63 /Admn: I/FF(S)/NF.

Copy to the :-

1. Secretary to chief Minister, H.W.F.P.

2. District sociednation officer, D.I. Than with reference to his letter No. 233-/PS(Esth), att 12/1/2004.

3- Bintriot Gooddination Officer, Trank, with reference to his letter Me. 20/BOS dated 7-1-2004.

a. District Officer(REE)/Collectofo, Tank and B.I. Thes.

3- Minimist Assounds Officer. D. T. Than and Tank.

P. S. to Menior Memberry hourd of Revenue, M.W. P.F.

7- P.A. to Scoretery, Board of Revenue, M.W.F. T.

U. Official concorned.

9- Forsonal file.

10- Office erder file.

Beard of Moverue, H.W.F.P.

IN THE COURT OF AHSANULLAH KHAN SENIOR MEMBER OF REVENUE NWFP.

Case No. 338 Date of Institution 06.06.2008 Date of Decision 29.09.2009

Appeal against order No. 10314-69/Admn:U/DPC/Naib Tehsildar, dated

ORDER

This is a an appeal filed by Mr. Saleem Asmat Political Naib Tehsildar (FR) Kohat challenging therein this Department order bearing Endorstement No. 852-63/Admn:I/PF(S)/NT/OPS/PNT/FR/DIKhan, dated

Facts leading to the case are that the appellant was initially appointed as Junior Clerk in the office of Deputy Commissioner, DIKhan and remained posted in various Branches. He was later on promoted as Assistant and was given the charge of Political Naib Tehsildar Jandola (FR) Tank and Naib Tehsildar Irrigation several times. He was also posted as Political Naib Tehsildar (FR) DIKhan by the then Senior Member Board of Revenue NWFP dated 13.01.2004.

Moreover, in a meeting held between the District Coordination Officer, Lakki Marwat and Governor NWFP he was assigned the duties of Acting Assistant Political Agents (FR) Lakki Marwat and thereafter he was posted as Political Naib Tehsildar Razmak as well as Political Naib Tehsildar Datta Khel North Waziristan Agency. He also remained posted as Political Naib Tehsildar Mohmand Agency and Political Naib Tehsildar (FR) Kohat. His case for selection / promotion as Naib Tehsildar has already been decided vide minutes of Departmental Promotion Committee meeting held on 31.03.2008.

Under the circumstances and his meritorious and excellent service available on record his case seems to be genuine. As such, the appeal is hereby accepted and the services of the appellant are hereby regularized as Naib Tehsildar

ANNOUNCED 29.09.2009

> (AHSANULLAH KHAI SENIOR MEMBER

BOARD OF REVENUE NWFP

Ad-i-iii 709



## GOVERNMENT OF NWFP REVERUE & ÉSTATE DEPARTMENT

Dated Peshawar the 18/01/2010

ORDER.

In pursuance of Judgment & /Admn:V/PF(Saleem) of Senior Member Board of Revenue NWFP dated 29.09.2009 passed in Appeal No. 338/2009 services of Mr. Sleem Asmay Naib Tehsildar (Own Pay & Scale) (BPS - 14) presently waiting for posting in Board of Revenue NWFP are hereby regularized w.e.f 13.01.2004.

> By Order of, Senior Member Board of Revenue NWFP

10 /Admn: V/PF(Saleem)

Copy to:-

- 1. Commissioner DIKhan Division DIKhan
- Accountant General NWFP
- District Officer (R&E)/Collector, DIKhan
- District Accounts Officer DIKhan.
- 5. Reader to Senior Member Board of Revenue NWIP
- Bill Assistant Board of Revenue NWFP
- Official concerned with the same of
- Personal File.
- 4.92 Office Order File of the part of the first of the

walmized to the training Assistant Secretary (Estt) Assistant Secretary (Estt)
Board of Revenue, NWFP

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rate Committee ( to the at rate of free from .

879 Address St. Bet. Const. and S. M. Harry (1987).

#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 932/2013

( P

Saleem Asmat ......Appellant

#### **VERSUS**

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2 ARE AS UNDER:-

#### PRELIMINARY OBJECTIONS

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

#### RESPECTFULLY SHEWETH.

#### ON FACTS.

- 1. Correct to the extent that his name was placed in the seniority list at proper place.
- 2. Correct to the extent that the appellant was given seniority w.e.f. the date of his regular promotion i.e. 31.03.2008. Seniority with effect from the date of posting of the appellant in Own Pay & Scale i.e. 13.01.2004 does not cover rule 8 of Civil Servants Act, 1973 which states that seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post. Further the Tentative Seniority list circulated vide dated 30.06.2010 was cancelled vide Notification No.15262-69 dated 10.08.2010. Copy of the order is Annexure-A.
- 3. Correct to the extent that the time barred representation/appeal of the appellant was examined and rightly filed by the Competent Authority.
- 4. Pertaining to record. However the Tribunal judgment was implemented.
- 5. Incorrect. The appeal/representation of the appellant was processed in the department and was rejected by Competent Authority on 12.09.2012.
- 6. Correct to the extent that the departmental appeal of the appellant was rejected by the Competent Authority on 12.09.2012.

م'روار

Service Appeal

#### ON GROUNDS

- A. Incorrect. Order dated 12.09.2012 is just fair and according to law.
- B. Incorrect.
- C. The appellant himself admitted that he was appointed as Naib Tehsildar in (Own Pay & Scale) on 13.01.2004, which cannot be counted towards seniority under the law.
- D. The order dated 29.09.2009 was passed by the then Senior Member, Board of Revenue through Administrative Order which was not implemented being violative of rules. As for regularization Departmental Promotion Committee recommendation is essential but no Departmental Promotion Committee recommendation was there in the appellant case, therefore that order cannot be implemented.
- E. Incorrect. In the tentative seniority list of Naib Tehsildar, the appellant was placed at S.No.17 while in the final seniority list he was placed at his proper place with effect from the date of regular promotion as Naib Tehsildar. Further the seniority list dated 30.06.2010 was cancelled by the Competent Authority.
- F. Incorrect. Final seniority list was issued under Rule 8(4) of the Civil Servant Act, 1973.
- G. Incorrect. Seniority of a person in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post as laid down in rules 8(4) of Civil Servants Act, 1973.

In view of the above, the appeal has no merits and may be dismissed with costs.

Respondents No.1 &2

Annexuve 9"

## 

Dated Peshawar the 30/06/2010 o

### OFFICE ORDER

No 12 / Admn: V/.S.L. In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of regular Naib Jehsildars (BPS – 14) in Khyber Pakhtunkhwa, as stood on 31.12.2009, is hereby published for information of all concerned.

By Order of, Senior Member Board of Revenue Khyber Pakhtunkhwa

No 12 CT (-FO/Admn: VSIL

Copy along with a copy of Final Seniority List is forwarded to:-

- 1. All Divisional Commissioners, in Khyber Pakhtunkhwa
- 2. Officials concerned.
- 3. Office Order File

They are requested to circulate the same amongst the Naib Tehsildars concerned working under their jurisdiction / control.

Assistant Secretary (1:50) Board of Reyenue Khyber Pakhtunkhwa dny:

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PEGRECIE

	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	RINGERKS:
1 .	Mr. Abdul Qadeer (N(Sc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Promoted as Tehsildar on Acting Charge Basis
2.	Mr. Muhapimad Naib Din M.A	30.09.1959 NW Agency	24.11.1980	17.01.1996	,do	Naib Tehelidar
3.	Mr. Abdul Naci F.A	05.04.1957 Kohat	12.12.1976	10.04.2001	( <u>l</u> ()	do
<u> </u>	Mr. Galshan Mehmood F A	01.05.1957 Kohat	08.01.1975	13.03.2004	:do	;
ili. Si	Mr. Hameed Khan Afirdi (MA/B.Ed)	15.02.1962 (FR Kohal)	14.03.1984	10.04.2001	do	-do- ,
0.	Mr. Abdul Samad (MA)	30.11.1960 Karak	03.05.1979	10.04.2001	do	-da-
7.	Mr. Javed Anwar Kamai (F.A)	15.05.1958 Charsadda	01.11.1976	12.10.2002	do	Promoted as Tehsilder (BPS - 16) on Acting Charge basis
S., -	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28 07.1973	12.10.2002	<u>id</u> o	([()
9.	Mr. Mian Samulian Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002	do	60
10.	Mr. Ghani Khan B.A	02.02.1952 Charsadda	1979	12.10.2002	··do	de
: 11.	Mr. Ghulam Farooq (B A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	do	Naih Tehsiltar
12.	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	do	
13.	Mr. Mwammad Riaz Khan (B.A LLB)	08.05.1970 Bannu	02.06.1994	24.03.2003	Direct	Promoted as Tehsildar (BPS - 16) on Acting Charge basis
: 4 <sub>:</sub>	Mr. Shamas Gul B.A.	7- 1952 NW Agency	4-10-1973	09.05.2003	Promotee	Nand Tehsildar (
115	Mr. Sikandar Hayat Shah (Mairic)	20.01.1958 Bannu	18.02.1981	09.05.2003	( <u>†</u> :)	do
id.	Mr. Javed Hassant (Manie)	13.06.1952 Haripur	27.05.1977	30 06.2003	-do-	in a company of the second of
7	Mr. S Asgha: Shea (Macric)	25.12 1959 Haripu	25.05 1981	30.06.2003	-do <del></del> -	
i X	Mr Ali Sher to Loss to List	15.02.1978 Peshawar	i.4.02.2004	14 02.2004	di Dirki	
	•					

			DATE OF IST	DATEOF		
	/ YAME OF NAIB TEESILDAR OVALIFICATION	DATE OF BIRTH DOMICILE	ENTRY INTO GOVT; SERVICE	APPOINTMENT AD NAIB TEHSILDAR On Regular Basis	METHOD HE RECRUITMENT	REMARKS.
<b>\$</b> 0	Mr. Qudratullah (Matric)	20.02.1959 DIKhan	01.09.1977	(1 01.2008	Promotee	Naib Tehsiidar
61.	Mr. Aftab Hussain Shah (B.A)	04.05.1958 DIKhan	1309.1980	01.01.2008	do	do
だ 62. :	Vir. Saleem Asmat (BA) .	03 01.1959 DIKhan	27.03.1984	31.03.2008	+do	do
, 63	Mr. Raqibas Khan (FA)	01.09.1956 Bannu	05.03.1982	···· <del>·</del> - <del>(/2</del> .04.2008 ·	<u>d</u> o	do
64.	Mr. Habib Ahmad B.A	04.04.1955 Swat	06.04.1981	02.04 2008	do	do
65.	Mr. Himayat Ullah Qureshi (B.A)	06.11.1958 Tank	-10.011978	02.04.2008	do	·do
66	Mr. Ghulam Abbas (Matric)	15.02.19'58,	11.11.1982	05.01.2008	do	do
67	Mr.Maqsood Ahmad (BA)	Lakki Marwat 11.01 1951 Nowshera.	10.02.1982	08.05.2008	do	
68.	Mr.Abdullah Jan (FA)	17.10.1958 Charsadda.	01.09 1977	08.05.2008	 do	do
69	Mr. Miraj Muhammad (F.A)	30.09.1958 Charsadda	31.05.1975	12.05.2008	do	do do
<b>7</b> 0.	Mr.Nazir Ahmad (Matric)	!2.03.1954 Mansehra	18.08.1979	03.05.2008	do	do
71.	Mr. Muhammad Ziafat (F.A)	12.02.1955 Abbottabad.	06.10.1976.	08.05.2008	do	do
72. •	Mr.Abdur Rasheed (B.Com)	06 02.1952 DIKhan	01.09.1972	03.05.2008	do	do
73.	Mr. Raheem Ahmad (C.Com)	17.11.1951 DIKhan :	01.03.1975	03.05.2008	do	do
74. -	Mr. Naimat Ullah Khan (BA)	!i.08.1967 Tank	16.06.1990	03 05.2008	do	do
75.	Mr. Naik Muhammad (B.A)	04.04.1971 Kohat	26.07.1995	10.05.2008	do	do
76.	Mr. Amanullah (Matric)	09.06.1956 Tank	09.06.1956	29.05.2008	do	do
77	Mr. Shah Zaman (F.A)	i 6 07.1958 Tank	03.07.1984	29.05.2008	·· · · · · · · · · · · · · · · · · · ·	do
78	Mr. Abdur Rashid (Matric.)	1958 DIKhan	1987	29.05.2008	 de	do
79	Muhammad Ayub (Middle)	04.11.1960 Tank	18.12.1986	29.05.2008		do do
\$()	Mr. Amir Muhammad (B.A.)	06-04.196! Swabi	28.08.1988	1, 08,2008		-rio-
						Assistant Several VIII

Assistant Serretary 141



## GOVERNMENT OF KHYBER PAKHTUNKHWA REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 10/08/2010

### OFFICE ORDER

No 1566 /Admn: V/.S.L In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and in supersession all subsequent Notifications issued in this behalf Final revised Seniority List of regular Naib Tehsildars (BPS - 14) in Khyber Pakhtunkhwa, as stood on 30.06.2010, is hereby published for information of all concerned. Seniority List Circulated vide this Department Notification No. 12700/Admn: V/SL, dated 30.06.2010 is hereby cancelled.

By Order of, Senior Member Board of Revenue Khyber Pakhtunkhwa

Copy alongwith a copy of Final Seniority List is forwarded to:-

All Divisional Commissioners, in Khyber Pakhtunkhwa

Office Order File

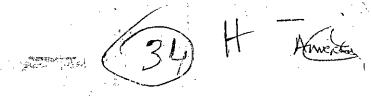
They are requested to circulate the same amongst the Naib Tehsildars concerned. working under jurisdiction Leontrol.

Assistant Secretary Board of Revenue Khyber Fakhtunkhwa Assistant Scoretary Revenue & Estate Deptti

Maryber Paketuokhwa.

Seniority List of Niab Tehsildar

全 1	5 No.	NAME OF NAIB TEHSILDAR QUALIFICATION	
irr die	1 S	Mr. Aftab Hussain Shah (B.A)	
A CONTRACTOR	61.	Mr. Sikandar Hayat Shah (Matric)	
1 1	62.	Mr. Ghulam Abbas (Matric)	
	63.	Mr. Şaleem Asmat (BA)	
· .	-64.	Mr. Raqibas Khan (FA)	
	65.	Mr. Habib Ahmad B.A	
	66.	Mr. Himayat Ullah Qureshi (B.A)	
	67.	Mr.Maqsood Ahmad (BA)	
	68.	Mr.Abdullah Jan (FA)	
	69.	Mr. Miraj Muhammad (F.A)	
	70.	Mr.Nazir Ahmad (Matric)	
	71.	Mr. Muhammad Ziafat (F.A)	· ·
•	72.	Mr. Abdur Rasheed (B.Com)	
	73.	Mr.Raheem Ahmad (C.Com)	
	74.	Mr.Naimat Ullah Khan (BA)	
	75.	Mr. Naik Muhammad (B.A)	
	76.	Mr. Amanullah (Matric)	
	77.	Mr. Shah Zaman (F.A)	
	78.	Mr. Abdur Rashid (Matric)	
	79.	Muhammad Ayub (Middle)	Ī
	80.	Mr. Amir Muhammad (B.A)	
	<u></u>	<u> </u>	)



GOVERNMENT OF KHYBER PAKITUNKHWA
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT
No. Estt: V/Saleem Asmat/ 17789
Peshawar dated the 12/09/2012

To

Mr. Saleem Asmat, Naib Tehsildar Hangu.

Subject:

IMPLEMENTATION OF JUDGMENT DATED 19.06.2012 PASSED BY SERVICE TRIBUNAL KHYBER PAKHTUNKHWA IN SERVICE <u>APPEAL NO.813/2011</u>

Your application dated 25.07.2012 has been examined in light of the Appointment Promotion Transfer Rules, 1989 and it is observed that in light of Section -8(4) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post.

?只是只要用数据的变化的更好的形式的是自用的特别的。可以没有可能的一种有效用的中央中心也是这种数据的**这种形式的现在分**用的数据的现在分词

Since your regularization order as Naib Tehsildar has been issued on 18.01.2010 as such seniority as Naib Tehsildar has been assigned from the said date. Prior to this you were posted as Naib Tehsildar in Own Pay & Scale; therefore your request for grant of seniority from the date of posting as Naib Tehsildar in Own Pay & Scale cannot be acceded to.

٠.

DEA Ant P- Y

## BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No:

932 / 2013

**SALEEM ASMAT** 

**VERSUS** 

GOVERNMENT OF K.P.K etc

## REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth,

Rejoinder on behalf of Appellant is as under: -

## REJOINDER TO THE PRELIMINARY OBJECTIONS:

Preliminary Objections as raised by the Respondents are illegal, unlawful and irrelevant to the facts and circumstances of the case because while raising the same the Respondents had not cited any lawful reason or justification in support thereof hence the same are mere routine objections having nothing to do with the merits of the case.

### **REJOINDER TO THE FACTS:**

- 1. Para 1 of the comments needs no reply.
- 2. In response to Para 2 of the Comments, as offered by the Respondents, it is submitted that Appellant's Promotion was regularized as Naib Tehsildar with effect from 13.01.2004 by virtue of Judgment of Respondent No. 2 dated 29.09.2009, hence, he is to be given the Seniority of Naib Tehsildar from 13.01.2004 i.e from the date of his regularization and the reply of the reports that services of the appellant were regularized on 31.03.2008 is totally wrong, misconceived and misleading statement. It is important to mention here that on the same footings one Mr. Naib Din was assigned the Seniority by Respondent No. 2, on the basis of which,

later on, the same Naib Din was promoted as full Tehsildar and than PMS Officer. Mr. Miraj Muhammad's case has also been dealt with on the same footings, copies of Order dated 15.01.2010 is attached as  $\underline{Annexure \ R/2}$ .

- 3. Para 3 needs no reply as the controversy of earlier Departmental Appeal and Appellate Order has already been finalized.
- 4. Para 4 of the comments needs no reply.
- In response to Para 5 & 6 of the Comments, it is submitted that although the Appeal was rejected / decided by the Competent Authority on 12.09.2012 but the order in this respect was never communicated to the Appellant, in person or at his official address, however during the execution proceedings before this Honorable Tribunal, the same was handed over to the Appellant.

### **GROUNDS:**

- A. Reply to Ground A & B of the Comments is neither legal nor proper because no Order could be termed as "in accordance with law and Rules" if the same is based on discriminatory and unjustified treatment.
- B. In response to Ground C of the Comments, it is submitted that after regularizing the Promotion of the Appellant with effect from 13.01.2004 vide Order dated 29.09.2009 (Annexure-K), Revised Entries were also made in the Service Book of the Appellant whereby his Basic Pay Scale was revised w.e.f. 13.01.2004 and he was also granted back benefits as per revised Basic Pay Scale, copy of the Service Book is attached as *Annexure R/3*.
- C. Ground D of the Comments is again misleading one hence denied. In fact Order dated 29.09.2009 was never taken back or set aside by the Competent Authority and it still holds the field. The Departmental Promotion Committee meetings held on 31.03.2008, 26.05.2008, 25.04.2009 and 21.09.2010 are crystal clear on the issue wherein the incumbents promoted by the Respondent No. 2 were considered by the Departmental Promotion Committee and

found fit for promotion. If the Administrative Orders are not legal and proper than the Respondents should have taken back all the Orders of Promotion based of the Judgments of the Respondent No. 2. It is important to mention here that in almost all the meetings the name of the Appellant has been discussed by the Departmental Promotion Committee along with others and junior to the appellant have been promoted to the post of Tehsildar and than PMS, copies of the Departmental Promotion Committee meetings are attached as <u>Annexure R/4</u>.

- D. In response to Ground E of the Comments, it is submitted that no such order of the Competent Authority has been annexed with the Comments in order to prove the contention of Cancellation of Seniority List.
- E. Grounds F & G as taken by the Appellant are just proper and legal while that of the comments, in response thereof, are illegal, unjust and not according to the norms of justice moreover the acts and omissions of the respondents are also against Article 4, 25 and 27 of the Constitution of the Islamic Republic of Pakistan, 1973.

It is, therefore, requested that Appeal be accepted as prayed for.

Appenant

Through:

BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

## BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No:

932 / 2013

SALEEM ASMAT

**VERSUS** 

**GOVERNMENT OF K.P.K etc** 

## <u>AFFIDAVIT</u>

I, Saleem Asmat S/o Haji Nasrullah Khan, Naib Tehsildar, Irrigation, D. I. Khan, Appellant, do hereby on oath affirm and declare that the contents of the Rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal.

Identified by:

BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

ATTESTED



Deponent



## GOVERNMENT OF NWFP REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 15/01/2010

## ORDER.

No 869 /Admn: V/PF(Niab Din).	In:	pursuance	of
Judgment of Senior Member Board of Revenue NWI	P da	ited 29.09.	2009
passed in Appeal No. 38/2009 services of Mr. Niab	Din	Naib pres	ently
working as Political Naib Tehsildar Torkhum (BPS	-· 1	(4) are he	ereby
regularized w.e.f 17.01.1996.			

By Order of, Senior Member Board of Revenue NWFP

No 870 76/Admn: V/PF(Niab Din)

Copy to:-

- 1. Commissioner Peshawar Division Peshawar
- 2. Political Agent Khyber Agency.
- 3. Agency Accounts Officer Khyber Agency.
- 4.. Reader to Senior Member Board of Revenue NWFP
- 5. Official concerned.
- 6. Personal File.
- 7. Office Order File.

Assistant Secretary (Estt)
Board of Revenue NWFP



## IN THE COURT OF AHSAN ULLAH KHAN, SENIOR MEMBER BOARD OF REVENUE, KHYBER PAKHTUNKHWA.

Case No. 257/2010
Date of Institution 16.09.2010
Date of Decision II / II /2010

## MIRAJ MOHMAAD POLITICAL NAIB TEHSILDAR YAKA GHUND, Appellant

ORDER:

This is an appeal filed Miraj Mohamad, Political Naib Tehsildar, Yaka Ghund, Mohmand Agency challenging therein this Department seniority list notified on 10.08.2010.

Facts leading to the case are that the appellant was initially promoted to the post of Naib Tehsildar on 09.05.2003 in his own pay & scale and subsequently on 29.04.2005, the appellant was promoted on the same post on regular basis. After his regular promotion vide No. 10683-90/Admn-I/PF (M) dated 29.04.2005. The appellant was placed in the seniority list ibid at S. No 24 with effect from 29.04.2005 as stood on 31.12.2009. In the year 2010, when the seniority was notified and his position was placed to at S. No. 69. On the other hand in similar nature case one Mr. Naib Din Naib Tehsildar as promoted to the post of FIVC (BPS-14) in his own pay & scale on 17.01.1996 and granted seniority from the same date i.e. 17.01.1996 already disposed up in this Court in case No. 381/09 dated 29.09.2009. On the same analogy and pattern the appellant is also entitled w.e.f 29.04.2005, on which he was promoted to the post of Naib Tehsildar on regular basis vide this Department No. 10683-90/Admn-I/PF (M) dated 29.04.2005. Hence the appellant has been discriminated as order having identical circumstances were granted due seniority while the appellant was refused which is not sustainable under Articles – 4, 25, 27 of Constitution 1973.

In view thereof the above appeal is accepted and the Respondent Department is directed to consider the case of the appellant regarding assignment of regularization/seniority w.e.f 29.04.2005.

Hamoure d

Senior Member, Board of Revenue, Khyber Pakhtunkhwa

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MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING REGARDING PROMOTION OF MINISTERIAL STAFF OF THE OFFICE OF REVENUE DIVISION <u>DIKHAN</u> TO THE VACANT POST OF NAIB TEHSILDAR (BPS – 14) HELD ON 25.04.2009 AT 11:30 P.M IN THE OFFICE OF SENIOR MEMBER BOARD OF REVENUE NWFP.

A meeting of the Departmental Promotion Committee was held on 25.04.2009 at 11:30 AM under the Chairmanship of Senior Member Board of Revenue NWFP in his office to consider the promotion of Ministerial Staff of the Revenue Division DIKhan. The following attended:-

- i. Ahsanullah Khan , Senior Member Board of Revenue NWFP ......in Chair

There are total 35 sanction posts of regular Naib Tehsildars, out of which 30% share falls to Kanungo as 11 which have already been filled, where as according to 20% quota, the share for Ministerial Staff comes to 7, out of which two posts have already been filled, thus five posts are required to be filled from them. The Committee therefore recommends the following eligible Ministerial staff for promotion as Naib Tehsildar on regular basis.

S.No	Name	District	Date of regular appointment as	Remarks
1.	Muhammad Shafqat Awan	DIKhan	JSS/ Assistant	
	Assistant	DIKITALI	22.10.1992	Deferred for want of
2.	Mr. Asad Ullah JSS	Tank	20.05.1992	service record / ACRs
3.	Adv. Ot		20.03.1992	Deferred for want of
	Mr. Sher Bahadar Assistant	Tank	10.10.1992	service record / ACRs Cleared as NT on
4. j	Mr.Zain-ul-Abiden Assistant	Tank	10.10.1992	regular basis
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5.	Mr. Shaukat Iqbal JSS	DIKhan	21.10.1992	service record / ACRs Cleared as NT on
		e e sum a la la propertie	1	regular basis

Mubashir Hussain Shah Secretary - I Board of Revenue NWFP Member

Gludam Jellani
Assistant Secretary (Admn)BOR
Member

Ahsanullah Khan Senior Member MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE MEETING REGARDING PROMOTION OF KANUNGOS (BPS-9) OF THE OFFICE OF THE REVENUE DIVISION PESHAWAR, HAZARA, DIKHAN, KOHAT, BANNU AND MALAKAND TO THE VACANT POST OF NAIB TEHSILDAR (BS-14) HELD ON 26.5.2008 AT 11:00 AM IN THE OFFICE OF SENIOR MEMBER BOARD OF REVENUE, NWFP.

A meeting of Departmental Promotion Committee was held on 26.5.2008 under the Chairmanship of Scnior Member Board of Revenue, NWFP in his office to consider the promotion of Kanungos/Ministerial employees of the Revenue Divisions Peshawar, Hazara, Mardan D.I.Khan, Kohat, Bannu and Malakand the following attended.

- ii. Mr.Zakir Hussain Afridi
  Secretary-I, Board of Revenue, NWFP......Member.

The Departmental Promotion Committee discussed the case of promotion of Kanungos (BS-9)/Ministerial employees to the post of Naib Tehsildars (BS-14) and after examination their service record / ACRs seniority lists etc unanimously approved the promotion of the following Kanungo/Ministerial employees of District Officer (Revenue & Estate)/Collector Offices on Acting Charge Basis with immediate effect.

S. No	Name	District	Dated of regular appointment as Kanungos	Remarks.
1.	Mr.Shah Zaman Kanungo(BS-9)	Tank ·	27.08.2007	Cleared.
2.	Muhammad Ayub Kanungo (BS – 09)	Tank	27.08.2007	Cleared
3.	Mr. Amanullah Kanungo (BS -09 )	Tank	10.01.2008	Cleared
4.	Mr. Abdur Rashid Kanungo(BS-9)	DIKhan .	11.01.2008	Cleared
5.	Mr. Fazal Hakim Kanungo(BS-9)	Swabi	15.11.1995	Cleared
6.	Muhammad Ikram Kanungo(BS-9)	Swabi	15.11.1995	Superseded as he has not properties as the h
7.	Mr. Shah Qader Kanungo(BS-9)	Swabi	15.11.1995	Cleared
8.	Mr. Raham Taj Kanungo (BS -09)	Mardan	01.07.2004	Differed for want of AC
9.	Mr. Yousaf Haroon Kanungo (BS -09)	× Mardan .	01.07.2004	Differed for want of AC

	·	<del></del>		<u> </u>	
	S. No	1 30	District	Dated of regular appointment as Kanungos	Remarks.
	10.	Muliainniad Hayat Kanungo (BS -09)	Swabi	01.08.2004	Cleare
	11.	Muhammad Younis Kanungo (BS – 09)	Kuram Agency	03.01.2002	Differed for want of ACRs
	12.	Mr. Zafar Iqbal Kanungo(BS 29)	Kohat	04.04.2004	Cleared
	13.	Kanungo(BS-9)	Kohat	04.04.2004	Cleared
	14.	Office Bannu (NT own pay scale)	Bannu	30.08.1992	Cleared
	15.	Mr. Sarfaraz Khan Kanungo(BS-9)	Peshawar	28.12.1995	Cleared
	16.	Mr. Faqir Muhamamd Kanungo(BS-9)	Nowshera	10.06.2003	Cleared
	17.	Mr.Noor Rehman Kanungo(BS-9)	Nowshera	10.06.2003	Deferred, for want of ACRs
	18,	Mr. Zakir Ullah Kanungo(BS-9)	Nowshera	12.07.2003	Deferred, for want of ACRs
	19.	Mr. Jan Akbar Kanungo(BS-9)	Charsadda	11.12.2004	Deferred, for want of ACRs O
	20.	S. Qasim Shah Kanungo(BS-9)	Charsadda	11.12.2004	Cleared )
	21.	Muhammad Zahir Shah Kanungo(BS-9)	Swat	01.01.1983	Superseded as he has not passed Departmental Examination Naib Tehsildar.
	22.	Mr. Amir Jang Kanungo(BS-9)	Buner	18.12.1995	Cleared b
	23.	Mr. Khurshid Ali Kanungo(BS-9)	Malakand	20.03.2001	Deferred, for want of ACF.s
	24.	Latif-ur-Rehman Kanungo(BS-9)	Shangla	30.06.2001	Cleared 6
-	25.	Mr. Qazi Muhammad Aslam Kanungo(BS-9)	Abbottabad	13.12.2000	Cleared'
_	26.	Mr. Abdul Qayum Kanungo(BS-9)	Kohistan	10.04.2002	Cleared
	27.	Mr. Sher Dil Kanungo(BS-9)	Kohistan	10.04.2002	Cleared
	28.	Muhammad Jamshed Kunungo (118 -09)	Kohiman	10.04.2002	Cleared 2

M/S Sher Bahadur Assistant of the office of District Coordination officer. Tank, Saleem Assistant of the Office of the District Coordination officer, Tank and Sajid Saleem Assistant of the office of APA FR Tank presently working as Naib Tehsildars in their own pay scale may continue as such as they are junior most Ministerial Employees appearing at S.No 6, 10 and 23 of the seniority list respectively. Their case for promotion on regular basis in Naib Tehsildar will be considered as and when the new Service Rules are finalized/notified which are under process.

Zakir Hussain Afridi Secretary-I,

Board of Revenue, NWFP

Ghualm Jellani Assistant Secretary(Admn) Board of Revenue NWFP

Senior Member
Board of Revenue, NWFP

E OF REVENUE DIVISION DIKHAN: BANNE AND MALAKAND TO THE VI POST OF NATH PERSHADAR (BES. 4) THELD ON 31.03.2008 AT 112.30 P.M. IN THE OFFICE OF SERIOR ALFAHRER, HOARD OF REVENUE NIVER.

A mosting of the Departmental Proportion Committee was held in 11.6: 2008. Chairmanship of Syntar Member, Board of Resenue, ISNEP, in his affice to consider the promotion of Panjurges (1308 100) Alimisicital Suit of the Revenue Division DIK jan. Hanny and Mulakand of the following attended.

Mi. Hamidlah Khan. Scapar Monther, Mills Land

Mulianapad Anyxale Assan Sectionity II, HORE ...... Ghulan Jeffan,

The Departmental Promotion Committee discussed the case of promotion of Knowing as (1808-49) Ministered State to the pion of State Considers (1808-19) and granified their service account the ArR Semiently sets and unantitionally approved the production of tothersing : Kinomyos (1998-1994 Montsoccial guirt to the front of Calle Lebshitter (1908-1-1) on Regardin - Nethor Charge basis with humorhole effect, he was a second

S.   No.   1	Name 1-2 ks. krapich Dazi Ethio	District Dania	Date of regular appointment as Kaningos 27.04.2008	Remarks Cleared on regul	
. *	Mr Habits Mount	en e		day qualifying the said beechy franted.	ervice in , afficial is ;
	MrgHunasarallab Mulkinun al	S.W. Amsters	(9.8.200.) (188. (8.12) (47.200) (188. (8.12)	Transit in regul- foretaining of recognitions of the market arms of the market registry granted. Tearest on regular five of const declaring (he axis subject to constr- essed post by purchase	duton 18 certo do duto ha 18 duto
- !	Mr/Ashin Khan > F. Mr/Bashir Ahmad   13	: . "]	7.06.2005 7.06.2005	Nimination of Nait, childur in future, leared on Acting Cha rs's against the high cared on Acting Cha rs's against the inital	Organ Liponou Liponou

Mr. Himmyandlinh Stommypist (BS-12) office of the Political Agent SW Agency Thresently working as PNT FR Kurram Agency had filed appeal before Senior Hember Board of Revenue, NWFP prior to introduction, Revenue Administration Rules, 2001 for his selection as Naih Tehsildar under West Pakistan Tehsildari / Naih Tehsildari Service Kales 1962. In light of Judgment of Semor Member Board of Revenue, NWIP Mellimayatullah is belieby appointed as Naib Tehsildar (BS-14) against Ministerial Quota.

If in for consideration that in the SSRC Meeting it fe already been decided that the Ministerial Staff of the Defunet Commissioners & Deputy Commissioners of the who prior to devolution were eligible for promotion as Naib Tehsilder and after devolution were adjusted in the offices of District Coordination officer, Assistant Coordination Officer (Finance and Plurining) Offices will also be considered at par with the Ministerial employees of District Officer (Revenue & Listate)/Collectors Offices, therefore, it is decided that sender record of the following Ministerial employees of District Coordination officers Assistant Political Agent offices working, us. Noib tehsilder in there own pay and scale may be requisitioned for

Mr. Salcem Assistant District Coordination officer, Officer Tank presently

Mr. Sher Bahadur Assistnat District Coordination officer, office Tunk Presently working as PNT SW Agency.

Mr. Sand Salcem Assistant office of the APA FR. Kohat, prejently working as

Ghulum Jollani, Assistant Scereinry (Admin) МЕМВЕЛ

elinh Killi chiar Member, BOR

## GOVERNMENT OF KITYBET PAKHTUNKITWA REPENUE & ESSTATE DEPARTMENT

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 21.09.2010 UNDER THE CHAIRMANSHIP OF MEMBER-II BOARD OF REVENUE KHYBER PAKHTUNKHWA.

A meeting of Departmental Promotion Committee was held on 21.09.2010 at 10:00 AM in the office of Member-II Board of Revenue Khyber Pakhtunkhwa under his Chairmanship regarding promotion of Naib Tehsildars (BPS – 14) to the post of Tehsildar (BPS – 16) on regular / Acting Charge basis.

Following attended.

- Mohammad Tayyab Awan,
   Member-II Board of Revenue Khyber Pakhtunkhwa.......Chairman
- 2. Mohammad Idrees,
  Additional Secretary (Regulation).
  Finance Department Khyber Pakhtunkhwa......Member
- 3. Mr. Nasir Aman.
  Section Officer (Regulation -- II)
  Establishment Department Khyber Pakhtunkhwa.......Member
- 4. Syed Mubashir Hussain Shah
  Secretary I Board of Revenue Khyber Pakhtunkhwa...... (Secretary)

# Item No.1 · PROMOTION OF NAIB TEHSILDARS / MINISTERIAL STAFF TO THE POST OF TEHSILDAR ON REGULAR BASIS.

- 2. There are total (98) regular sanctioned posts of Tehsildar out of which, 59 posts at the ratio of 60% falls in the share of Naib Tehsildars whereas 19.6 posts in the share of initial recruitment @ 20%, through Khyber Pakhtunkhwa Public Service Commission and 19.6 posts @ 20% in the share of Ministerial staff as per rules.
- 3. So far, 53 Naib Tehsildars (BPS 14) have been promoted as Tehsildar (BPS 16) on regular basis out of their share of 59 posts, while further 06 Naib Tehsildars (BPS 14) are required to be promoted as Tehsildar (BPS 16). It is further clarified that so far Seventeen (17) Ministerial employees have been promoted out of their share of Nineteen (19) posts, therefore, two more Ministerial employees are required to be promoted as Tehsildar (BPS-16) on regular basis in light of Joint Seniority List maintained by the office.
- 4. It is pointed out that Mr. Abdul Qadeer Naib Tehsildar appearing at S.No. I of the seniority list was time and again directed in writing individually and through District Officer (R&E)/Collector, DIKhan as well to produce his deficient ACRs but he did not heed to reminders. On 21, 22 and 23.09.2010 he was again asked through District Officer (R&E)/Collector, DIKhan to arrange provision of deficient Annual Confidential Reports, but again he failed to do so.

5. On observation of the Representatives of Establishment and Finance Department about the training of Ministerial staff, the Chairman of the Committee clarified that training to the Ministerial staff is imparted after their promotion. This practice is in vogue for the last many years. However, the Committee agreed in principle to ensure such trainings for the Ministerial staff prior to their promotion in future.

6. In view of the above, the Departmental Promotion Committee after thorough examination of the service records Performance Evaluation Reports etc of the candidates of the category of Naib Tehsildars and recommended 2+6=8 Naib Tehsildars for promotion to the post of Tehsildar (BPS-16) on regular basis as under:-

#### NAIB TEHSILDAR.

S.No	Name of official	Recommendation
1.	Mr. Abdul Qadeer Naib Tehsildar.	His Date of Birth is 15.08.1662. He joined Government Service on 28.08.1995. No enquiry is pending against him and no punishment was awarded to him during the last five years. His ACRs for years 2005, 2006, 2007 and 2009 are not available.
		The Committee, therefore, did not consider him for promotion as Tchsildar and was superceded.
2.	Muhammad Naib Din Naib Tehsildar.	His Date of Birth is 30.09.1959. He joined Government Service on 24.11.1980. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.
ţ	Mr. Abdut Nabu Naib Tchsildar.	His Date of Birth is 05,04,1957, He joined Government Service on 12,12,1976. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.
4.	Mr. Ghulshan Mehmood Naib Tehsildar.	His Date of Birth is 01.05.1957. He joined Government Service on 08.01.1975. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
       		The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.
5.	Mr. Hamced Khan Afridi Naib Tehsildar.	His Date of Birth is 15.02.1962. He joined Government Service on 14.03.1984. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
: : : :		The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.

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S.No	Name of official	Recommendation
., 2.	Mr. Naz Amin Naib Tehsildar.	His Date of Birth is 12.05.1960. He joined Government Service on 25.11.1981. No enquiry is pending against him and no punishment was awarded to him during the last five years. His ACRs for years 2005, 2006, 2007, 2008 and 2009 are not available.
		The Committee, therefore, did not consider him for appointment as Tehsildar and was deferred.
3.	Mr Shamas Gul Naib Tehsildar.	His Date of Birth is 28.07.1952. He joined Government Service on 04.10.1973. No enquiry is pending against him and no punishment was awarded to him during the last five years.
		The Committee, therefore, did not consider him to appointment as Tehsildar and was deferred
4.	Mr. Javed Hussain Naib Tehsildar.	His Date of Birth is 13.06.1952. He joined Government Service on 27.05.1977. No enquiry is pending against him and no punishment was awarded to him during the last five years.  His corridor record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with the settless of first
5	Syorl Aughur Shuh Nuih Tehsaldar.	His Date of Birth is 25.12.1959. He joined Government  Service on 25.15.1981. No enquiry is position against him and no punishment was awarded to him during the last five years.  His service record up to 2009 is generally good.
•		The Committee, therefore, recommended him for appointment, no the peak of Februika (1914-16) on Acting Charge there with
6	Mr. Ali Sher Khan Naib Tehsildar.	His Date of Birth is 15.02.1978. He joined Government Service on 14.02.2004. No enquiry is pending against him and no punishment was awarded to him during the last five years.
. •		The Committee, therefore, recommended him for appointment to the post of Tchsildar (BPS-16) on Acting Charge Basis with
	7. Mr. Tariq Salcem Naib Tehsildar.	His Date of Birth is 14.08.1971. He joined Government and Service on 14.02.2004. No enquiry is pending against him and no punishment was awarded to him during the last five years. His ACRs for the period 19.03.2005 to 24.01.2006, 25.01.2006 to 31.12.2006, 2007 and 2008 has not been stamped by
;		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with
,	8. Mr. Abdul Ghafar Naib Tehsildar.	His Date of Birth is 15.12.1974. He joined Government Service on 14.02.2004. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
1		The Committee, therefore, recommended him for appointment. to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate offect.
i	9. Mr. Said Rehman Naib Tehsildar.	His Date of Birth is 30.10.1959. He joined Government Service on 01.10.1980. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.

s.No :	Name of official	Recommendation
10.	Mr. Kiramat Ullah Naib Tehsildar.	His Date of Birth is 03.03.1974. He joined Government Service on 29.11.2004. No enquiry is pending against him and no punishment was awarded to him during the last five years. His ACRs for the year 2007 is not counter signed. His service record up to 2009 is generally good.
11.	Akbar Hikhar Ahmad	The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.  This Date of Birth is 29.03.1977. He joined Government and the committee of Birth is 29.03.1977.
	Naib Tehsildar.	Service on 24.11.2005. No enquiry is pending against him and no punishment was awarded to him during the last five years.  This parvice record up to 2009 is generally good.
!		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
1	Nic Queen Island Naib Tehsildar.	Service on 19.12.2005. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the post of Tchsildar (BPS-16) on Acting Charge Basis with immediate effect.
13.	Mr. Najib Ullah Naib Tehsildar.	His Date of Birth is 15.02.1969. He joined Government Service on 06.03.1996. No enquiry is pending against him and no punishment was awarded to him during the last five years. His ACRs for the year 2008 is not been stamped. However, his service record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
14.	Mr. Mohammad Ayub Khan Naib Tehsildar.	His Date of Birth is 01.03.1964. He joined Government Service on 12.06.2006. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
15	Mr. Abdur Rehman Shah Naib Tehsildar.	His Date of Birth is 15.02.1985. He joined Government Service on 23.01.2007. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
	Mr. Sarir Ahmad Naib Tehsildar.	His Date of Birth is 13.05.1955. He joined Government Service on 28.02.1977. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
	:	The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
, 1	7. Mr. Hasham Gul Naib Tehsildar,	His Date of Birth is 01.01.1955. He joined Government Service on 07.06.1982. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
•		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.

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No	Name	of official	Recommendation
18.		Iohammad Raiz Tehsildar.	His Date of Birth is 22.05.1958. He joined Government Service on 06.08.1978. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with appropriate officer
19.	Mr. A Naih	Attaullah Tehxildar.	His Date of Both is 01.04.1956. He poined Coverment Service on 06.11.1978. No enquiry is pending against him and two punishment was awarded to him during the last five years. [He previous record up to 2009 is generally good.]
	į		the Committee, the release recommended him he appendixed to the peak of Televidor (1923-16) on Acting Charge Basis with
20.	Mr. Nai	Musadiq Hussain b Tehsildar.	His Service record up to 2009 is generally good.
	1		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with
ឌ្ឍ	Mi Ni	Abdul Qayyum ib Tehsildar.	His Date of Birth is 03.01.1954. He joined Government Service on 23.06.1970. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
	·		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with
2:	2. N	Iohammad Nawaz aib Tehsildar.	His Date of Birth is 30.03.1957. He joined Government Service on 20.05.1976. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
:			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with to the post of Tehsildar (BPS-16) on Acting Charge Basis with
: 2	23.	Mr. Mir Laiq Naib Tehsildar.	His Date of Birth is 27.04.1963. He joined Government Service on 08.03.1983. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
	į	•	The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with to the post of feet.
	24.	Mr. Nouman Ali Shah Naib Tehsildar.	His Date of Birth is 17.09.1984. He joined Government Service on 06.07.2007. No enquiry is pending against him and no punishment was awarded to him during the last three years.
:	!	•	The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
	25.	Mr. Mohammad Bashir Naib Tehsildar.	Service on 11.11.1976. No enquiry is periodic last five years no punishment was awarded to him during the last five years no punishment was awarded to him during the last five years no punishment was awarded to him during the last five years.
; ; ; ;			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis wit immediate effect.

The Members of the Establishment and Finance Departments raised a question hat why junior Naib Tehsildars were promoted on Acting Charge Basis in the previous meeting. The office of Board of Revenue, Khyber Pakhtunkhwa, clarified that in the fast Departmental Promotion Committee meetings held on 28.03.2009 and 01.07.2009 the senior Naib Tehsildars were left from appointment to the post of Tehsildar on Acting Charge Basis because they approached the court of Senior Member, Board of Pevenne, Ehylea Pakhtunklissa., Bervice billiand biligher Palchianthing for registion of their sentority position. As a result their representations were accepted and they were declared senior to those who were earlier senior to them.

Section Officer (Regulation - II) Establishment Department Khyber Pakhtunkhwa (Member) 'q

Syed Mubashir Hussain Shah

Secretary - I Board of Revenue Khyber Pakhtunkhwa (Secretary / Member)

Mohammaularces

Additional Secretary Finance Department Khyber Pakhtunkhwa (Member)

Mohandmad Tayyab Awan,

/ Member-11 Board of Revenue Khyber Pakhtunkhwa (Chairman)

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5.No -	Name	of o	Hicial

#### Recommendation

6.	i	Mr. Abdul Samad
		Chile Lebenthin

His Date of Birth is 30.11.1960. He joined Government Service on 03.05.1979. No enquiry is pending against him and no paradoment was accorded to fund during the best five years. This service record up to 2009 is generally good.

The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.

7. Mr. Javed Anwar Kamal Naib Tehsildar.

His Date of Birth is 15.05,1958. He joined Government Service on 01.11.1976. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.

The Committee, therefore, recommended him for promotion to the post of Tehnildar (BPS 16) on regular basis with immediate effect. He will be on probation for a period of one year.

#### MINISTERIAL STAFF.

S.No.	Name of official	Recommendation
8.	Bakhtiar Ahmad Sub-Registrar.	His Date of Birth is 15.11.1958. He joined Government Service on 26.01.1981. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.
9.	M Λbdur Rehman Sub Registrar.	His Date of Birth is 01.09,1953. He joined Government Service on 06.01.1973. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.

#### Item No.II.

# PROMOTION OF NAIB TEHSILDARS TO THE POST OF TEHSILDAR ON ACTING CHARGE BASIS

- 7. Total 31 posts of Tehsildars (Acting Charge Basis) are lying vacant, out of which <sup>63</sup> 25 posts @ of 60% falls in the share of Naib Tehsildars whereas 06 posts @ of 20% in the share of Ministerial Staff.
- 8. In view of the above, the Departmental Promotion Committee examined service record of Naib Tehsildars for their share of 25 posts and recommended for appointment to the post of Tehsildar (BPS 16) on (Acting Charge Basis) of the following eligible Naib Tehsildar as per their seniority:-

S.No	Name of official	Recommendation
1.		His Date of Birth is 01.01.1957. He joined Government Service on 23.02.1987. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
;		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.



### GOVERNMENT OF KHYBER PAKHTUNKHWA REVENUE & ESTATE DEPARTMENT

Dated Peshawar the \_\_\_\_\_/10/2010

### NOTIFICATION

18093 /Admn:1/26/Vol:II The Competent Authority in consultation with Departmental Promotion Committee is pleased to order the promotion of the following Naib Tehaildars (BPS - 14) as Tehsildar (BPS - 16) on regular basis with immediate effect.

S.	No	Name of official
	1.	<del></del>
	2.	Mr. Abdul Nabi
		Mr. Gulshan Mehmood
	4.	Mr. Hameed Khan
	5.	Mr. Abdul Samad
	6.	Mr. Javed Anwar Kamal

On their promotion the above officers will be on probation for a period of one year in terms of Section - 6(2) of Khyber Pakhtunkhwa Civil Servants Act - 1973 read with 45(1) of Ehyber Pakktunkhwa Civil Servant (Appointment Promotion & Transfer Rules, 1989).

By Order of, Senior Member Board of Revenue Khyber Pakhtunkhwa

- 1. All Commissioners in Khyber Pakhtunkhwa
- 2. Accountant General Khyber Pakhtunkhwa
- 3. Assistant Secretary (Admn) Board of Revenue Khyber Pakhtunkhwa.
- 4. Private Secretary to Senior Member Board of Revenue Khyber Pakhtunkhwa
- 5. P.A to Secretary Board of Revenue Khyber Pakhtunkhwa.
- 6. Officer concerned
- 7. Office Order File
- 8. Personal File

Assistant Secretary (Estt)

Board of Revenue Khyber Pakhtunkhwa

GOVERNMENT OF KHYBER PAKHTUNKHWA

& ESTATE DEPARTMENT Dated Peshawar the 1/10/2010

NOTHICATION

\_\_/Admin:1/26/Vol:11 The Competent Authority in consultation with Departmental Promotion Committee is pleased to order the promotion of the following Ministerial emplyees as Tehsildar (BPS - 16) on regular basis with immediate effect.

S.No	Name of official
1.	Mr. Bakhtiar Ahmad Sub - Registrar
2.	Mr. Abdur Rehman Sub – Registrar

On their promotion as such they are placed under Revenue / Settlement Training for a period of Six months as required under Rule - 53 of the Tehsildar and Naib Tehsildar Departmental Examination and Training Rider, 1969, In this context, Training programme is altached. On their, promodium the above afficers will be on predathar by a perhal of one year br. terms of section - 6(2) of Khyber Pakhtunkhwa Civil Servants Act - 1973 and with Rules -15(1) of Khyber Pakhtunkhwa Civil Servant (Appointment Promotion & Transfer Rules, 1989).

No 1811 2-25 /Admn:I/26/Vol:II

By Order of, Senior Member Board of Revenue Khyber Pakhtunkhwa

#### Copy to:-

1. Accountant General Khyber Pakhtunkhwa

- 2. Special Secretary Regulation Establishment Department Khyber Pakhtunkhwa (Minutes 3. Additional Secretary Finance Department Khyber Pakhtunkhwa (Minutes cop attached).

- 5. Assistant Secretary (Admn) Board of Revenue Khyber Pakhtunkhwa.
- 6. Private Secretary to Senior Member Board of Revenue Khyber Pakhtunkhwa

7. P.A to Secretary Board of Revenue Khyber Pakhtunkhwa.

Officer concerned

9. Office Order File

10. Personal File

Assistant Secretary (Estt) Board of Revenue Khyber Pakhtunkhwa

Inserted by Not Leading No. Son(S&SAD)4-1/80(V.II), dolod Sq 02-1996. Submitted by the words in the words of in the sense Basic Pay Scale in a country by GSGT-80-71 hatch,03/1-4(0A022), RO2, al naticallial person is deterred for the time being for want of certain information or for incompletion of · 92 person is deferred for the time holes for want of entire information for the senior person is deferred for the time holes for increasing the relationship of the senior and premoted first shall tank senior to the person promoted subsequently; provided that junior marron et al. The provided that junior and the senior sound of the senior sound of the senior sound the senior sound the senior sound the senior sound the senior s norseq oils et nosiet roines terly theupesdus bus nosied voines a gaine per or nosied of the promote and of the property terls and the performance between a statement of the statement of it would not a sees offect the interest of his seniors in dixution of his seniority in the higher lemporarily in the public interest, even though continuing later permanently in the higher post. tang tanggirt is of botomorg si tang tawol is ni nostag tolinut is the length and the standard and standard to the higher post, retain their inter se seniority as in the lower post. selected for promotion to a righer post in one batch shall, on their promotion of the promo their continuous regular appointment in the post; provided the in the case of civil servants appointed otherwise, with reference SUOS. appointment to post in an earlier soluction shall rank a od for : Departmental Selection Committee; provided that , pe' the order of merit assigned by the Commission 26 or, a. e with the in the case of persons appointed by initial recruitme d to a service, Seniotity—(1) The seniotity inter se of civil servi -boniminateb od lieda (tacq to etbio SENIORITY IV-TRA9 training prescribed within the meaning of sub-section (3) of Section 6, of the North West remains province that servents and 1973 has failed to pass an examination, test or course or has failed to complete successfully a training this manning of subsending (3) of Soution 6 of the North West Frontier Province Civil Servants Act, 1973. ead servant shall not be deemed to have satisfactorally completed his period of probation, if he failed to name an examination that a course or halfed to have alleged in successfully a o tent to a sufficient, provided that he hoids is substantive post, provided further that o t . . Confirmation... After satisfactory completion of the probationary period, a civil D: ... Frentier Province Civil Sorvants Act, 1973, be desirred to have suffereduity completed for probation or shall, subject to the provise to sub learlion (3) of section 6 of the North-West tabelieures chair antimet de de la carrier de conficuence de la probation expirer, the inithit att te mittalipines att spit sediot, reb. 10-7 pl aberer neaf vært væber itt K greft britt. Babralko nead ovnit et bordsali sei deile nedmirent actoriour att beër 4,34,F.P. Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 1111

## BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No:

932 / 2013

SALEEM ASMAT

**VERSUS** 

**GOVERNMENT OF K.P.K etc** 

#### REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth,

Rejoinder on behalf of Appellant is as under: -

#### REJOINDER TO THE PRELIMINARY OBJECTIONS:

Preliminary Objections as raised by the Respondents are illegal, unlawful and irrelevant to the facts and circumstances of the case because while raising the same the Respondents had not cited any lawful reason or justification in support thereof hence the same are mere routine objections having nothing to do with the merits of the case.

#### **REJOINDER TO THE FACTS:**

- 1. Para 1 of the comments needs no reply.
- 2. In response to Para 2 of the Comments, as offered by the Respondents, it is submitted that Appellant's Promotion was regularized as Naib Tehsildar with effect from 13.01.2004 by virtue of Judgment of Respondent No. 2 dated 29.09.2009, hence, he is to be given the Seniority of Naib Tehsildar from 13.01.2004 i.e from the date of his regularization and the reply of the reports that services of the appellant were regularized on 31.03.2008 is totally wrong, misconceived and misleading statement. It is important to mention here that on the same footings one Mr. Naib Din was assigned the Seniority by Respondent No. 2, on the basis of which,

2

later on, the same Naib Din was promoted as full Tehsildar and than PMS Officer. Mr. Miraj Muhammad's case has also been dealt with on the same footings, copies of Order dated 15.01.2010 is attached as  $\underline{Annexure R/1}$  and Order dated 11.11.2010 is attached as  $\underline{Annexure R/2}$ .

- 3. Para 3 needs no reply as the controversy of earlier Departmental Appeal and Appellate Order has already been finalized.
- 4. Para 4 of the comments needs no reply.
- 5. In response to Para 5 & 6 of the Comments, it is submitted that although the Appeal was rejected / decided by the Competent Authority on 12.09.2012 but the order in this respect was never communicated to the Appellant, in person or at his official address, however during the execution proceedings before this Honorable Tribunal, the same was handed over to the Appellant.

#### **GROUNDS:**

- A. Reply to Ground A & B of the Comments is neither legal nor proper because no Order could be termed as "in accordance with law and Rules" if the same is based on discriminatory and unjustified treatment.
- B. In response to Ground C of the Comments, it is submitted that after regularizing the Promotion of the Appellant with effect from 13.01.2004 vide Order dated 29.09.2009 (Annexure-K), Revised Entries were also made in the Service Book of the Appellant whereby his Basic Pay Scale was revised w.e.f. 13.01.2004 and he was also granted back benefits as per revised Basic Pay Scale, copy of the Service Book is attached as *Annexure R/3*.
- C. Ground D of the Comments is again misleading one hence denied. In fact Order dated 29.09.2009 was never taken back or set aside by the Competent Authority and it still holds the field. The Departmental Promotion Committee meetings held on 31.03.2008, 26.05.2008, 25.04.2009 and 21.09.2010 are crystal clear on the issue wherein the incumbents promoted by the Respondent No. 2 were considered by the Departmental Promotion Committee and

found fit for promotion. If the Administrative Orders are not legal and proper than the Respondents should have taken back all the Orders of Promotion based of the Judgments of the Respondent No. 2. It is important to mention here that in almost all the meetings the name of the Appellant has been discussed by the Departmental Promotion Committee along with others and junior to the appellant have been promoted to the post of Tehsildar and than PMS, copies of the Departmental Promotion Committee meetings are attached as <u>Annexure R/4</u>.

- D. In response to Ground E of the Comments, it is submitted that no such order of the Competent Authority has been annexed with the Comments in order to prove the contention of Cancellation of Seniority List.
- E. Grounds F & G as taken by the Appellant are just proper and legal while that of the comments, in response thereof, are illegal, unjust and not according to the norms of justice moreover the acts and omissions of the respondents are also against Article 4, 25 and 27 of the Constitution of the Islamic Republic of Pakistan, 1973.

It is, therefore, requested that Appeal be accepted as prayed for.

Appellant

Through:

BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

## BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No:

932 / 2013

SALEEM ASMAT

**VERSUS** 

**GOVERNMENT OF K.P.K etc** 

### <u>AFFIDAVIT</u>

I, Saleem Asmat S/o Haji Nasrullah Khan, Naib Tehsildar, NYIQAHON, Gomal, D-I-Khan, Appellant, do hereby on oath affirm and declare that the contents of the Rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal.

Identified by:

BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

Deponent









# GOVERNMENT OF NWFP REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 15/01/2010

#### ORDER.

No Company / Admn: V/PF(Niab Din). In: pursuance of Judgment of Senior Member Board of Revenue NWFP dated 29.09.2009 passed in Appeal No. 38/2009 services of Mr. Niab Din Naib presently working as Political Naib Tehsildar Torkhum (BPS - 14) are hereby regularized w.e.f 17.01.1996.

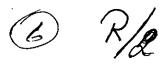
By Order of, Senior Member Board of Revenue NWFP

No 870 76/Admn: V/PF(Niab Din)

Copy to:-

- 1. Commissioner Peshawar Division Peshawar
- 2. Political Agent Khyber Agency.
- 3. Agency Accounts Officer Khyber Agency.
- 4.. Reader to Senior Member Board of Revenue NWFP
- 5. Official concerned.
- 6. Personal File.
- 7. Office Order File.

Assistant Secretary (Estt) Board of Revenue NWFP



# IN THE COURT OF AHSAN ULLAH KHAN, SENIOR MEMBER BOARD OF REVENUE, KHYBER PAKHTUNKHWA.

Case No. 257/2010

Date of Institution 16.09.2010

Date of Decision 11 / 11 /2010

MIRAJ MOHMAAD MOHMAND AGENCY. ROLITICAL NAIB TEHSILDAR YAKA GHUND.

Appellant

ORDER:

This is an appeal filed Miraj Mohamad, Political Naib Tehsildar, Yaka Ghund, Mohmand Agency <sup>1</sup> challenging therein this Department seniority list notified on 10.08.2010.

Facts leading to the case are that the appellant was initially promoted to the post of Naib Tehsildar on 09.05.2003 in his own pay & scale and subsequently on 29.04.2005, the appellant was promoted on the same post on regular basis. After his regular promotion vide No. 10683-90/Admn-I/PF (M) dated 29.04.2005. The appellant was placed in the seniority list ibid at S. No 24 with effect from 29.04.2005 as stood on 31.12.2009. In the year 2010, when the seniority was notified and his position was placed to at S. No. 69. On the other hand in similar nature case one Mr. Naib Din Naib Tehsildar as promoted to the post of HVC (BPS-14) in his own pay & scale on 17.01.1996 and granted seniority from the same date i.e. 17.01.1996 already disposed up in this Court in case No. 381/09 dated 29.09.2009. On the same analogy and pattern the appellant is also entitled w.c.f 29.04.2005, on which he was promoted to the post of Naib Tehsildar on regular basis vide this Department No. 10683-90/Admn-I/PF (M) dated 29.04.2005. Hence the appellant has been discriminated as order having identical circumstances were granted due seniority while the appellant was refused which is not sustainable under Articles – 4, 25, 27 of Constitution 1973.

In view thereof the above appeal is accepted and the Respondent Department is directed to consider the case of the appellant regarding assignment of regularization/seniority w.e.f 29.04.2005.

Harris Carrest

Senior Member, Board of Revenue, Khyber Pakhtunkhwa

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PROMOTION OF KANUNGOS (BPS-9) OF THE OFFICE

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING REGARDING PROMOTION OF MINISTERIAL STAFF OF THE OFFICE OF REVENUE DIVISION DIKHAN TO THE VACANT POST OF NAIB TEHSILDAR (BPS = 14) HELD ON 25.04.2009 AT 11:30 P.M IN THE OFFICE OF SENIOR MEMBER BOARD

OF REVENUE NWFP.

A meeting of the Departmental Promotion Committee was held on 25.04.2009 at 11:30 AM under the Chairmanship of Senior Member Board of Revenue NWFP in his office to consider the promotion of Ministerial Staff of the Revenue Division DIKhan. The following attended:-

Ahsanullah Khan, Senior Member Board of Revenue NWFP ......in Chair Mubashir Hussain Shah Ghulam Jellani iii. 

There are total 35 sanction posts of regular Naib, Tehsildars, out of which 30% share falls to Kamingo as 11 which have already been filled, where as according to 20% quota, the share for Ministerial Staff comes to 7, out of which two posts have already been filled, thus five posts are required to be filled from them. The Committee therefore recommends the following eligible Ministerial staff for promotion as Naib Tehsildar on regular basis.

S.No	Name	District	Date of regular appointment as JSS/ Assistant	
1.	Muhammad Shafqat Awan Assistant	DiKhan	22.10.1992	Deferred for want of service record / ACRs
2.		Tank	20.05.1992	Deferred for want of service record / ACRs
: . 3.	Mr. Sher Bahadar Assistant	Tank	10.10.1992	Cleared as NT on regular basis
4.	Mr.Zain-al-Abidea Assistant	Tank	10.10.1992	Deferred for want of service record / ACRs
5.	Mr. Shaukat lebal JSS	DIKhan	21.10.1992	Cleared as NT on regular basis

Mubashir Hussain Shah Secretary - 1 Board of Revenue NWFP Member

Ghulam Jellani Assistant Secretary (Admn)BOR Member

Ahsanullah Khan Senior Megaber

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MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE MEETING REGARDING PROMOTION OF KANUNGOS (BPS-9) OF THE OFFICE OF THE REVENUE DIVISION PESHAWAR, HAZARA, DIKHAN, KOHAT, BANNU AND MALAKAND TO THE VACANT POST OF NAIB TEHSILDAR (BS-14) HELD ON 26.5.2008 AT 11:00 AM IN THE OFFICE OF SENIOR MEMBER BOARD OF REVENUE, NWFP.

A meeting of Departmental Promotion Committee was held on 26.5.2008 under the Chairmanship of Senior Member Board of Revenue, NWIP in his office to consider the promotion of Kanungos/Ministerial employees of the Revenue Divisions. Peshawar, Hazara, Mardan D.I.Khan, Kohat, Bannu and Malakand the following attended.

- - ii. Mr.Zakir Hussain Afridi
    Sccretary-I, Board of Revenue, NWFP......Member.

The Departmental Promotion Committee discussed the case of promotion of Kanungos (BS-9)/Ministerial employees to the post of Naib Tehsildars (BS-14) and after examination their service record / ACRs seniority lists etc unanimously approved the promotion of the following Kanungo/Ministerial employees of District Officer (Revenue & Estate)/Collector Offices on Acting Charge Basis with immediate effect.

S. Name I		District	Dated of regular appointment as Kanungos	Remarks.
1.	Mr.Shah Zaman Kanungo(BS-9)	Tank	27.08.2007	Cleared.
2.	Muhammad Ayub Kanungo (BS – 09)	Tank	27.08.2007	Cleared
3.	Mr. Amanullah Kanungo (BS -09 )	Tank	10.01.2008	Cleared
4.	Mr. Abdur Rashid Kanungo(BS-9)	DIKhan .	11.01.2008	Cleared
5.	Mr. Fazal Hakim Kanungo(BS-9)	Swabi	15.11.1995	Cleared
6.	Muhammad Ikram Kanungo(BS-9)	Swabi	15.11.1995	Superseded as he has not particular Departmental Examination Tehsildar.
7.	Mr. Shah Qader Kanungo(BS-9)	Swabi	15.11.1995	Cleared
8.	Mr. Raham Taj Kanungo (BS -09)	Mardan	01.07.2004	Differed for want of AC
٧.	Mr. Yousaf Haroon Kanungo (BS -09)	5 Mardan -	01.07.2004	Differed for want of AC

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S, No	Name	District	Dated of regular appointment as Kanungos	Remarks.
10.	Muhammad Hayat Kanungo (BS -09)	Swabi	01.08.2004	Cleare
11.	Muhammad Younis Kanungo (BS – 09)	Kuram Agency	03.01.2002	Differed for want of ACRs
12.	Mr. Zafar Iqbal Kanungo(BS-9)	Kohat	04.04.2004	Cleared
13.	Mr. Nawab Gul Kanungo(BS-9)	Kohat	04.04.2004	Cleared
14.	Mr. Arshad Ali Assistant DOR Office Bannu (NT own pay scale)	Bannu	30.08.1992	Cleared
15.	Mr. Sarfaraz Khan Kanungo(BS-9)	Peshawar	28.12.1995	Cleared
16.	Mr. Faqir Muhamamd Kanungo(BS-9)	Nowshera	10.06.2003	Cleared
17.	Mr.Noor Relunan Kanungo(BS-9)	· Nowshera	10.06.2003	Deferred, for want of ACRs
18.	Mr. Zakir Ullah Kanungo(BS-9)	Nowshcra	12.07.2003	Deferred, for want of ACRs
19.	Mr. Jan Akbar Kanungo(BS-9)	Charsadda	11.12.2004	Deferred, for want of ACRs
20.	S. Qasim Shah Kanungo(BS-9)	Charsadda	11.12.2004	Cleared )
21	Muhammad Zahir Shah Kanungo(BS-9)	Swat	01.01.1983	Superseded as he has not passed Departmental Examination Naib Tehsildar.
22.	Mr. Amir Jang Kanungo(BS-9)	Buner	18.12.1995	Cleared
23.	Mr. Khurshid Ali Kanungo(BS-9)	Malakand	20.03.2001	Deferred, for want of ACRs
24.	Latif-ur-Rehman Kanungo(BS-9)	Shangla	30.06.2001	Cleared
25.	Mr. Qazi Muhammad Aslam Kanungo(BS-9)	Abbottabad	13.12.2000	Cleared'
26.	Mr. Abdul Qayum Kanungo(BS-9)	Kohistan	10.04;2002	Cleared
27.	Mr. Sher Dil Kanungo(BS-9)	Kohistan	10.04.2002	Cleared
28.	Muhammad Jamshed Kanungo (BS 409)	Kohintan \	- 10.04,2002	Cleared

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Tank, Saleem Asmat Assistant office of the District Coordination officer, Tank and Sajid Saleem Assistant of the office of APA FR Tank presently working as Naib Tehsildars in their own pay scale may continue as such as they are junior most Ministerial Employees appearing at S.No 6, 10 and 23 of the seniority list respectively. Their case for promotion on regular basis in Naib Tehsildar will be considered as and when the new Service Rules are finalized/notified which are under process.

Zakir Hussain Afridi Secretary-I, Board of Revenue, NWFP Ghualm Jellani Assistant Secretary(Admn) Board of Revenue NWFP

Insanuliah Khan
Senior Member
Board of Revenue, NWFP

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MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTED MEETING REGADING PROMOTION OF KANDAGOS (RES-10) / MINISTERIAL STAFF OF THE OFFICE OF REVENUE DIVISION DIKHANCHAND AND MALAKAND TO THE VICTOR POST OF NAME FEIGHT HAR (RES-14) HELD ON 31,032,098 AT 102,30 P.M. IN THE OFFICE OF SENIOR MEANING REGIONALD OF REVENUE NAME.

A incoming of the Depairmental Promotion Committee was held on 14.64.2008; differential Chammanship of Senior Elevation Hourd of Revenue, EWEP, in the Office to consider the promotion of Kamingan (1498-1997) Afinisterial Suit of the Revenue Division DiKhan, Hanni and Malakandi. The following amended.

ir Mi, Boaniffalj Klang,
Schjint Alvinber, BORG,
ii) Muhammad Tuyxale Awan,
Secienty Betti IR Menter
iii) Ghalan Jeffani,
Ardynint Secretary (Adian),
Ardynint Secretary (Adian),

The Departmental Promotion Committee discussed the case of promotion of Karangias (BPS-14) and Examined their service actival (C. Al Resembrity are and mainimously approved the promotion of following Karangias (BPS-19) shaisa claffor the post of graits Tellshiller (BPS-14) on Regardar Action Charac basis with importance effect.

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8.	Same District	Date of regular :	Remarks	:
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		LKauringus		
	Application Bases Hanna	12709.2005		•
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-		US 12)	view of conct devision.	
1.	Multinomial of 186am Sec.	947,2001:	Cleared on Acting Charge	
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•			be will pass Departulental	
٠.			I vaccination of Nail	
			Teh ildur in future.	
	Mr.Aslam Khan hukhan	27 6:2005	Cleared on Acting Charge	
Э.	Transfer Smart		Busis against the inifful quarter;	
		27.06.2005	Clearett on Action Charge	
112 3	Mr.Bashir Abound a DHEhm (2017)		Basis against the initial quota. ]	
		1.7	Property offerment and middle damen, a	

Mr.Himmymullah Stenotypist (BS-12) office of the Political Affant SW Agancy presently working as PNT FR Knirum Agency had filed appeal before Senior illember Board of Revenue, NWFP prior to introduction Revenue Administration Rules, 2001 for his selection as Naih Tehsildar under West Pakislan Tehsildari / Naih Tehsildari Service Rules 1962. In light of Judgment of Senior Member Board of Revenue, NWIP Mr. Himayatullah is helphy appointed as Naib Tehsildar (BS-14) against Ministerial Quota.

It is for consideration that in the SSRC Meeting it is already been decided that the Ministerial Staff of the Defunct Commissioners / Deputy Commissioners offices who prior to devolution were eligible for pramotion as Naib Lebsildar and after devolution were adjusted in the offices of District Coordination officer, Assistant Coordination Officer (Finance and Plauning) Offices will also be considered at par with the Ministerial employees of District Officer (Revenue & Estate)/Collector, Offices, therefore, it is decided that service record of the following Ministerial employees of District Coordination officers Assistant Political Agent offices working as Naib Telssiklar in these own pay, and scale may he requisitioned flor consideration to the post of Naib Telisildar.

> Mr. Salcem Asmur Assistant District Coordination officer, Officer Tank presently working as PNT FR Kohat

> Mr.Sher Buhadur Assistnat District Coordination officer, office Tank Picanally working as PATT SAV Agency.

> Mr. Suid Sufcem Assistant office of the APA FR Kohat, prejently working as

Activity I, BOR, MEMBER

Chulum Jollani, Assistant Secretary (Admn)

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Senior Member, BOR Chairman'



#### GOVERNMENT OF KHYBER PAKETTUNKHWA REVENUE & DEPART DEPARTMENT

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 21.09.2010 UNDER THE CHAIRMANSHIP OF MEMBER-II BOARD OF REVENUE KHYBER PAKHTUNKHWA.

A meeting of Departmental Promotion Committee was held on 21.09.2010 at 10:00 AM in the office of Member-II Board of Revenue Khyber Pakhtunkhwa under his Chairmanship regarding promotion of Naib Tehsildars (BPS – 14) to the post of Tehsildar (BPS – 16) on regular / Acting Charge basis.

Following attended.

- Mohammad Tayyah Awan,
   Member-II Board of Revenue Khyber Pakhtunkhwa.......Chairman
- Mohammad Idrees,
   Additional Secretary (Regulation),
   Finance Department Khyber Pakhtunkhwa......Member
- 4. Syed Mubashir Hussain Shah Secretary I Board of Revenue Khyber Pakhtunkhwa...... (Secretary).

# Item No.1. PROMOTION OF NAIB TEHSILDARS / MINISTERIAL STAFF TO THE POST OF TEHSILDAR ON REGULAR BASIS.

- 2. There are total (98) regular sanctioned posts of Tehsildar out of which, 59 posts at the ratio of 60% falls in the share of Nath Tehsildars whereas 19.6 posts in the share of initial recruitment @ 20% through Khyber Pakhtunkhwa. Public Service Commission and 19.6 posts @ 20% in the share of Ministerial staff as per rules.
- So far, 53 Naib Tehsildars (BPS 14) have been promoted as Tehsildar (BPS 16) on regular basis out of their share of 59 posts, while further 06 Naib Tehsildars (BPS 14) are required to be promoted as Tehsildar (BPS 16). It is further clarified that so far Seventeen (17) Ministerial employees have been promoted out of their share of Nineteen (19) posts, therefore, two more Ministerial employees are required to be promoted as Tehsildar (BPS-16) on regular basis in light of Joint Seniority List maintained by the office.
- 4. It is pointed out that Mr. Abdul Qadeer Naib Tehsildar appearing at S.No. 1 of the seniority list was time and again directed in writing individually and through District Officer (R&E)/Collector, DIKhan as well to produce his deficient ACRs but he did not heed to reminders. On 21, 22 and 23.09.2010 he was again asked through District Officer (R&E)/Collector, DIKhan to arrange provision of deficient Annual Confidential Reports, but again he failed to do so.

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- 5. On observation of the Representatives of Establishment and Finance Department about the training of Ministerial staff, the Chairman of the Committee clarified that training to the Ministerial staff is imparted after their promotion. This practice is in vogue for the last many years. However, the Committee agreed in principle to ensure such trainings for the Ministerial staff prior to their promotion in future.
  - 6. In view of the above, the Departmental Promotion Committee after thorough-examination of the service records Performance Evaluation Reports etc of the candidates of the category of Naib Tehsildars and recommended 2+6=8 Naib Tehsildars for promotion to the post of Tehsildar (BPS-16) on regular basis as under:-

### NAIB TEHSILDAR.

,	S.No	Name of official	Recommendation
	1.	Mr. Abdul Qadeer Naib Tehsildar.	His Date of Birth is 15.08.1662. He joined Government Service on 28.08.1995. No enquiry is pending against him and no punishment was awarded to him during the last five years. His ACRs for years 2005, 2006, 2007 and 2009 are not available.
	2.	Muhammad Naib Din	The Committee, therefore, did not consider him for promotion as Tehsildar and was superceded.
		Naib Tehsildar.	His Date of Birth is 30.09.1959. He joined Government Service on 24.11.1980. No enquiry is pending against him and no punishment was awarded to him during the last live years. His service record up to 2009 is generally good.
		K.	The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.
-	1.	Mr. Abdul Nabi Naib Tehsildar.	His Date of Birth is 05.04.1957. He joined Government Service on 12.12.1976. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
			The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.
	4.	Mr. Ghuishan Mehmood Naib Tehsildar.	His Date of Birth is 01.05.1957. He joined Government Service on 08.01.1975. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		AM THE PROPERTY AND THE	The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.
on his famous bears and a second	5.	Mr. Hangeed Khan Afridi Naib Tehsildar.	His Date of Birth is 15.02.1962. He joined Government Service on 14.03.1984. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
			The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.

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		(10) (1)
S.No	Name of official	Recommendation
2.	Mr. Naz Amin Naib Tehsildar.	His Date of Birth is 12.05.1960. He joined Government Service on 25.11.1981. No enquiry is pending against him and no punishment was awarded to him during the last five years. His ACRs for years 2005, 2006, 2007, 2008 and 2009 are not available.
		The Committee, therefore, did not consider him for appointment as Tehsildar and was deferred.
3.	Mr Shamas Gul Naib Tehsildar	His Date of Birth is 28.07.1952. He joined Government Service on 04.10.1973. No enquiry is pending against him and no punishment was awarded to him during the last five years. His ACRs for years 2007, 2008 and 2009 are not available.
	· · · · · · · · · · · · · · · · · · ·	The Committee, therefore, did not consider him for appointment as Tehsildar and was deferred
4.	Mr. Javed Hussain Naib Tehsildar.	His Date of Birth is 13.06.1952. He joined Government Service on 27.05.1977. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
5.	Syed Asphar Shah Naih Tehsildar.	His Date of Birth is 25.12.1959. He joined Government Service on 25.05.1981. No enquiry in pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the first of Tehnildar (1993-16) on Acting Charge Dasia with immediate offset.
6.	Mr. Ali Sher Khan Naib Tehsildar.	His Date of Birth is 15.02.1978. He joined Government Service on 14.02.2004. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
7.	Mr. Tariq Saleem Naib Tehsildar.	His Date of Birth is 14.08.1971. He joined Government Service on 14.02.2004. No enquiry is pending against him and no punishment was awarded to him during the last five years. His ACRs for the period 19.03.2005 to 24.01.2006, 25.01.2006 to 31.12.2006, 2007 and 2008 has not been stamped by Reporting Officer.
		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
8	Mr. Abdul Ghafar Naib Tehsildar.	His Date of Birth is 15.12.1974. He joined Government Service on 14.02.2004. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
9	Mr. Said Rehman Naib Tehsildar.	His Date of Birth is 30.10.1959. He joined Government Service on 01.10.1980. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.

	•			
S.No	Name of official		Recommendation (1997)	
10.	Mr. Kiramat Ullah Naib Tehsildar.	-	His Date of Birth is 03.03.1974. He joined Government Service on 29.11.2004. No enquiry is pending against him and no punishment was awarded to him during the last five years. His ACRs for the year 2007 is not counter signed. His service record up to 2009 is generally good.	
			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.	
. 11.	Akbar Hikhar Ahmad Naib Tehsildar.		His Date of Birth is 29,03,1977. He joined Government Service on 24,11,2005. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.	!
			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.	
1	Nic Davan Edun Naib Tehsildar	-	Service on 19.12.2005. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.	
-			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.	
13.	Mr. Najib Ullah Naib Tehsildar.	,	His Date of Birth is 15.02.1969. He joined Government Service on 06.03.1996. No enquiry is pending against him and no punishment was awarded to him during the last five years. His ACRs for the year 2008 is not been stamped. However, his service record up to 2009 is generally good.	
• <u>-</u>		,	The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.	
14.	Mr_Mohammad Ayub Khan Naib Tehsildar,	-	His Date of Birth is 01.03.1964. He joined Government Service on 12.06.2006. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.	1
	· · · · · · · · · · · · · · · · · · ·		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.	
-15.	Mr. Abdur Rehman Shah Naib Tehsildar.		His Date of Birth is 15.02.1985. He joined Government Service on 23.01.2007. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.	
			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.	:
16.	Mr. Sarir Ahmad , Naib Tehsildar.		His Date of Birth is 13.05.1955. He joined Government Service on 28.02.1977. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.	!
			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.	
17.	Mr. Hasham Gul Naib Tehsildar.	- 1	His Date of Birth is 01.01.1955. He joined Government Service on 07.06.1982. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.	
.Ţ			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.	
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1		<sup>54</sup> .	The state of the s
/:   S.i	No IN	Same of official	Recommendation
.u		dr. Mohammad Raiz Naib Tehsildar.	His Date of Birth is 22.05.1958. He joined Government Service on 06.08.1978. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate offect.
		Mr. Attaullah Naib Tehsildar.	His Date of Birth is 01.04.1956. He joined Government Service on 06.11.1978. No enquiry is pending against him and no punishment was awarded to him during the last five years. The service record up to 2009 is generally good.
			the Committee, therefore, recommended him for appointment to the post of Teleardin (BPS 16) on Acting Charge Basis with immediate effect.
:	20.	Mr. Musadiq Hussain Naib Tehsildar.	His Date of Birth is 21.08.1955. He joined Government Service on 12.05.1973. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
	21	Mr. Abdul Qayyum Naib Tehsildar.	His Date of Birth is 03.01.1954. He joined Government Service on 23.06.1970. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
•			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
-	22.	Mohammad Nawaz Naib Tchsildar.	His Date of Birth is 30.03.1957. He joined Government Service on 20.05.1976. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
. ! !!!			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
1	23.	Mr. Mir Laiq Naib Tehsildar.	His Date of Birth is 27.04.1963. He joined Government Service on 08.03.1983. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
	1 1 1		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
	24	Mr. Nouman Ali Shah Naib Tehsildar.	His Date of Birth is 17.09.1984. He joined Government Service on 06.07.2007. No enquiry is pending against him and no punishment was awarded to him during the last three years. His service record up to 2009 is generally good.
		•	The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.
	25	5. Mr. Mohammad Bashir Naib Tehsildar.	His Date of Birth is 10.12.1956. He joined Government Service on 11.11.1976. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
			The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.

š.No	Name of official	Recommendation
6,	Mr. Abdul Samad Unib Telesildin	His Date of Birth is 30.11.1960. He joined Government Service on 03.05 1979. No enquiry is pending against him and no probabilism was awarded to him during the lost five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.
7.	Mr. Javed Anwar Kamal Naib Tehsildar.	His Date of Birth is 15.05.1958. He joined Government Service on 01.11.1976. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.
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#### MINISTERIAL STAFF.

S.No.	Name of official	Recommendation
8.	Bakhtiar Ahmad Sub-Registrar.	His Date of Birth is 15.11.1958. He joined Government Service on 26.01.1981. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.
۷.	M Ábdur Rehman Sub Registrar.	His Date of Birth is 01.09.1953. He joined Government Service on 06.01.1973. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
-		The Committee, therefore, recommended him for promotion to the post of Tehsildar (BPS-16) on regular basis with immediate effect. He will be on probation for a period of one year.

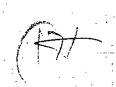
# Item No.II. PROMOTION OF NAIB TEHSILDARS TO THE POST OF TEHSILDAR ON ACTING CHARGE BASIS

- 7. Total 31 posts of Tehsildars (Acting Charge Basis) are lying vacant, out of which 25 posts @ of 60% falls in the share of Naib Tehsildars whereas 06 posts @ of 20% in the share of Ministerial Staff.
- 8. In view of the above, the Departmental Promotion Committee examined service record of Naib Tehsildars for their share of 25 posts and recommended for appointment to the post of Tehsildar (BPS 16) on (Acting Charge Basis) of the following eligible Naib Tehsildar as per their seniority:-

S.No	Name of official	Recommendation
1.	Mr. Ghulam Farooq Naib Tehsildar.	His Date of Birth is 01.01.1957. He joined Government Service on 23.02.1987. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record up to 2009 is generally good.
		The Committee, therefore, recommended him for appointment to the post of Tehsildar (BPS-16) on Acting Charge Basis with immediate effect.







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

Dated Peshawar the 4 /10/2010

No	18093	_/Admn:I/26/Vol:II	The	Competent	Authority	in consultation
with	Departmental	Promotion Committee	is pleased to	order the p	promotion	of the following
Maib	Tehsildars (BÌ	PS - [14] as Tehsildar (B1	28 - 16) on rej	gular basis y	vith immed	iate effect.

	S.No	Name of official
_	J.	Mr. Muhammad Naib Din
	2.	Mr. Abdul Nabi
,	3.	Mr. Gulshan Mehmood
	4.	Mr. Hameed Khan
-	5.	Mr. Abdul Samad
	- 6.	Mr. Javed Anwar Kamal

On their promotion the above officers will be on probation for a period of one year in terms of Section - 6(2) of Khyber Pakhtunkhwa Civil Servants Act - 1973 read with Rules [15(1) of Ehyber Pakhtunkhwa Civil Servant (Appointment Promotion & Transfer Rules, 1989).

18093-18110 /Admn:I/26/Vol:II

By Order of, Senior Member Board of Revenue Khyber Pakhtunkhwa

Copy to:-

- 1. All Commissioners in Khyber Pakhtunkhwa
- Accountant General Khyber Pakhtunkhwa
   Assistant Secretary (Admn) Board of Revenue Khyber Pakhtunkhwa.
- 4. Private Secretary to Senior Member Board of Revenue Khyber Pakhtunkhwa
- 5. P.A to Secretary Board of Revenue Khyber Pakhtunkhwa.
- 6. Officer concerned
- 7. Office Order File
- 8. Personal File

Assistant Secretary (Estt)

Board of Revenue Khyber Pakhtunkhwa







#### GOVERNMENT OF KHYBER PAKHTUNKHWA REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 1/10/2010

#### NOTHICATION

No 18-111 /Admn:1/26/Vol:11 The Competent Authority in consultation with Departmental Promotion Committee is pleased to order the promotion of the following Ministerial emplyees as Tehsildar (BPS - 16) on regular basis with immediate effect.

S.No	Name of official
1.	Mr. Bakhtiar Ahmad Sub - Registrar
2.	Mr. Abdur Rehman Sub – Registrar

On their promotion as such they are placed under Revenue / Settlement Training for a period of Six months as required under Rule - 53 of the Tehsildar and Naib Tehsildar Departmental Examination and Training Rules, 1969, In this context. Training programme is athorised. On their, promotion the above afficers will be on probation for a period of one year in terms of section - 6(2) of Khyber Pakhtunkhwa Civil Servants Act - 1973 and with Rules -15(1) of Khyber Pakhtunkhwa Civil Servant (Appointment Promotion & Transfer Rules, 1989).

18112-25 /Admn:I/26/Vol:II

By Order of, Senior Member Board of Revenue Khyber Pakhtunkhwa

#### Copy to:-

- 1. Accountant General Khyber Pakhtunkhwa
- 2. Special Secretary Regulation Establishment Department Khyber Pakhtunkhwa (Minutes cop attached).
- 3. Additional Secretary Finance Department Khyber Pakhtunkhwa (Minutes cop attached).
- 4. Settlement Officer Manschra.
- 5. Assistant Secretary (Admn) Board of Revenue Khyber Pakhtunkhwa.
- 6. Private Secretary to Senior Member Board of Revenue Khyber Pakhtunkhwa
- 7. P.A to Secretary Board of Revenue Khyber Pakhtunkhwa.
- Officer concerned
- 9: Office Order File
- 10. Personal File

Assistant Secretary (Estt) Board of Revenue Khyber Pakhtunkhwa

# N.W.F.P. Civil Servants (Appointment, Promotion and Transfer) Rules, 1989

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If no orders have been made by the day following the completion of the initial wated, the period or probation shall be desired to have been extended, and if no anders have been made by the day on which the maximum period or probation expires, the probationer shall, subject to the proviso to sub-section (3) of section 6 of the North-West Frontier Province Civil Servants Act, 1973, be deemed to have satisfactorily completed him period of probation,

Confirmation.—After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section (3) of Section 6. of the North West Frontier Province Civil Servants Act, 1973.

#### PART-VI

#### SENIORITY

Seniority.—(1) The seniority inter se of civil servants appointed to a service, 17 cadre or post] shall be determined.-(a)

- in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission 26[or, as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- in the case of civil servants appointed otherwise, with reference to the dates of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-L-If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher

Explanation-II.—If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incompletion of record or for any other reason not attributing to his fault or demorit.

Substituted for the words "appointment to post in the same Basic Pay Scale in a cadre" by 25. Notification No.SOR.I(S&GAD)4-1/80,dated 17-05-1989.

Inserted by Notification No. SORI(S&GAD)4-1/80(V.II), dated 04-02-1996. . .

### KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1916 ST

Dated 10 / 12 / 2015

To

The Secretary Revenue & Estate,

Peshawar.

Subject: -

Judgement.

I am directed to forward herewith certified copy of Judgement dated 01.12.2015 passed by this Tribunal on subject for strict compliance.

Encl: As above

REGISTRAR KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

CIVIL Miscellaneous No: \_\_\_\_/ 2015

In Service Appeal No.

932 / 2013

Saleem Asmat

VS

Government of KPK etc.

APPLICATION FOR GRANT OF INTERIM RELIEF TO THE EFFECT THAT THE RESPONDENTS BE RESTRAINED FROM PASSING ANY ADVERSE ORDER AGAINST THE APPLICANT / APPELLANT IN RESPECT OF INSTANT CAUSE OF ACTION / SERVICE APPEAL PENDING IN THIS HONOURABLE TRIBUNAL TILL THE DECISION OF MAIN APPEAL.

Respectfully Sheweth,

Application, on behalf of Applicants / Petitioners, is as under:

- That, titled Service Appeal is pending subjudice before 1. this Honourable Court and is fixed for today.
- 2. that, in the main Appeal the Applicant / Appellant had challenged the Impugned Seniority List wherein the Respondents had adjusted him on the basis of wrong date of promotion as Naib-Tehsildar i.e. from the year 2008 while ignoring the Order dated 18.01.2010 & 29.09.2009, (copies of the orders & seniority list are already attached with main Appeal).
- 3. That, now the Department / Respondents / SMBR. in order to victimize the Applicant / Appellant had open the case of the Appellant and is bent upon tó demote him from the already assigned seniority position w.e.f. 2008 and in this respect, proceedings are initiated and

CIVIL Miscellaneous No: \_\_\_\_/ 2015 in Service Appeal No. 932 / 2013

Saleum Asmat

Government of KPK etc

## AFFIDAVIT

SV

I, Saleem Asmat, Naib Tehsildar, Geneth Applicant/ Appellant, do hereby on oath affirm and declare that the contents of the Application are true and correct to the best of my knowledge and nothing has been kept secret from this Honourable Tribunal.

Cyponent.

Identified by:

BILAL AHMAD KAKAIÀNI (Advocate, Peshawar)

CIVIL Miscellaneous No: \_\_\_\_/ 2015
In Service Appeal No. 932 / 2013

Saleem\_Asmat

VS

Government of KPK etc

APPLICATION FOR GRANT OF INTERIM RELIEF TO THE EFFECT
THAT THE RESPONDENTS BE RESTRAINED FROM PASSING ANY
ADVERSE ORDER AGAINST THE APPLICANT / APPELLANT IN
RESPECT OF INSTANT CAUSE OF ACTION / SERVICE APPEAL
PENDING IN THIS HONOURABLE TRIBUNAL TILL THE DECISION
OF MAIN APPEAL.

Respectfully Sheweth,

Application, on behalf of Applicants / Petitioners, is as under:

- 1. That, titled Service Appeal is pending subjudice before this Honourable Court and is fixed for today.
- 2. that, in the main Appeal the Applicant / Appellant had challenged the Impugned Seniority List wherein the Respondents had adjusted him on the basis of wrong date of promotion as Naib Tehsildar i.e. from the year 2008 while ignoring the Order dated 18.01.2010 & 29.09.2009, (copies of the orders & seniority list are already attached with main Appeal).
- 3. That, now the Department / Respondents / SMBR, in order to victimize the Applicant / Appellant had open the case of the Appellant and is bent upon to demote him from the already assigned seniority position w.e.f. 2008 and in this respect, proceedings are initiated and

CIVIL Miscellaneous-No. \_\_\_\_/ 2015 In Service Appeal No. 932 / 2013

Salcem Asmat

Government of KPK etc.

#### AFFIDAVIT

I, Saleem Asmat, Naib. Tehsildar. Garal Gogmi Diklam Applicant/ Appellant, do hereby on oath affirm and declare that the contents of the Application are true and correct to the best of my knowledge and nothing has been kept secret from this Honourable Tribunal.

Deponent

Identified by

BILAL AHMAD KAKAIZAL

(Advocate, Peshawar)

CIVIL Miscellaneous No: \_\_\_\_/ 2015
In Service Appeal No. 932 / 2013

Saleem Asmat

VS

Government of KPK etc

APPLICATION FOR GRANT OF INTERIM RELIEF TO THE EFFECT
THAT THE RESPONDENTS BE RESTRAINED FROM PASSING ANY
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RESPECT OF INSTANT CAUSE OF ACTION / SERVICE APPEAL
PENDING IN THIS HONOURABLE TRIBUNAL TILL THE DECISION
OF MAIN APPEAL.

Respectfully Sheweth,

Application, on behalf of Applicants / Petitioners, is as under:

- 1. That, titled Service Appeal is pending subjudice before this Honourable Court and is fixed for today.
- 2. that, in the main Appeal the Applicant / Appellant had challenged the Impugned Seniority List wherein the Respondents had adjusted him on the basis of wrong date of promotion as Naib-Tehsildar i.e. from the year 2008 while ignoring the Order dated 18.01.2010 & 29.09.2009, (copies of the orders & seniority list are already attached with main Appeal).
- 3. That, now the Department / Respondents / SMBR, in order to victimize the Applicant / Appellant had open the case of the Appellant and is bent upon to demote him from the already assigned seniority position w.e.f. 2008 and in this respect, proceedings are initiated and



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Assistant Scienti Berenna & Estate Depti HWPP