


24.10.2016

Appellant in person and Mr. Muhammad Ibrar, Assistant Secretary alongwith Assistant AG for respondents present. Requested for adjournment. To come up for arguments on 27.2.2017 before D.B.

  
Member

  
Chairman

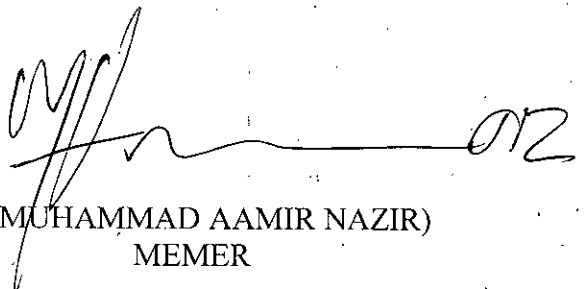
27.02.2017

None present for the appellant. Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Jan, GP for respondents present. Representative of the respondents submitted before the Tribunal that the appellant has been died.

Keeping in view into consideration the statement of the respondent-department, this appeal stand abated and disposed of accordingly. File be consigned to the record room.

Announced:  
27.02.2017

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMER

D.F.A

27.02.2017

None present for the appellant. Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Jan, GP for respondents present. Representative of the respondents submitted before the <sup>tribunal</sup> court that the appellant has been died. Keeping in view into consideration the statement of the respondent-department, this appeal ~~is~~ stand abated and disposed of accordingly. File be consigned to the record room.

ANNOUNCED:  
27.02.2017

(AHMAD HASSAN)  
MEMBER

(MUHAMMAD AAMIR NAZIR)  
MEMER

26.1.2016

Appellant in person and Mr. Sultan Shah, Assistant alongwith Addl. A.G for respondents present. Learned Addl. A.G relies on the written statement already submitted by respondents No.1 and 2 on behalf of respondents No.3 and 4. Rejoinder also submitted by the appellant. The appeal is assigned to D.B for final hearing for 28.3.2016.

  
Chairman

28.03.2016

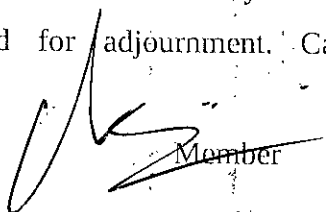
Appellant in person and Mr. Mukhtiar Ali, Supdt. alongwith Mr. Muhammad Jan, GP for respondents present. Arguments could not be heard due to non-availability of D.B. Therefore, the case is adjourned to 27.05.2016 for arguments.

  
Chairman

27.5.2016

Counsel for the appellant and Mukhtiar Ali, Supt. alongwith Ziaulah, GP for respondents present. Representative of the respondents certain matters of the instant appeal require further scrutiny and to assist the court properly he requested for adjournment. Case adjournment for arguments to 24.10.2016.

  
Member

  
Member

22.05.2015

None present for appellant. Mr. Mukhtiar Ali, Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 24.8.2015.

  
Member

24.08.2015

None present for appellant Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 11.11.2015 before S.B.

  
Chairman

11.11.2015

None present for appellant. Mr. Mukhtiar Ali, Supdt. for respondents No. 1 and 2 alongwith Addl: A.G for all respondents present. Para-wise on behalf of respondents No. 1 and 2 submitted. Written reply on behalf of respondents No. 3 and 4 not submitted despite last opportunity. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents No. 3 and 4 from their own pockets. To come up for written reply/comments on behalf of respondents No. 3 and 4 and cost on 26.1.2026 before S.B.

  
Member

26.02.2015

None present for appellant. Notice be issued to the learned counsel for appellant for preliminary hearing for 30.03.2015 before S.B.

  
Chairman

30.03.2015

None present for appellant. Fresh notices be issued to the appellant and his counsel for preliminary hearing for 27.4.2015 before S.B.

  
Chairman

27.04.2015

Appellant in person present. Submitted application for adjournment as his counsel is not in attendance. Last opportunity granted. To come up for preliminary hearing on 11.5.2015 before S.B.

  
Chairman

11.05.2015

Counsel for the appellant present. Learned counsel for the appellant argued that in respect of the same issue appeal No. 841/2013 has been admitted to regular hearing. Record was requisitioned. The said appeal is pending adjudication for written statement.

In view of the above, this appeal is also admitted to regular hearing subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 22.05.2015 before S.B.

  
Chairman

Appellant Deposited  
Security Process Fee



11.

10.06.2014

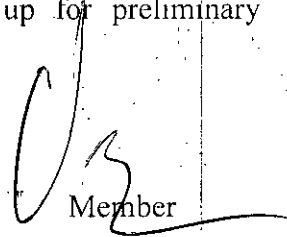
Junior to counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 12.08.2014. Service Appeals No. 814/2012 and 752/2013 may also be requisition on the date fixed.

  
Member

12.

12.08.2014


Clerk of counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 20.10.2014.

  
Member

13

20.10.2014

Assistant to counsel for the appellant present, and requested for adjournment. Request accepted. To come up for preliminary hearing on 22.12.2014.

  
Member

14.

Reader Note:

22.12.2014

No one is present on behalf of the appellant. Since the Tribunal is incomplete, therefore, case is adjourned to 26.02.2015 for the same.

  
Reader

7.

13.12.2013

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 06.02.2014.



Member

8.

06.02.2014

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing as per order sheet dated 04.10.2013 on 13.03.2014.



Member

9.

13.03.2014

Counsel for the appellant present and requested for adjournment. To come up for preliminary as per order sheet dated 04.10.2013 on 30.04.2014.

*Case files 814/2013 & 752/2013 may also be adjourned on the dt. fixed*

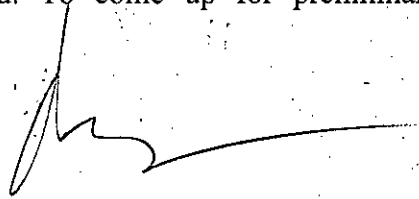


Member

10.

30.04.2014

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 10.06.2014.



Member

26.08.2013

3

No one is present on behalf of the appellant. Case is adjourned. To come up for preliminary hearing on 03.09.2013.

Member

03.09.2013

4

Appellant in person present and moved an application for adjournment, wherein counsel for the appellant is suffering from fever due to which he can not attend the court. Application is allowed. To come up for preliminary hearing on 4-10-2013.

Member

04.10.2013

5

Appellant with counsel present. Counsel for the appellant stated that the similar cases in Service Appeals No. 814/2013 and 752/2013 have already been admitted for full hearing. It would be proper to requisition the afore mentioned service appeals for the next date. To come up for preliminary hearing on 08.11.2013.

Member

6 - 8-11-13

No one is present on behalf of the appellant. Subject to order dt 4-10-2013 (Para 5 above) to come up for P.H. on 12-12-2013.

(Member)





Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 923/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/05/2013	<p>The appeal of Mr. Abdul Baseer resubmitted today by Mr. Suhail Imran Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30-7-2013,	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>26-8-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Abdul Baseer Assistant Board of Revenue received today i.e. on 13/05/2013 is incomplete on the following scores which is returned to the counsel for the appelliant for completion and resubmission within 15 days.

- 1- Copy of Proper rejection order of departmental appeal is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.

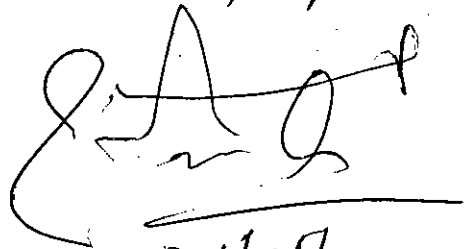
No. 774 /S.T.

Dt. 13/05 /2013.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Suhail Imran Adv. Pesh.

As far as the objection No 1 is concerned, it is submitted that the appelliant is unable to provide it because it has never been issued. Further the contents of Annexure "D" attached with the instant appeal serve the purpose.

  
21/05/2013

Suhail Imran  
Advocate for appelliant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 923 /2013.

Abdul Baseer..... Versus ..... Chief Secretary KPK and others.

Index

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	----	1-8
2	Copy of Departmental Appeal/W.P	A	9-16
3	Copy of the Judgment PHC	B	17-19
4	Copy of application.	C	20
5	Copy of order	D	21
6	Copy of W.P	E	22-26
7	Copy of application for status quo	F	27-29
8	Copy of certificate showing service in judiciary	G	30
9	Copy of appointment/posting order	H	31
10	Copy of offer letter	I	32
11	Copy of Tehsildari Service Rules, 1962	J	33-41
12	Copy of amendment dated 30-03-2011	K	42-44
13	Copy of notification dated 02-12-2012	L	45
14	Copy of Seniority list, working paper, minutes of the meeting and promotion order	M,N, O & P	46-53
15	Copy of application	Q	55-56
16	Wakalatnama		57

APPELLANT



ABDUL BASEER  
(ASSISTANT)  
BOARD OF REVENUE

1  
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 923 /2013.

Abdul Baseer, Assistant, Board of Revenue Khyber Pakhtunkhwa Peshawar.

(Appellant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary, Establishment Department, Khyber Pakhtunkhwa.
4. The Secretary Law Department, Khyber Pakhtunkhwa.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 FROM THE IMPUGNED NOTIFICATION NO. ESTT:III/296/AMENDMENT/29174, DATED 02.12.2011 WHEREBY THE IMPUGNED NOTIFICATION NO. 12389/ADMN: I/296 DATED 30.03.2011 ISSUED BY RESPONDENT NO. 2 WAS AMENDED AND QUOTA FOR PROMOTION OF MINISTERIAL EMPLOYEES OF BOARD OF REVENUE, HAVING BACHELOR DEGREE AND THREE YEARS SERVICE AS ASSISTANT TO THE POST OF TEHSILDARS WAS DELETED AND ORDER DATED 17.04.2013 OF THE RESPONDENT NO. 2 WHICH RESULTED IN DISMISSAL OF DEPARTMENTAL APPEAL OF THE APPELLANT.

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED NOTIFICATION NO. ESTT:III/296/AMENDMENT/29174, DATED 02.12.2011 MAY BE SET-ASIDE OR THE IMPUGNED NOTIFICATION/AMENDMENT MAY NOT BE GIVEN RETROSPECTIVE EFFECT AND THE RESPONDENT DEPARTMENT MAY BE DIRECTED TO PROMOTE THE APPELLANT TO THE POST OF TEHSILDAR (BPS-16) ACCORDING TO THE PREVIOUS TEHSILDARI RULES, 30.03.2011.

RESPECTFULLY SHEWETH.

Facts of the case are as under :-

That the Writ Petition No. 3304/2012 has been remanded by the Peshawar High Court Peshawar to the Respondent Department to treat as pending Departmental Appeal and to decide it as soon as possible being an old matter (Copy of W.P No. 3304/2012 and its judgment are re-submitted to and filed; Annexure-A & B).

The appellant alongwith other petitioners submitted an application to Senior Member, for

disposal of the Departmental Appeal on 29.03.2013 which was filed on 17.04.2013, hence the instant appeal (Copy of the application is Annexure-C and copy of order is Annexure-D).

3. That in another Writ Petition titled as Anwer Zeb and others VS Chief Secretary Khyber Pakhtunkhwa and others, the respondents were restrained by the Peshawar High Court Peshawar, not to fill the post of Tehsildar by promotion till its disposal and the status quo was granted by the said August Court (Copy of W.P is attached as Annexure-E while copy of application for granting status quo and order is attached as Annexure-F).

4. That the appellant took his Master Degree in English Literature from university of the Punjab and was selected on merit against one vacant post of Office Assistant (BPS-14) in District Judiciary Mansehra by Peshawar High Court, Peshawar and served as such w.e.f 01.10.2003 to 26.07.2008 (copy is Annexure-G)

5. That the appellant was again recommended by Khyber Pakhtunkhwa Public Service Commission against the post of office Assistant (BPS-14) in Board of Revenue and has been serving in Board of Revenue against the said post w.e.f 12.07.2008 to-date (copy of appointment /posting order is attached as Annexure-H).

6. That the appellant was placed at the bottom of the seniority list maintained for the Assistants of Board of Revenue, as per terms and conditions offered by Board of Revenue (copy of offer letter is Annexure-I).

7. That since the promulgation of the West Pakistan Tehsildari Service Rules, 1962, the posts of Assistant of Board of Revenue have remained in the feeding cadre for promotion to the post of Tehsildar and appellant remained in the same cadre since his date of appointment in Board of Revenue as such (copy of Tehsildari Service Rules, 1962 is Annexure-J).

8. That the respondent No. 2 due to ulterior motive amended the Tehsildari Service Rules, 2008 and included Senior Scale Stenographer of the offices of Commissioners, Additional Commissioners and political Agents in feeding cadre for promotion to the post of Tehsildar against the already allotted quota of 20 % reserved for the Ministerial Staff of Board of Revenue, Director Land Records, defunct Revenue Appellate Court and Sub Registrars without enhancing the said quota so as to push appellant downward in the seniority list and thereby further diminishing/delaying the chances of promotion of the appellant, without any concrete and valid reason (Copy of Amendment dated 30.03.2011 is Annexure-K).

9. That the respondent No. 2 not being satisfied by the above mentioned amendment, introduced another amendment vide Notification No. Estt:1/1/296/Amendment/29174 dated 02.12.2012 whereby the Assistants of Board of Revenue were excluded from the feeding cadre for

promotion to the post of Tehsildars and made eligible for promotion to the post of Naib Tehsildar (BPS-14). These amendments were processed secretly by the respondent No. 2 and a dealing Assistant who himself was stakeholder leaked out the whole story as a result of which all the Assistants of Board of Revenue filed a Writ Petition in the Peshawar High Court in order to restrain the Department of making any secret amendment or making promotion on the basis of such secret amendments (The copy of Notification No. Estt:II/296/Amendment/29174 dated 02.12.2012 is Annexure-L)

10. That according to the seniority list of Assistants of Board of Revenue for the year ending on 31.12.2011, eight employees including six Assistants of Board of Revenue were promoted to the post of Tehsildar (BPS-16) according to the Tehsildari Service Rules of 30.03.2011 and the rest of the Assistants of Board of Revenue including the appellant were in pipeline as is apparent from the working papers prepared for conducting Departmental Promotion Committee Meeting held on 29.10.2011 for promotion to the vacant posts of Tehsildar (BPS-16) (Copy of the seniority list, working paper, minutes of the meeting and promotion order are Annexure- M, N, O & P)

11. That the appellant has been deprived of his accrued right of promotion to the post of Tehsildar (BPS-16) by the impugned amendments dated 02.12.2012. The promotion of appellant to the post of Naib Tehsildar cannot be termed as promotion but it is induction to the same BPS i.e. 14, which is not maintainable in the eyes of law by any judicial tool.

12. That the appellant joined Board of Revenue and left his District of Domicile as well as comfort of home due to the brighter prospects of further promotion to the post of Tehsildar. But after passing five years away from home, the appellant has been dragged into litigation. The lien period of the appellant in judiciary has been expired and now the appellant can neither return to judiciary nor can afford to stay in Peshawar.

13. That the rights of promotion of appellant have also been safeguarded under Article 12 of the Constitution of Islamic Republic of Pakistan, 1973 which bars on giving retrospective effect to amendments made in Service Rules of the Civil Servants. It is also an established law that any accrued right/privilege cannot be taken away from the Civil Servant.

14. That owing to the frequent amendments being made by respondent No. 2, the appellant submitted an application to Senior Member, Board of Revenue requesting therein that the mode of promotion may be changed from seniority-cum-fitness to selection on merit through Khyber Pakhtunkhwa Public Service Commission on the same pattern as already adopted by Punjab, Board of Revenue, for promotion of its Ministerial Staff and Subordinate Departments but regrettably no response was given (Copy of the application is Annexure-Q).

15. That the Naib Tehsildar (BPS-14) and Sub Registrar (BPS-14) have again been made eligible for promotion to the post of Tehsildar (BPS-14) by the impugned amendment but ironically to the detriment of appellant, the Graduate Assistants (BPS-14) of Board of Revenue have been deprived from such promotion without any negligence/incompetency on their part and without giving any tangible and plausible reason.

Furthermore the Assistants of the offices of Commissioners, defunct DCOs and defunct DORs, serve in their Home Districts and lead a totally different life as compared to the appellant who is far away from his Home District. The only motive/incentive behind joining the service of Board of Revenue was the opportunity of availing promotion which was intact at the time of joining the said service.

16. That the appellant has already been appointed in BPS-14 twice. Once by the Peshawar High Court and secondly by the Khyber Pakhtunkhwa Public Service Commission whereas the impugned notification entitles appellant for promotion to the same scale for the third time and there is every likelihood that before enjoying such promotion, the appellant would be retired from the same scale i.e. BPS-14 as there are numerous Assistants more senior to appellant serving in the offices of Commissioners defunct DCOs and defunct DORs. The Assistants of the offices of Commissioners, defunct DCOs and defunct DORs could have been compensated by granting them share from the quota reserved for initial recruitment to the post of Tehsildar (BPS-16).

17. That the service of Board of Revenue being Provincial in nature deserves to be compensated by promotion that is why the framers of the Tehsildari Service Rules, 1962 provided avenues for promotion to the Assistants of Board of Revenue. The employees of Secretariat Departments are also enjoying the privilege/benefit of promotion against their reserved quota.

18. That the Chief Secretary Khyber Pakhtunkhwa took notice of frequent amendments being made by Heads of different Departments and thus introduced amendments in the composition of Standing Service Rules Committee vide which the Secretary Establishment has been declared the Chairman of Standing Service Rules Committee instead of Heads of the Administrative Departments. Likewise the Provincial Civil Service Rules were amended after 10 years and non of the employees were deprived of their accrued/legitimate right of promotion.

**That the appellant has come to this august Tribunal on the following grounds:-**

**GROUND.**

A. That the appellant having legitimate right of promotion expected to be promoted as there are about 22 number of posts of Tehsildar lying vacant against the 20 % quota reserved for the Ministerial Staff but the appellant has wrongly/unlawfully been excluded for such promotion.

B. That the impugned notification cannot affect the right of appellant for promotion to the post of Tehsildar as he remained eligible for a considerable period of time and the Tehsildari Service Rules, 2008 were intact at the time of joining of the service in Board of Revenue by the appellant till 30.03.2011.

C. That the amended Rules cannot be made applicable in case of applicant and thus cannot be deprived of his accrued right of promotion to the post of Tehsildar (BPS-16) as evident from SCMR, 1982 page 644, SCMR, 1987 page 359 and PLC 1991 SC page 35 whereby any change in terms and conditions of the employees cannot be given retrospective effect so as to deprive employees of their vested rights. Hence the right once accrued by the Government to its employees cannot be snatched back according to the verdicts of Superior Courts.

D. That the appellant is already suffering due to service appeals pending in the Khyber Pakhtunkhwa Service Tribunal. Two of these appeals have been instituted by the appellant, while in three of them, the appellant is respondent. All these appeals were instituted before the introduction of impugned amendment. All these appeals have been filed either on seniority issues or on the issue of fake degrees on the strength of which two Sub Registrars were promoted to the post of Tehsildar (BPS-16). Furthermore two Writ Petitions were also filed by the appellant regarding the impugned amendment. The appellant has thus become a strong stakeholder for promotion to the post of Tehsildar (BPS-16) as evident from the perusal of these five Service Appeals bearing No. 1293/2011, 25/2012, 1772/2011, 1838/2011, 558/2011 and two Writ Petitions. So how the appellant can be excluded from such promotion. The copy of all these five Service Appeals can be submitted on order of this august Tribunal.

E. That the appellant seeks the permission of this learned Tribunal to rely on additional grounds at the time of hearing.

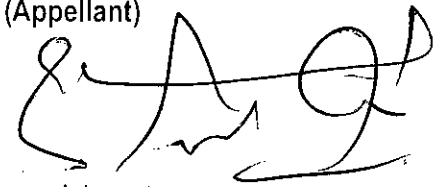
#### PRAYER

That either the impugned notification/amendment No.Estt:I/I/296/Amendment/29174 dated 02.12.2011 regarding Tehsildari Service Rules may be set-aside, and Tehsildari Service Rules vide Notification No.12389/Admn:I/296 dated 30.03.2011 may be restored so that the appellant may be promoted to the post of Tehsildar or the Tehsildari Service Rules vide Notification No. stt:I/I/296/Amendment/29174 dated 02.12.2011 may be given prospective effect thereby protecting the appellant from its harmful retrospective effect and thus the appellant may be promoted to the post of Tehsildar (BPS-16). Any other remedy, which this August Tribunal deems fit and proper in the circumstances of the case though not specifically asked for may kindly also be granted.



**ABDUL BASEER**  
Assistant, Board of Revenue,  
(Appellant)

Through



Suhail Imran Advocate,  
For Suhail Law Associates  
Flat No. 9-B, Cantonment  
Building Khyber Bazar Peshawar  
Contact 091-5596353,  
0300-5932882



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

Appeal No. \_\_\_\_\_/2013.

Abdul Baseer, Assistant, Board of Revenue Khyber Pakhtunkhwa Peshawar.

(Appellant)

**VERSUS**

1. The Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary, Establishment Department, Khyber Pakhtunkhwa.
4. The Secretary Law Department, Khyber Pakhtunkhwa.

(Respondents)

**AFFIDAVIT**

I, Abdul Baseer S/O Abdul Hayee Khan R/O District Mansehra do hereby declare, and affirm on oath that the contents of accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



Deponent

**ATTESTED**

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

Appeal No. \_\_\_\_\_/2013.

Abdul Baseer, Assistant, Board of Revenue Khyber Pakhtunkhwa Peshawar.

(Appellant)

**VERSUS**

1. The Chief Secretary, Government of Khyber Pakhtunkhwa Peshawar.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. The Secretary, Establishment Department, Khyber Pakhtunkhwa.
4. The Secretary Law Department, Khyber Pakhtunkhwa.

(Respondents)

**APPLICATION FOR RESTRAINING THE RESPONDENTS NOT TO FILL THE POST OF TEHSILDAR BY PROMOTION AGAINST 20% QUOTA RESERVED FOR THE PROMOTION OF MINISTERIAL STAFF TILL THE DISPOSAL OF MAIN APPEAL.**

**R/Shewith**

1. That the respondent Deptt: is going to promote the officials against 20% ministerial staff quota on disputed rules which will complicate the matter further and make the main appeal infructuous.
2. That the appellant has good prima facie case and is very hopeful about the success and in case of filling of post of Tehsildars against 20% quota reserved for the promotion of the ministerial staff, the appellant will have to suffer an irreparable loss.
3. That as on the institution of this appeal, the respondents should have not to convene the DPC meeting against the above said 20% quota.
4. That the honorable Peshawar High Court Peshawar had also granted status quo and restrained the respondent departments not to fill the post of Tehsildar vide its order dated 21-03-2012 (Annexure F).

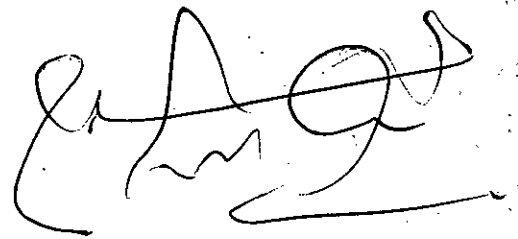
It is therefore, most humbly prayed that the respondents may be restrained from filling the post of tehsildar against 20% quota reserved for the promotion of ministerial staff till the disposal of main appeal on the basis of disputed rules to meet the ends of justice. Any other remedy which this august court deems fit and appropriate, that may also be awarded in favour of appellant.

**APPELLANT.**



Abdul Baseer

Through



Suhail Imran Advocate,  
For Suhail Law Associates  
Flat No. 9-B, Cantonment  
Building Khyber Bazar Peshawar  
Contact 091-5596353,  
0300-5932882

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

IN RE; W.P NO. 3304 \2012

Mr. Anwar Zeb and others ..... Petitioners

Versus

Govt. of KPK through Chief Secretary and others ..... Respondents

INDEX

S.No.	Description of Documents	Annexure	Pages
1.	Writ Petition with Affidavit		1-6
2.	Addresses of Parties		7
3.	Tehsildari Service Rules 1962	A	8 - 14
4.	Tehsildari Service Rules 2001\2002	B	15 - 19
5.	Tehsildari Service Rules 2008	C	20 - 23
6.	Tehsildari Service Rules 30.3.2011	D	24 - 25
7.	Tehsildari Service Rules 29.9.2012	E	26 - 27
8.	Notification dt.13.7.12	F	28 - 29
9.	Notification dt.4.10.12	G	30 - 31
10.	PCS\PMS Rules 1997\2007	H	32 - 39
7.	Court-Fee Rs.50\-		
8.	Wakalat Nama		

Attested  
by  
Appellant  
22-05-13

Date of institution

17/4/2012

Through

Petitioners

Nasir Mehmood Advocate,  
13-D Haroon Mansion  
Khyber Bazar, Peshawar.  
Cell: 0333-9176275

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

IN RE; W.P NO.....\2012

1.Mr.Anwar Zeb, 2.Mr.Muhammad Ali, 3.Mr.Habibullah Wazir,  
④ Mr.Abdul Baseer, 5.Mr.Khalid Mansoor, 6.Mr.Imran zaman,  
7.Mr.Aftab Ahmad, 8.Mr.Abdul Akbar, 9.Mr.Muhammad Nawaz  
Khan, 10.Mr.Muhammad Arif, 11.Mr.Muhammad Ayaz, All  
Office Assistant, Office of the Board of Revenue,  
Peshawar.....Petitioners

Versus

1.Govt. of KPK through Chief Secretary Civil  
Secretariat, Peshawar.

2.Senior Member Board of Revenue, Govt. of KPK Civil  
Secretariat, Peshawar.

3.Secretary Establishment Department, Govt. of KPK Civil  
Secretariat, Peshawar.....Respondents

Writ Petition under Article 199 of the constitution of  
Islamic republic of Pakistan, 1973.

Respectfully Sheweth;

- 1.That addresses as given in the heading of the petition  
are sufficient for effecting service upon the parties.
- 2.That the petitioners are Office Assistant, in Revenue &  
Estate Department\BOR\DLR, Peshawar in BPS-14.
- 3.That since 1962 Tehsilcari\Naib-Tehsildari Rules the  
post of Office Assistant(BPS-14) of Board of Revenue\DLR

*Attested*  
*22-05-13*

was in the feeding cadre of promotion to the post of Tehsildar (BPS-16) and the petitioners have been in the same cadre since the date of their appointment/promotion thus were having legitimate expectancy for consideration to promotion to the post of Tehsildar. (Copy of Tehsildari Service Rules 1962 is attached herewith as annexure-A).

4. That in the year 2001 & 2002 Tehsildari Service Rules 1962 were amended and 30% quota was reserved for the ministerial employees of the Board of Revenue/Director Land Records for promotion to the post of Tehsildar. (Copy of the amended Tehsildari Service Rules 2001/2002 is attached herewith as annexure-B).

5. That through notification dated 26.12.2008 another amendment in the Tehsildari Service Rules was made, whereby 20% quota for the Ministerial Staff (Graduate Assistant, SSS of Board of Revenue/DLR, Assistant of Revenue Appellate Courts and Sub-Registrars) was reserved for promotion to the post of Tehsildar. (Copy of the amended Tehsildari Service Rules 2008 is attached herewith as annexure-C).

6. That again through notification dated 30.3.2011 another amendment in the Tehsildari Service Rules was made, wherein the 20% quota for the Ministerial Staff above mentioned, Senior Scale Stenographers of the offices of Commissioners, Additional Commissioners, and Political Agents were included and resultantly petitioners were pushed downward in the joint seniority list maintained for the purpose of promotion to the post of Tehsildar. (Copy of the amended Tehsildari Service Rules 2011 is attached herewith as annexure-D).

7. That yet again in the same year through another notification dated 2.12.2011 amendment was proposed in which Office Assistant BPS-14 were to be promoted to the

Attested  
22-05-03

post of Naib-Tehsildar BPS-14 which was challenged by the petitioners before this honorable court through Writ Petition no.3493\11 but during pendency of the Writ Petition the petitioners have got the knowledge that the same amendment has formally been notified on 29.09.2012. (Copy of the amended Tehsildari Service Rules is attached herewith as annexure-E).

8. That the petitioners being highly aggrieved wherefrom the impugned notification dated 29.9.2012 and having no other adequate, efficacious, and alternate remedy available assails the same before this honorable court through the instant extra-ordinary constitutional petition inter alia on the following grounds ;

Grounds

A. That the respondents have not treated the petitioners in accordance with law and rules on the subject and acted in violation of article-4 and 25 of the constitution of Islamic republic of Pakistan, 1973 and unlawfully made frequent amendments in the rules which is unjust, unfair hence not sustainable in the eye of law.

B. That the post of Office Assistant and Naib-Tehsildar are in BPS-14 meaning thereby that only the nomenclature of the Office Assistant was changed therefore, the notification through which petitioners right of promotion was taken away is absolutely illegal, void ab initio without lawful authority and jurisdiction and thus set-aside.

C. That respondent no.3 due to frequent amendments by respondent no.2 has reconstituted the composition of Service Standing Rules Committee vide notification dated 13.7.2012 in order to check sweeping and whimsical amendments in the service rules which was done by respondent no.2 and due to which employees suffered because of litigations. Copy of the notification is attached as annexure-F.

Attested  
22-05-13

D. That 25% Assistant BPS-14, 50% Naib-Tehsildar BPS-14, and 40% Sub-Registrar BPS-14 recruited through Public Service Commission have been promoted to the post of Tehsildar. Moreover Assistant of BOR has also been promoted to the post of Tehsildar. Now these two categories namely Naib-Tehsildar and Sub-Registrar are being promoted to the post of Tehsildar but due to impugned malafide amendment Assistants of BOR were pulled out of the feeding cadre to the post of Tehsildar.

E. That the framers of Tehsildari Service Rules 1962 were conscious about the fact that the post of Assistant of BOR is a Provincial Cadre post and the post of Tehsildar is also Provincial Cadre post therefore, they were directly promoted to the post of Tehsildar without landing upon the post of Naib-Tehsildar but through the impugned notification the petitioner will first be promoted to the post of Naib-Tehsildar having same grade and afterwards, they will be promoted to the post of Tehsildar which is entirely illegal.

F. That 20% quota in PMS reserved for superintendents and private secretaries of civil secretariat is further bifurcated in which 12% is reserved for suptt\Assistants and 8% is reserved for private secretaries while on the other hand the Assistants of BOR is excluded from the promotion to the post Tehsildar. The inclusion of Assistants of civil secretariat for the promotion to PMS Service and exclusion of the Assistants of BOR from promotion to the post Tehsildar is highly discriminatory and against all norms of justice. (copy is annexed as Annex 'G')

G. That normally rules are changed in order to adjust them with the current trends and needs of the time as is apparent from PCS Rules-1937 which were changed after 10 years in 2007 but in the case of petitioners frequently rules were changed by the respondent no.2 in order to suit their wishes. (copy is annexed as Annexure 'H')

H. That vested right for consideration to promotion has been accrued in favor petitioners and the rules cannot be amended in such a way which would take away the promotion rights of the petitioners with retrospective effect.

Attested  
22/5/13



1. That in the light of judgments of superior courts of the country any change in the terms and conditions of service of civil servant with retrospective effect by depriving them of their vested cannot be done while the petitioners remain eligible for promotion for considerable period but through impugned notification their right of promotion has been taken away which is not sustainable in the eyes of law.

2. That the impugned notification is malafide, pregnant with ulterior motive and is the outcome of political pressure which appears to be a classical example of favoritism, nepotism on one hand and an abusive exercise of official authority on the part of the persons at the helm of affair on the other.

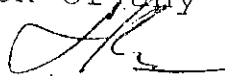
3. That the fundamental rights of the petitioners has badly been violated.

4. That the appellant may be allowed to raise additional grounds at the time of arguments.

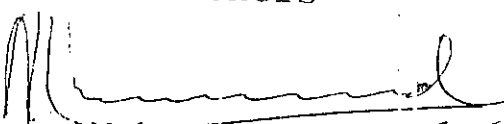
For the aforesaid reasons it is, therefore, respectfully prayed that on acceptance this writ petition, this honorable court may be pleased to issue a writ declaring the impugned notification dated 29.9.2012 to be against the law and thus cancelled with further directions to respondent no.2 promote the petitioners in accordance with service rules dated 30.3.011.

Any other remedy not specifically asked for but appropriate in the circumstances of the case may also be awarded to the petitioner.

Interim Relief; by way of interim relief respondent no.2 may be restrained from promotion of any kind in the light of impugned notification.

  
Petitioners

Through

  
Nasir Mahmood Advocate,

13-D Haroon Mansion Peshawar.

Attested  
22/5/13

Certificate

Certified that petitioners has filed another writ petition no.3493\11 before this Hon'ble court which is fixed for 28.11.2012.

*[Signature]*  
Advocate

List of Books; Constitution of Pakistan, 1973.

Affidavit

I, Habibullah Wazir S\O Nadir Khan R\O village Haji Jinnah Kalla Tehsil and District Bannu do hereby declare, and affirm on oath that the contents of accompanying writ petition are true and correct to the best my knowledge and belief and nothing has been concealed from this hon'ble court.

*[Signature]*

Deponent

11201-7115980-5

Identified by:

*[Signature]*  
(Nasir Mahmood)  
Advocate, Peshawar

Attested  
*[Signature]*  
22/5/13

4879-

Subscribed and sworn to and filed on solemnly affirmed on solemnly affirmation before me on this 17th day of Nov 2012 by Habibullah Wazir s/o Nasir Mahmood who was identified by Nasir Mahmood who is personally known to me:

*[Signature]*  
Oath Commissioner  
Peshawar High Court, Peshawar.

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

IN RE; W.P NO.....\2012

Mr.Anwar Zeb and others.....Petitioners

Versus

Govt. of KPK through Chief Secretary and others.....Respondents.

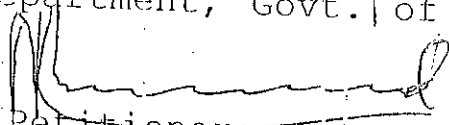
Addresses of Parties

Petitioners;


1.Mr.Anwar Zeb, 2.Mr.Muhammad Ali, 3.Mr.Habibullah Wazir, 4.Mr.Abdul Baseer, 5.Mr.Khalid Mansoor, 6.Mr.Imran Jahan, 7.Mr.Aftab Ahmad, 8.Mr.Abdul Akbar, 9.Mr.Muhammad Nawaz Khan, 10.Mr.Muhammad Arif, 11.Mr.Muhammad Ayaz, All Office Assistant, Office of the Board of Revenue, Peshawar.

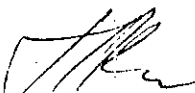
Respondents;

- 1.Govt. of KPK through Chief Secretary Civil Secretariat, Peshawar.
- 2.Senior Member Board of Revenue, Govt. of KPK Civil Secretariat, Peshawar.
- 3.Secretary Establishment Department, Govt. of KPK Civil Secretariat, Peshawar.

  
Petitioners

Through

Attested  
  
22/5/13

  
Nasir Mahmood Advocate  
13-9 Haroon Mansion  
Peshawar.

17

B

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.  
JUDICIAL DEPARTMENT

*WP* No. *3304* of ..... 20*12*

JUDGMENT

Date of hearing..... *12-3-013*

Appellant/Petitioner (s)..... *(Anwar Zeb etc) by Mr. Nasir Mahmood Advocate*

Respondent (s)..... *(Govt KPK through chief secy) by Mr. Dildar Razaq A/c.*  
DOST MUHAMMAD KHAN, C.J. - For

reasons recorded in our detailed judgment of today's date in the connected Writ Petition No.723 of 2011, this Writ Petition stands disposed of.

Dated: 12.3.2013

~~\_\_\_\_\_~~  
CHIEF JUSTICE.

*[Signature]*  
JUDGE

Attested

*[Signature]*  
22/5/13

*filed*  
*12*  
*16/3*

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.  
JUDICIAL DEPARTMENT

N.P. No. 723 of ..... 2011.

JUDGMENT

Date of hearing..... 12-3-013

Applicant/Petitioner (s). (Ghulam Mohy-Ud-Din & others) by Mr. Ubaid Khan

Respondent (s) (Secy Local Govt & others) by Mr. Ubaid Khan

DOST MUHAMMAD KHAN, C.J.:- This single

judgment shall decide Writ Petitions

Nos:723/2011 (Ghulam Mohyuddin and others-

Vs-Secretary Local Government and others)

and 3304/2012 (Anwar Zeb-Vs-The Chief

Secretary, Government of PK, Civil

Secretariat Peshawar and others) because

common question of law is involved therein.

2. The petitioners in this and in the

connected writ petition have questioned the

amendment in the service rules which, according

to both the petitions, are prejudicial to their

vested right accrued to them during the course of

their service and because of those amendments

they have suffered a setback in the matter of

promotion and further benefit.

3. In view of the judgments of the apex

Court as well as this Court, it is clear that

whenever a matter relating to a terms and


conditions of civil service including the question

by Mr. Ubaid Khan  
Rajesh Khan  
Rohit Khan  
A.A.G. H.H.  
M. Zahir  
S. Akh. Adrota

Attested  
22/5/13

*[Handwritten signature]*


of vices of law or rules or mala fide action, the Service Tribunal has the exclusive jurisdiction in the matter, however due to the inadvertence of the office, these writ petitions were entertained and even by the different Benches, the petitioners shall not suffer for that. As this Court has no jurisdiction, hence these petitions are sent to the Departmental Appellate Authority with the direction to treat these petitions as pending appeals/representations under the service law and rules and decide them as early as possible being an old matter, because the Departmental Authority is bound to decide the same as the command of the law so direct. With the above observations, this and the connected writ petition is disposed of accordingly.

Attested  
  
 22/5/13

Dated: 12.3.2013

~~\_\_\_\_\_~~  
 CHIEF JUSTICE.

  
 JUDGE

Office  
  
 16/3

12-3-13  
 12-4-13  
 13-5-2013

To,

20

C

PS/SMBR	103/PS/Smk
Dy No	
Det:	28/0/13
Govt: of Khyber Pukhtun Khwa	

The Senior Member,  
Board of Revenue, Peshawar.

Subject:

**REQUEST FOR DECISION/ DISPOSAL OF WRIT PETITION  
NO. 3304/2012 TITLED ANWAR ZEB VS CHIEF SECRETARY**

Sir,

With due respect and courtesy, it is humbly prayed that the above mentioned writ petition has been sent to the Department as departmental representation for early disposal/Decision, being an old matter. Therefore, the Honorable Court direction may be honored and the subject case may be disposed of/ decided at the earliest. (Copy of the writ petition along with decision is attached).

It is humbly requested that Tehsildari/ Naib Tehsildari service Rules 2008, amended in 30-03-2011 may be restored in the best interest of the Department and to save the future of Graduate Assistants of the Department.

With High Regards

All Petitioners of Writ Petition No. 3304/2012

Attested  
22/5/13

1. Anwar Zeb Asstt DLR
2. Murad Ali Asstt DLR
3. Habib Ullah Wazir Asstt BOR
4. Iniran Zaman Asstt BOR
5. Abdul Baseer Asstt BOR
6. Khalid Mansoor Asstt BOR
7. Abdul Akbar Asstt BOR
8. Muhammad Ayaz Asstt BOR
9. Aftab Ahmed
10. M. Arif

PUC is application submitted by Anwar Zeb Assistant and other staff members of the Board of Revenue requesting therein for decision / disposal of Writ Petition No. 3304/2012.

Facts of the case are that Assistants of the Board of Revenue were eligible for promotion to the post of Tehsildar (BPS - 16) under the Tehsildar / Naib Tehsildar Service Rules - 2008. On 02.12.2012 amendments were made in the said rules and the entry whereby Assistant of the Board of Revenue were eligible for promotion as Tehsildar was deleted. Aggrieved by the said amendment, the petitioner filed Writ Petition before Peshawar High Court which was returned back to this Department on the basis of lack of jurisdiction vide (Flag - A) with the direction to treat the petition as pending appeal / representation and dispose it up as early as possible being an old case, because the Departmental authority is bound to decide the same as the command of the law.

It is submitted that the amendments were made in the rules in consultation with Law, Finance and Establishment Department through Standing Service Rules Committee. The Assistants of Board of Revenue are now eligible for promotion to the post of Naib Tehsildar at par with Assistants of Commissioner, and Deputy Commissioner, offices. The request of the appellants for amendment in Tehsildar / Naib Tehsildar for promotion as Tehsildar cannot be acceded to. We may file the case.

PS/SMBR  
By No 125  
Date 12-4-13  
Govt. of Khyber Pakhtunkhwa

S(Estt)

M. M.  
Estt: 16/4/13

Attested  
22/5/13

A. (Estt)

[Signature]

[Signature]

[Signature]

[Signature]  
16/4/13

[Signature]  
16/4/13

16/4/13

[Signature]  
17-4-13



22

E

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 3493 /2011.

1. Mr. Anwar Zeb, Office Assistant, office of the Board of Revenue, Peshawar.
2. Mr. Muhammad Ali, Office Assistant, office of the Board of Revenue, Peshawar.
3. Mr. Habibullah Wazir, Office Assistant, office of the Board of Revenue, Peshawar.
4. Mr. Abdul Baseer, Office Assistant, office of the Board of Revenue, Peshawar.
5. Mr. Khalid Mansoor, Office Assistant, office of the Board of Revenue, Peshawar.
6. Mr. Inran Jahan, Office Assistant, office of the Board of Revenue, Peshawar.
7. Mr. Aftab Ahmad, Office Assistant, office of the Board of Revenue, Peshawar.
8. Mr. Abdul Akbar, Office Assistant, office of the Board of Revenue, Peshawar.
9. Mr. Mohammad Nawaz Khan, Office Assistant, office of the Board of Revenue, Peshawar.
10. Mr. Mohammad Arif, Office Assistant, office of the Board of Revenue, Peshawar.
11. Mr. Mohammad Ayaz, Office Assistant, office of the Board of Revenue, Peshawar.

**PETITIONERS**

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary, Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

Attested  
22/5/13

FILED

22.05.2013

*(Handwritten signature)*

WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF PAKISTAN 1973 AS AMENDED  
UP-TO DATE

\*\*\*\*\*

RESPECTFULLY SHEWETH:

Brief facts giving rise to present petition are as under:-

1. That the petitioners are Office Assistant in BOR, Peshawar in BPS-14.
2. That as per Notification dated 26.12.2008, the petitioners were given 20% quota for the promotion to the post of Tehsildar which carries BPS-16. Copy of the Rules is attached as Annexure-A.
3. That the above rules were modified vide Notification dated 30.3.2011 but in those modified rules the share of promotion quota of the petitioners remained intact. Copy of Amendment Rules is attached as Annexure-B.
4. That the respondent No.2 again proposed amendment in the rules in which 20% quota of the promotion to BPS-16 was omitted and inserted the 25% quota for the promotion against Naib Tehsildar post (BPS-14). The copy of Proposed Rules is attached as Annexure-C.
5. That the petitioners filed appeal / application against the proposed rules but that was went un-responded and has not been decided till-date. Copy of Application is attached as Annexure-D.
6. That now the petitioners have come to know that the proposed rules are finalized and the respondent No.2 is going to pass the order of promotion in next week. It is also worth to mention here that the proposed amendment rules are not officially notified till-date, and the respondent No.2 keeps the proposed amendment in his Drawer being secret amendment.

Attested  
22/5/13

ATTESTED  
Peshawar High Court

7. That the petitioners also submitted an application for provision of notification of the proposed amendment in the rules to enable them to challenge the amendment in the appropriate legal forum, but the respondent No.2 is not ready to give the copy of the proposed amended rules nor notifying the same officially. Copy of Application is attached as Annexure-E.

8. That as valuable rights of the promotion of the petitioners are involved and having no other remedy to stop the immediate violation of rights of the petitioners, therefore, the petitioners are constrained to file this Writ Petition on the following grounds amongst the other inter-alia:

**GROUND:**

A)

That the proposed amendment in the rules and not providing the copy of the same to the petitioners for challenging before an appropriate forum is against the norms of justice, equity and principle of the fair play.

B)

That the main ground for challenging the proposed amendment is that the petitioners are in BPS-14 and therefore, the promotion quota has been given in BPS-14 which is irrational because how an employee in BPS-14 could be promoted to BPS-14 again.

That the said amendment is also lacking the principle of promotion i.e. moving to next higher scale while in the proposed amendment the quota of the promotion to the petitioners is given in the same scale i.e. BPS-14 to BPS-14.

D)

That the respondent No.2 is legally bound to notify officially the proposed amendment in the rules but he is still keeping the same as secret and wants to act upon that for giving the promotion benefits to the blue eyed person.

E)

That taking action on the un-notified amendment also proves malafide on the part of the respondent No.2 and especially when the provision of the copy of the said amendment has been refused to the petitioner despite of their proper application.

FILED TODAY

Deputy Registrar

22 DEC 2011

*J*

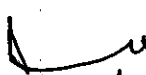
- F) That the respondent No.2 has not acted as per law and rules nor treated the petitioner according to the law and rules.
- G) That if the action of the respondent No.2 is not stopped immediately then the matter would be more complicated and would also be base for un-ending litigation amongst the officials and respondents.
- H) That the petitioners seek permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that on acceptance of this Writ Petition:

- i) The in-action of respondent No.2 in providing the copy of proposed amendment in the rules, not notifying officially the amendment in the rules and ordering promotion on the basis of un-notified amendment in the rules, may be declared as illegal, unlawful, without lawful authority, un-constitutional and against the principle of fair play and equity.
- ii) The respondent No.2 may also be directed to provide the copy of notified / issued amendment in the rules of the petitioners so that the petitioners may be able to challenge the same before an appropriate forum.
- iii) Any other remedy which this august Court deems fit that may also be awarded in favour of the petitioners.

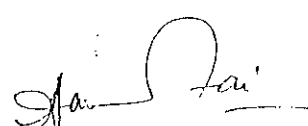
INTERIM RELIEF:

It is humbly prayed that the respondent No.2 may be restrained not to pass promotion order on the basis of proposed amendment in the rules till its proper publication and notification in the official gazette to avoid un-ending litigation and to meet the end of justice.

Attested  
  
 22/5/13

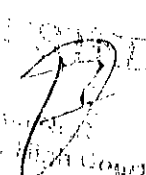
THROUGH:

PETITIONERS



( M. ASIF YOUSAFZAI )  
 ADVOCATE, PESHAWAR.

RECORDED  
 Registrar  
 22 DEC 2011

RECORDED  
  
 COURT

VERIFICATION:

It is verified that no other Writ Petition earlier has been filed between the present parties, except the present one.

*Pai*

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. Any other case law as per need.

PETITIONERS

THROUGH:

*M. Asif Yousafzai*  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

*Attested*

*[Signature]*  
22/5/13

*[Signature]*

27

F

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

C.M. No. 144 - P /2012  
In Writ Petition No.3493/2011.

Mr. Anwar Zeb & others.

V/S

Chief Secretary & Others.

APPLICATION FOR RESTRAINING THE  
RESPONDENTS NOT TO FILL THE POST OF  
TEHSILDAR BY PROMOTION TILL THE  
DISPOSAL OF MAIN WRIT PETITION.

RESPECTFULLY SHEWETH:

1. That the petitioner has filed the above mentioned Writ Petition in this Honourable Court, in which the date has been fixed on 3.5.2012.
2. That in a similar writ petition NO. 3023/2011 titled *Zahid Kamal etc VS Govt: of KPK etc*, this august Court is pleased to suspend the promotion rules and now the same writ petition is accelerated to an early date 8.3.2012 on the request of the respondent Deptt: for convening DPC meeting as early as possible. Copies of the order sheet are attached as Annexure -- A & B.
3. That in the instant writ petition notice has already been issued in the interim relief to the respondents but despite of that the respondent Deptt: is going to promote the officials on the disputed Rules which will complicate the matter further and will also give rise to multiple litigation.

Attested  
22/5/13

TODAY  
Registrar  
23 FEB 2012

ATTESTED  
Peshawar High Court

That the petitioner has good prima facie case and is very hopeful about its success and in case of filling of post of Tehsildar by the respondents department will create further complication and will also delay the ends of justice.

5. That as the issue is pending before this august Court, therefore, the respondents should have not to convene a DPC meeting.

It is, therefore, most humbly prayed that the respondents may be restrained from filling the post of Tehsildar till the disposal of main appeal on the basis of disputed Rules to meet the ends of justice and to avoid further complication and multiple litigation. Any other remedy which this august Court deems fit and appropriate, that may also be awarded in favour of petitioners.

PETITIONER

Anwar Zeb & Others

THROUGH:

*M. Asif Yousafzai*  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

*Attested*  
*[Signature]*  
*22/5/13*

ATTESTED  
*[Signature]*  
Lawyer & K  
Peshawar High Court

*[Signature]*

# PESHAWAR HIGH COURT, PESHAWAR

## FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	21.03.2012	<p><u>Writ Petition No.3857/2010 with Interim Relief.</u></p> <p>Present: Mr. Muhammad Asif Yousafzai, Adv., for the petitioner.</p> <p>Mr. Zahid Yousaf Qureshi, Addl. AG for the respondents.</p> <p>*****</p> <p>During the course of arguments, the learned counsel for the petitioner pointed out that the government was supposed to inform about justification of proposed amendment in the rules. The learned Additional Advocate General seeks a short adjournment for the same. Allowed. Adjourned to a short date in office. In the meantime, status quo be maintained.</p> <p>sd/ Attaullah Khan JUDGE</p> <p>sd/ Waqar Ahmad Seth JUDGE</p> <p>SP</p> <p>25-10-12</p>

Attested  
22/5/13

9/11/13  
24/3



30

G

CERTIFICATE

Certified that Mr. Abdul Baseer son of Abdul Hayee resident of District Mansehra is presently working as an Office Assistant (BPS-14) in District Judiciary Mansehra since 01.10.2003. He had initially joined service in this department on 20.11.1995.

Dated: 28.11.2007

*[Signature]*  
DISTRICT & SESSIONS JUDGE,  
MANSEHRA

Office of District & Sessions Judge,  
District Judiciary,  
Mansehra.

*Attested*

*[Signature]*  
22/5/13

31 H

**GOVERNMENT OF NWFP  
REVENUE DEPARTMENT, NWFP.**

Peshawar dated, 12 /07 /2008.

**OFFICE ORDER.**

No. \_\_\_\_\_ /Admn:IV/II/2008. In pursuance of recommendation of NWFP Public Service Commission the Competent Authority has been pleased to order appointment of Mr. Abdul Baseer S/o Abdul Hayee of District Mansehra presently working as Assistant / Reader with District Judge Mansehra against the post of Assistant created in the office of Provincial Relief Commissioner NWFP with the conditions given below.

1. He will not claim Seniority over the officials (Assistant) of the Board of Revenue, NWFP.
2. He shall be placed at the bottom of the seniority list of Assistants of the Board of Revenue, NWFP.
3. In case of want of vacancy or abolition of the posts he shall be repatriated to the office from where he belongs originally i.e. (Judicial Department Mansehra where he remained as Reader with District judge Mansehra) for which he shall have no objection.
4. He shall be on probation for a period of two years.
5. He shall be served by such rules and orders as prescribed by the Government of NWFP.
6. He shall join duty at his own expense.

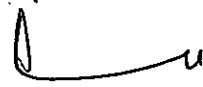
If the above terms and conditions are acceptable to him shall report to the Board of Revenue, NWFP.

**By order of  
Secretary to Government of NWFP,  
Revenue and Estate Department, NWFP.**

NO. 17887-95 ADMN: IV/II/2008.

Copy of the above is forwarded to :-

1. District Judge Manshra.
2. Accountant General, NWFP
3. The Budget and Accounts Officer, Board of Revenue, NWFP.
4. Assistant Secretary (Admn: & Accounts ) PRC, NWFP
5. District Accounts Officer, DIKhan.
6. Officials Concerned.
7. Bill Assistant, BOR/PRC NWFP.
8. Personal File.
9. Office order file.

Attested  
  
22/5/13

  
**Assistant Secretary (Admn)  
Revenue and Estate Depa., NWFP**

GOVERNMENT OF N.W.F.P.,  
REVENUE AND ESTATE DEPARTMENT.

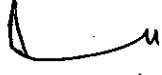
Dated, Peshawar. 13/06/2008.

32

OFFICE ORDER.

NO. ADMN: IV/II/IO/REQU:/Asstt: (B-11)/2008. The Competent Authority on the recommendation of the NWFP, Public Service Commission, and in pursuance of the provisions contained in sub-section (2) of Section 19 of the NWFP, Civil Servants Act, 1973 (NWFP, Act No. XVIII of 1973), as amended by the NWFP, Civil Servants (Amendment) Act, 2005 (NWFP, Act No. IX of 2005) is pleased to order for appointment of Mr. Abdul Baseer S/O Abdul Hayee R/O Mohallah Channai Abbottabad Road Mansehra, Assistant (BPS-11) against the post of Assistant Store Keeper created in Provincial Relief Commissioner Revenue and Estate Department, NWFP, with effect from the date of submitting his arrival subject to the conditions mentioned hereunder:

1. He shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount contributed by him towards contributory provident Fund (C.P.F.) along with the contributions made by Government to his account in the said fund, in the prescribed manner.
2. He shall be governed by the NWFP, Civil Servants Act, 1973, and all the laws applicable to the Civil Servants and Rules made there under.
3. He shall initially be on probation for a period of two years extendable upto three years.
4. His services will be liable to termination at any time without assigning any reason before the expiry of the period of his probation/extended period of probation. If his work during this period is not found satisfactory. In such an event, he will be given a month's notice of termination from the service or one month's pay in lieu thereof. In case he wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
5. He will join duty at his own expenses and he will not be entitled to any TA/DA on his first appointment as Assistant.
6. His inter-se-seniority will be fixed on merit later on.
7. He will produce Medical Fitness Certificate from the Authorized Medical Authority.

Attested  
  
22/5/13

If the above terms and conditions are acceptable to him, he is directed to report to Board of Revenue, NWFP, for joining duty immediately.

By Order of  
Senior Member Board of Revenue,  
NWFP.

ADMN: IV/II/I0/REQU:/Asslt: (B-11)/2008.

Copy of the above is forwarded to:

Accountant General, NWFP  
Budget and Accounts Officer, B-1  
Assistant Secretary (Admn & Staff)  
Mr. Abdul Baseer S O A-15  
Road Manshera  
Bill Assistant, BOM, NWFP  
Office Underfile  
Personnel File

RECEIVED  
Revenue and Finance Department

The Government of West Pakistan  
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT.

NOTIFICATION.

The 5th January, 1963. *J*

33

No. SOXIX-1-21/60 - In exercise of the powers conferred by clause (2) of Article 178 of the Constitution of the Republic of Pakistan, the Governor of West Pakistan is pleased to make the following rules regulating recruitment to the West Pakistan Tehsildari and Naib Tehsildari Service and prescribing conditions of service for the persons appointed thereto, namely :-

THE WEST PAKISTAN TEHSILDARI AND NAIB TEHSILDARI SERVICE RULES, 1962.

PART I - GENERAL.

Short title and commencement - (1) These rules may be called the West Pakistan Tehsildari and Naib Tehsildari Service Rules, 1962.

(2) They shall come into force at once.

2. Definitions - In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say :-

(1) 'APPENDIX' means the Appendix to these rules:

(2) 'APPOINTING AUTHORITY' means the authority specified in rule 4:

(3) 'BOARD OF EDUCATION' means a Board of Secondary Education established by law in Pakistan or any other educational authority or institution declared by Government in consultation with the Commission to be a Board of Education for the purposes of these Rules:

(4) 'BOARD OF REVENUE' means the full Board constituted under the West Pakistan Board of Revenue, Act, 1956:

(5) 'COMMISSION' means the West Pakistan, Public Service Commission:

(6) 'DIVISION' means a Revenue Division:

(7) 'GOVERNMENT' means the Government of West Pakistan.

(8) "initial recruitment" means appointment made otherwise than by promotion or transfer from another service/Department/Post:

(9) "Revenue Member" means the Member, Board of Revenue in charge of Revenue Administration.

(10) "recognised University" means any University incorporated by law in Pakistan or any other University declared by Government in consultation with the Commission to be a recognised University for the purposes of these rules:

(11) "Scheduled Castes" means the castes, races or tribes, or parts or groups within castes, races or tribes, declared to be scheduled castes under any law in force in West Pakistan, or so declared by Government for the purposes of these rules:

(12) "Services" means the West Pakistan Tehsildari and Naib Tehsildari Service:

(13) "subordinate service" shall comprise -

(a) for the purpose of appointments to the posts of Naib Tehsildars:

i) Additional Naib Tehsildars who have at least five years continuous service in the Rehabilitation and Re-settlement Deptt:

Attested  
*[Signature]*  
22/5/13

AMENDMENT

In rule 2, in clause (13), -

2 34/576

(i) in sub-clause (a), in the entry at serial No.(ii), the words and comma 'Sadar Kanungos,' shall be deleted; and

(ii) in sub-clause (b), the entry at serial No.(iv), that is '(iv)Sadar Kanungos with at least three years service as such;' deleted vide this Department Notification No.SORI(S&GAD)3-16/78(VOL:I); dated the 15th May, 1985 shall be restored.

No.SORI(S&GAD)3-16/78(Vol:I), dated 5th November, 1985.

AMENDMENT

In rule 2 - in clause 13(ii)- Sub-clause (a)(v); the word 'and' occurring at the end of sub-clause (b)(vi) and Sub-clause (b)(vii) shall be omitted.

No. 30 XVIII-1-21/62, dated 7.8.1963

Attested

22/5/13

service of five years or more, of which at least two years must have been spent on the duties of a Field Kanungo.

- 35
- iii) District and Tehsil Revenue Accountants with at least three years experience as such;
  - iv) ministerial employees (including Vernacular Assistants and Political Moharrirs) who have worked for at least five years in the Revenue Establishment of a District/Division or the Board of Revenue or in the offices of the Directors of Land Records, and
  - v) Zilladars of Irrigation Department with at least three years substantive service; AND
- (b) for the purpose of appointments to the posts of Tehsildars -
- i) Superintendents in the Director of Land Records Office and the Deputy Commissioner's office with at least three years service as such; DO(R)
  - ii) Head Vernacular Clerks in the Commissioner's and Deputy Commissioner's office with at least three years service as such;
  - iii) Head Clerks in Colonies Offices with at least three years service as such;
  - iv) ✓ Sadar Kanungos with at least three years service as such;
  - v) ✓ ministerial employees of the Board of Revenue who are graduates and have at least three years service as Assistants;
  - vi) ministerial employees of the Directors of Land Records who are graduates and have served as Kanungos in the field or have revenue field experience for at least two years and have also worked as Assistants or in equivalent or higher grade for at least three years;
  - vii) Zilladars of the Irrigation Department with at least five years substantive service;

(14) "Under-Developed Areas" means Quetta and Balat Divisions, Lasbela District of Karachi Division, the Tribal Areas of Dera Ismail Khan and Peshawar Divisions, and such other areas as Government may declare to be under-developed areas for the purposes of these rules; and

(15) "Zone" means a Zone specified in column 2 of the Appendix.

3. Constitution and composition of service - (1) The Service shall comprise the posts of -

- a) Tehsildars, and
- b) Naib Tehsildars.

(2) There shall be Zonal Cadre of Tehsildars and Divisional Cadres of Naib Tehsildars, members of one cadre not being eligible, save as provided in rule 11, for appointment to a post borne on any other cadre of the service.

4. Appointing Authority - Recruitment to the Service shall be made -

a) in the case of appointments to the posts of Naib Tehsildars, by the Commissioner in charge of the Division where the vacancies in such posts occur subject to such directions as the Member, Revenue may give generally in any specific case, and;

b) in the case of appointments to the posts of Tehsildars,

- i) Where the appointment is to be made by initial recruitment, by the Board of Revenue; and

- ii) Where the appointment is to be made otherwise than by initial recruitment, by the Revenue Member, vide Notfn: No. REV/II-I-21/6, dated 11.11.1963 (P 4409)

Attested

22/5/13

METHOD OF RECRUITMENT.- (1) Recruitment to be service shall made in the following methods:

- I. In the case of Naib Tehsildars- (a) sixty per cent of the vacancies shall be filled in by initial recruitment of which ten per cent shall be reserved for ex-servicemen; and;  
(b) the remaining vacancies shall be filled in by selection on merit from the subordinate service in the Division where the vacancies occurs, preference being given to persons with settlement experience.
- II. In the case of Tehsildars - (a) <sup>three-fourth</sup> three-fourth of the vacancies shall be filled in by selection on merit with particular reference to fitness for higher responsibilities from among Naib Tehsildar; and  
(b) the remaining vacancies shall be filled in by selection on merit with particular reference to fitness for higher responsibilities from among holders of posts in the subordinate service; and  
(iii) sub-rule (2) shall be deleted.

No. SORI(S&GAD)3-16/78(Vol:I), dated 15.5.1984, 19.3.1986 and 4.2.1989.

Attested  
22/5/13



Method of recruitment - (1) Recruitment to the Service shall be made by the following methods :-

In the case of Naib Tehsildars - (a) fifty per cent of the vacancies shall be filled by initial recruitment; and  
b) the remaining vacancies shall be filled by selection on merit from the subordinate service in the Division where the vacancies occur, preference being given to persons with Settlement experience;

II. In the case of Tehsildars - (a) fifty per cent of the vacancies shall be filled by initial recruitment; and  
b) the remaining vacancies shall be filled -  
i) by selection on merit with particular reference to fitness for higher responsibilities from among Naib Tehsildars in the Zone where the vacancies occur;  
ii) by selection on merit from among Additional Tehsildars of the Rehabilitation and Re-Settlement Departments in the Zone where the vacancies occur, with at least five years experience of Revenue work, preference being given to persons with Settlement experience;  
iii) by selection on merit with particular reference to fitness for higher responsibilities from among the holders of posts in the subordinate service in the Zone where the vacancies occur, preference being given in the case of Sadar Kanungos, to persons with Settlement experience.

EXPLANATION - Ministerial employees of the Board of Revenue/ Directorates of Land Records eligible for appointment to the posts of Tehsildars and Naib Tehsildars under the provision of clause I(b) and II(b)(iii) shall, for the purposes of the said clause, be deemed to belong to the Division and Zone respectively in which their Home District is situate.

(2) At least three-fourths of the vacancies to be filled otherwise than by initial recruitment shall be filled -

(a) in the case of Naib Tehsildars, from among the Kanungos and Additional Naib Tehsildars; and  
(b) in the case of Tehsildars, from among the Naib Tehsildars and Additional Tehsildars.

(3) Vacancies to be filled by initial recruitment shall be reserved -

(a) in the case of posts of Naib Tehsildars for bonafide residents of the Division where such vacancies occur; and

(b) in the case of posts of Tehsildars, bonafide residents of the Zone where such vacancies occur.

(i) twenty per cent of such vacancies shall be filled on merit from among candidates domiciled in any part of West Pakistan; provided that Government may, from time to time, by notification in the official Gazette increase the percentage of vacancies to be filled under this clause; and

(ii) the remaining such vacancies shall be reserved for bonafide residents of the Zone specified in the Appendix, in proportion to their population according to the census figures; provided that if no suitable candidate is available from the Zone to which a vacancy is allocated under this clause, the vacancy may be filled in the manner provided in clause (I).

(4) At least seventy per cent of the vacancies to be filled by initial recruitment shall be reserved for persons with rural and agricultural bias.

EXPLANATION - All hereditary proprietors or tenure holders of agricultural land and persons mainly dependent there on and residing in rural areas as well as actual cultivators of such land, including the sons of such persons, shall be regarded as having an agricultural and rural bias. Candidates claiming to fall in this category shall produce a certificate to this effect from the Deputy Commissioner/Collector of their respective Districts in Form A to these rules.

Attested  
22/5/13

6, the following rule shall be substituted namely :-

"6. AGE:- No person shall be appointed to the service unless -

38

- a) in the case of appointment by initial recruitment, he is more than twenty-one years and less than twenty-eight years of age on the 1st of September of the year in which the examination is held; and
- b) in the case of appointment made otherwise, he is less than fifty years of age on the 1st of January of the year in which the appointment is made:

Provided that in the case of appointment by initial recruitment -

- i) the upper age limit in the case of a candidate from the Scheduled Castes and Under Developed Area shall be such as may, for the time being, be allowed by Government;
- ii) in the case of a person whose services under government have been terminated for want of a vacancy, the period of service already rendered by him, for the purpose of upper age limit under this rule, be excluded from his age; and
- iii) in the case of persons already in Government service with at least four years service as such, the upper age limit shall be thirty five years."

No. SORI(S&GAD)3-16/78(Vol:I), dated 19th March, 1986.

In rule 7, in sub-rule (1) for the existing clauses the following clauses shall be substituted, namely :

- "(i) by initial recruitment unless he holds a degree from a recognised University; and
- (ii) by promotion, except as provided in sub-clause (b) (v) and (vi) of clause 13 of rule 2, unless he holds Secondary School Certificate from a Board of Education" shall be substituted.

No. SORI(S&GAD)3-16/78(Vol:I), dated 15th May, 1984 and 12th August, 1985.

Attested  
22/5/13

39

6. AGE - No person shall be appointed to the service unless  
(a) in the case of appointment by initial recruitment, he is more than twenty-one years and less than twenty-five years of age on the 1st of October of the year in which the selection is made; and  
(b) in the case of appointment made otherwise, he is less than fifty years of age on the 1st January of the year in which the appointment is made;

Provided that in the case of appointment by initial recruitment -

- i) for a period of ten years from the coming into force of these rules, the upper-age limit in the case of a candidate from the scheduled castes or Under-Developed Areas shall be twenty-eight years; and
- ii) in the case of a person whose services under Government have been terminated for want of a vacancy, the period of service already rendered by him shall, for the purpose of the upper age limit under this rule, be excluded from his age.

7. QUALIFICATIONS - (1) No person shall be appointed to a post in the service -

- i) by initial recruitment unless -
  - (a) in the case of appointment to the post of Naib Tehsildar, he has passed the Intermediate or Higher Secondary School examination from a recognised University or Board of Education; and
  - (b) in the case of appointment to the post of Tehsildar, he holds a degree from a recognised University; and
- ii) otherwise than by initial recruitment, except as provided in sub-clauses (b) (v) and (b) (vi) of clause (13) of rule 2, unless he has passed the Matriculation or an equivalent examination from a recognised University or Board of Education."

(2) No person, not already in Government Service, shall be appointed to the Service unless he produces a certificate of character from the principal academic officer of the academic institution last attended and also certificates of character from two other responsible persons, not being his relatives who are well acquainted with his character and antecedents.

8. TRAINING AND DEPARTMENTAL EXAMINATION - A person selected for appointment to the Service, shall before his appointment to the service, be required to complete successfully such training and pass such departmental examinations and produce such certificates within such period or in such number of attempts as may be prescribed by Govt. from time to time.

9. SENIORITY - (1) The seniority interse of the members of the Service in the various grades thereof shall be determined -

- (a) in the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Board of Revenue in the case of Tehsildar and by the Commissioner of the Division in the case of Naib Tehsildars; provided that persons selected to the service in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of members appointed otherwise, with reference to the dates of their continuous appointments therein; provided that if the date of continuous appointment in the case of two or more members of the service is the same the older officials, if not junior to the younger official or officials, in the next higher grade shall rank senior to the younger official or officials.

EXPLANATION-I. If a junior official in a lower grade is selected to a higher grade temporarily in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect the interest of his seniors in the fixation of his seniority in the higher grade.

Attested  
22/5/13

(1) or  
(2) or  
(3) or  
(4) or  
(5) or  
(6) or  
(7) or  
(8) or  
(9) or  
(10) or  
(11) or  
(12) or  
(13) or  
(14) or  
(15) or  
(16) or  
(17) or  
(18) or  
(19) or  
(20) or  
(21) or  
(22) or  
(23) or  
(24) or  
(25) or  
(26) or  
(27) or  
(28) or  
(29) or  
(30) or  
(31) or  
(32) or  
(33) or  
(34) or  
(35) or  
(36) or  
(37) or  
(38) or  
(39) or  
(40) or  
(41) or  
(42) or  
(43) or  
(44) or  
(45) or  
(46) or  
(47) or  
(48) or  
(49) or  
(50) or  
(51) or  
(52) or  
(53) or  
(54) or  
(55) or  
(56) or  
(57) or  
(58) or  
(59) or  
(60) or  
(61) or  
(62) or  
(63) or  
(64) or  
(65) or  
(66) or  
(67) or  
(68) or  
(69) or  
(70) or  
(71) or  
(72) or  
(73) or  
(74) or  
(75) or  
(76) or  
(77) or  
(78) or  
(79) or  
(80) or  
(81) or  
(82) or  
(83) or  
(84) or  
(85) or  
(86) or  
(87) or  
(88) or  
(89) or  
(90) or  
(91) or  
(92) or  
(93) or  
(94) or  
(95) or  
(96) or  
(97) or  
(98) or  
(99) or  
(100) or

EXPLANATION-II. If a junior official in a lower grade is selected for a higher grade by superseding a senior official and subsequently another official is also selected, the official selected first shall be held senior to the official selected subsequently.

EXPLANATION-III. A junior officer appointed to a higher grade shall be deemed to have superseded a senior officer only if both the junior and senior officers were considered for a higher grade and the junior officer was appointed in preference to the senior officers.

(2) The seniority in the various grades of the service of the members appointed by initial recruitment vis-avis those appointed otherwise shall be determined -

(a) in case both the official appointed by initial recruitment and the official appointed otherwise have been appointed against substantive vacancies, or both have been appointed against temporary vacancies, with reference to the date of appointment such vacancy in the case of the official appointed by initial recruitment and to the date of continuous appointment against a vacancy in the case of the official appointed otherwise; provided that if the two dates are the same, the official appointed otherwise shall rank senior to the official appointed by initial appointment;

(b) in case the official appointed by initial recruitment has been appointed against a substantive vacancy and the official appointed otherwise has been appointed against a temporary vacancy the official appointed by initial recruitment shall rank senior to the official appointed otherwise; and

(c) in case the official appointed otherwise is appointed against a substantive vacancy and the official appointed by initial recruitment is appointed against a temporary vacancy, the official appointed otherwise shall rank senior to the official appointed by initial recruitment.

PART III - CONDITIONS OF SERVICE.

10. PROBATION- (1) A person appointed to the service against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year if appointed otherwise.

EXPLANATION - Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If the work or conduct of a member of the service during the period of probation has been found to be unsatisfactory, the appointing authority, may notwithstanding that the period of probation has not expired, dispense with his service, and if he has been appointed by initial recruitment and if he has been appointed by otherwise revert him to his former post, or if there be no such post dispense with his service;

(3) On completion of the period of probation of a member of the service, the appointing authority, may subject to the provisions of sub-rule (4) confirm him in his appointment, or if his work or conduct has, in the opinion of such authority, not been satisfactory -

i) In case he has been appointed by initial recruitment, dispense with his service; or

ii) in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services; or

iii) extend the period of probation by a period not exceeding three years in all, in the case of persons recruited by initial recruitment, and two years in all, in the case of persons recruited otherwise, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

Attested

22/5/13

(  
or  
C  
Rul  
(4)  
he  
5)  
mm.  
t)  
5  
or  
)  
or  
"e  
"r  
ir  
ul  
pe  
che  
gi  
c  
by  
vi.  
Sc  
ed:  
a  
for  
na  
ou.

EXPLANATION-I. If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

EXPLANATION-II. If no orders have been made by the day on which the maximum period of probation expires, the probation shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

(4) No person shall be confirmed in the service unless he successfully completes such training and passes such departmental examination as may be prescribed by Government from time to time.

(5) If a member of the service fails to complete successfully any training or pass any departmental examination prescribed under sub rule (4), within such period or in such number of attempts as may be prescribed by the Government the appointing authority may -

- a) in case he has been appointed by initial recruitment, dispense with his services; and
- b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services.

11. Liability to transfer and serve - Members of the Service shall be liable to -

- a) transfer anywhere in West Pakistan; and
- b) serve in any Department of Government or any local authority or statutory body set up or established by Government.

12. GENERAL RULES - In all matters not expressly provided for in these rules, members of the service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

13. RELAXATION - Any of these rules may, for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that strict application of the rule would cause undue hardship to the individual concerned.

Provided that wherever such relaxation involves, a question on which consultation with Commission is mandatory, the Commission shall be consulted before the relaxation is made.

14. DELEGATION - Government may delegate all or any of its powers under these rules to any officer subordinate to it.

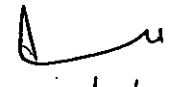
15. Powers of Governor to safeguard rights of Government Servants - whenever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of the Province of West Pakistan, as guaranteed by any law for the time being in force, are likely to be adversely affected the Governor of West Pakistan shall make appropriate orders to safeguard the constitutional and legal rights of such persons.

By order of the Governor of West Pak:  
S. FIDA HASSAN  
Chief Secretary to Government of WEST PAKISTAN

APPENDIX

(See Rules 2(15) and 5(3)(b))

Attested

  
22/5/13

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

K

Peshawar dated the 30/03/2011

NOTIFICATION

No. 12389 /Admn:II/296/Amendment. In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment and Finance Departments hereby directs that in this Departments Notification No. 32102/Admn:1/135/SSRC, dated 26.12.2008, the following further amendments shall be made, namely :-

AMENDMENTS

In the Appendix:-

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

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

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

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

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

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

Attested

22/5/13

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

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


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

"(a) Fifty percent, by initial recruitment; and

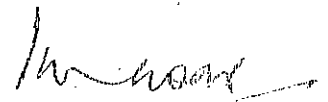
(b) Fifty percent by promotion, on the basis of seniority-cum-fitness, in the following manner within the Division.

(i) thirty percent, from amongst Kanungos of the Division concerned with at least five years service as such who have passed the Departmental Examination of Naib Tehsildar; and

(ii) twenty percent from amongst graduate Assistants of the offices of Commissioners, Additional Commissioners District Coordination Officers, District Officer (R&E)/Collectors, and Executive District Officers (F&P), Political Moharrirs of the office of Political Agents and Assistant Political Agents (FR), with at least five years service as such.

Attested  
  
 22/5/13

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



SECRETARY

44

No. 12390-12429 / Admn: I/I/296/Amendment

Copy forwarded for information and necessary action to the :-

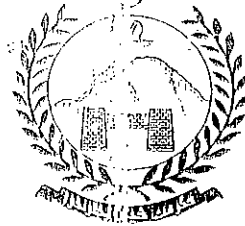
1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.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

*Tubal  
RQ*

DEPUTY SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT

*Attested*  
*22/5/13*





**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, 0000000000, 00TH SEPTEMBER, 2012.

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

NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

No. Estt:1/296/Amendment/29174.—In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment, Finance and Law Departments hereby directs that in this Department Notification No. 32102/Admn:1/135/SSRC, dated 26-12-2008 read with Notification No. 12389/Admn:1/296/Amendment, dated 30.03.2011, the following further amendments shall be made, namely:-

AMENDMENTS

In the Appendix:

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

Attested  
22/5/13

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

Sd/-x-x-x  
SECRETARY.

## REVENUE AND ESTATE DEPARTMENT (BOR) KHYBER PAKHTUNKHWA

No. ADMN:IV/H/S.E/Asstts/2010 In pursuance of Section-8-(1) of the Civil Servants Act, 1973 and all subsequent Notifications issued on the subject Final Seniority List of the following Regular Assistants (BPS-14) of the Revenue & Estate Department Khyber Pakhtunkhwa as it stood on 31.12.2010, is hereby published for information of all concerned.

## Assistants (BPS-14).

S.No	Name.	Qualification.	Domicile.	Date of Birth.	Date of Ist. entry into Govt. service.	Date of Promotion to the present post on regular basis.	BPS.	Remarks.
1.	Mr. Attaullah.	F.A.	Peshawar.	15.10.1959.	24.05.1981.	11.05.2000.	14	Promotee/Regular
2.	Mr. Nawaz Khan.	M.A.	Mardan.	02.11.1969.	03.03.2000.	03.03.2000.	14	Direct/2 <sup>nd</sup> Reinstatement.
3.	Mr. Sharifullah.	Matric.	Nowshera.	18.01.1956.	24.03.1979.	24.05.2000.	14	Promotee/Regular
4.	Mr. Tila Mohammad.	Matric.	Peshawar.	02.04.1958.	03.01.1977.	21.10.2000.	14	Promotee/Regular
5.	Mr. Ghais Ali.	Matric.	Peshawar.	07.05.1956.	01.03.1974.	11.09.2002.	14	Promotee/Regular
6.	Mr. Mukhtair Ali.	F.A.	Peshawar.	20.05.1962.	07.03.1982.	03.12.2003.	14	Promotee/Regular
7.	Mr. Noor Mohammad.	B.A.	Peshawar.	14.10.1966.	26.02.1986.	11.09.2002.	14	Promotee/Regular
8.	Mr. Azizullah.	M.A.	Bannu/Lakki Marwat.	17.04.1973.	17.10.2002.	17.10.2002.	14	Direct/Regular.
9.	Mr. Sher Rehman.	B.A.	Charsadda.	20.04.1965.	06.12.1989.	14.12.2002.	14	Adjusted from S.pool.
10.	Mr. Sardar Hussain.	Matric.	Peshawar.	30.03.1959.	15.07.1983.	03.12.2003.	14	Promotee/Regular
11.	Mr. Sher Azam.	Matric.	Lakki Marwat.	30.12.1957.	24.12.1983.	03.12.2003.	14	Promotee/Regular
12.	Mr. Akram Shah.	M.A.	Haripur.	17.06.1967.	01.03.1986.	03.12.2003.	14	Promotee/Regular
13.	Mr. Abdus Saboor.	Matric.	Karak.	13.12.1964.	01.07.1986.	03.12.2003.	14	Promotee/Regular
14.	Mr. Barkat Ali.	Matric.	Peshawar.	05.03.1964.	01.08.1982.	03.12.2003.	14	Promotee/Regular
15.	Mr. Saadullah.	D.Com.	Upper Dir.	10.07.1966.	01.07.1986.	31.05.2004.	14	Promotee/Regular
16.	Mr. Gul Hassan.	Matric.	Peshawar.	03.02.1968.	01.07.1986.	31.05.2004.	14	Promotee/Regular
17.	Mr. Nasrullah.	Matric.	Peshawar.	01.05.1966.	17.09.1984.	12.04.2006.	14	Promotee/Regular
18.	Mr. Habibullah Wazir.	M.A/B Ed.	S.W.A.	08.10.1972.	24.04.2006.	24.04.2006.	14	Direct Regular.
19.	Mr. Imran Zaman.	B.A.	Mardan.	05.05.1979.	23.04.2008.		14	Direct/Regular. (Appointed under deceased son quota.)
20.	Mr. Ghulam Shabir Ahmad.	M.A.	Peshawar.	25.10.1964.	04.06.1984.	10.07.2008.	14	Promotee/Regular.
21.	Mr. Abdul Baseer.	MA.	Manshera.	01.08.1967.	12.07.2008.		14	Direct/Regular.
22.	Mr. Khalid Mansoor.	M.A.	Mulmand Agency.	10.03.1974.	12.08.2008.		14	Direct/Regular.

Attested

22/5/13

24.	Mr. Qasim Khan.	Matric	Peshawar.	01.10.1962	24.12.1986.	30.05.2009.	14	Promotee/regular
25.	Mr. Abdul Akbar.	B.A.	Peshawar.	01.04.1962	16.03.1987.	30.05.2009.	14	Promotee/regular
26.	Mr. Muhammad Arif.	M.A.	Malakand Agency.	13.03.1966	05.08.1990.	30.05.2009.	14	Promotee/regular
27.	Mr. Rahim Shah.	B.A.	Khyber Agency.	13.01.1969	03.09.1990.	30.05.2009.	14	Promotee/regular
28.	Mr. Aftab Ahmad.	B.A.	Peshawar.	01.07.1967.	01.07.1990.	30.05.2009.	14	Promotee/regular
29.	Mr. Muhammad Ayaz.	B.A.	Mardan.	20.02.1983.	30.04.2009.	-	14	Direct/Regular. (Appointed under deceased son quota.)

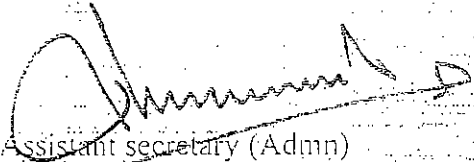
By Order of,  
Senior Member

DATED/4/05/2011.

No. ADMN:IV/II/S.L/Asstts/2010/ 16372

Copy of the above Final Seniority List of Regular Assistants (BPS-14) Revenue & Estate Department Khyber Pakhtunkhwa is forwarded to all concerned for information.

Attested  
22/5/13

  
Assistant secretary (Admin)

(0) 48 (53) 9  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
(BOARD OF REVENUE)  
REVENUE & ESTATE DEPARTMENT

WORKING PAPER

N

SUBJECT: PROMOTION TO THE POST OF TEHSILDAR (BPS - 16)

In terms of Notification No. 12389/Admn: I /295/Amendment, dated 30.03.2011 (Annexure - A), the following method of appointment has been prescribed for the post of Tehsildar (BPS -16):-

- Attested  
22/5/13
- (a) Twenty percent by initial recruitment; and
  - (b) Sixty percent from amongst the Naib Tehsildars, District Kanungos, District Revenue Accountants and Head Clerks (Revenue) with at-least five years service as such.
  - (c) Twenty percent from amongst Graduate Assistant, Senior Scale Stenographer of Board of Revenue, Director Land Record, Senior Scale Stenographer of the offices of Commissioners, Additional Commissioners, Political Agents and Sub-Registrar with atleast five years as such.

ITEM NO. I

Promotion on regular basis

2. There are total 120 sanctioned posts of regular Tehsildars in Revenue & Estate Department. According to 20% share, 24 posts fall to the share of ministerial staff, out of which 16 have already been filled while 08 are required to be filled by promotion of ministerial staff on regular basis. List of ministerial employees already promoted as Tehsildar is at (Annexure - B).

ITEM NO. II

Appointment on Acting Charge Basis

3. Out of the total 120 posts, 31 Tehsildars have been appointed as PMS Officer (BPS 17) on Acting Charge Basis vide Establishment Department Notification dated 07.12.2009 and 25.03.2010 (Annexure - C & D). In a meeting of Departmental Promotion Committee held on 21.09.2010, 23 posts in light of 7% ratio have been filled from amongst Naib Tehsildars, minutes of the meeting

(Annexure E). In view of 25% share 08 posts falls in share of ministerial employees who are required to be appointed as Tehsildar (BPS - 16) on Acting Charge Basis as per Joint Seniority List maintained by this office (Annexure F).

Attested  
22/5/13

4. The posts on Acting Charge Basis are required to be filled in by way of appointment under provision of Rule-9 of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion & Transfer) - 1989.

5. A panel of 26 Assistants and Senior Scale Stenographers of the offices of Board of Revenue and Director Land Record and Senior Scale Stenographer of the offices of Commissioners / Assistant Commissioners, Political Agents and Sub-Registrars in order of seniority is given below:-

S.NO	Name	Qualification	Seniority Position	Date of promotion as SSS / Assistant.	Whether or not 5 years length of service as SSS / Assistant completed	Whether or not already appointed on acting charge basis	Present placed of posting	Rem
1. ✓	Arshad Jamil, SSS	B.A	1 <sup>st</sup>	09.10.1989	Yes	No	Stenographer to PA Khyber	
2. ✓	Arshad Mehmood Lodhi, SSS	B.A LLB	2 <sup>nd</sup>	05.12.1995	Yes	No	SSS/PS to Commissioner Abbottabad	
3. ✓	Muhammad Nawaz Assistant.	M.A.	3 <sup>rd</sup>	03.03.2000	Yes	No	Assistant BOR	Absent from duty Departmental Enquiry is pending against him
4. ✓	Azwan Zeb Assistant	B.A	4 <sup>th</sup>	11.12.2000	Yes	No	Assistant DLR Office	Departmental Enquiry is pending against him
5. ✓	Fazil Hussain, SSS	B.A.	5 <sup>th</sup>	27.11.2001	Yes	No	PA to Secretary BOR	
6. ✓	Muhammad Asif Assistant	BA	6 <sup>th</sup>	09.09.2002	Yes	No	Assistant BOR	
7. ✓	Zaundullah SSS	M.A.	7 <sup>th</sup>	2.09.2002	Yes	No	PA to Member BOR	
8. ✓	Aziz Ullah Assistant	MA	8 <sup>th</sup>	27.10.2002	Yes	No	Assistant BOR	
9. ✓	Sher Rehman Assistant	B.A.	9 <sup>th</sup>	14.12.2002	Yes	No	Assistant BOR	
10. ✓	Akram Shah Assistant	MA	10 <sup>th</sup>	05.12.2003	Yes	No	Assistant BOR	
11. ✓	Murad Ali Assistant	B.A	11 <sup>th</sup>	25.02.2004	Yes	No	Assistant DLR Office	
12. ✓	Habibullah Assistant	M.A.	12 <sup>th</sup>	27.04.2006	Yes	No	Assistant BOR	Miss ACR 2011

13	Nisar Muhammad	B.A	13 <sup>th</sup>	20.02.2007	No	No	SSS Political Agent Bajar	Sy not att wh rct to I Baj Re to L pos RN
14	Gul Said	B.A	14 <sup>th</sup>	19.09.2007	No	No	Sub-Registrar	
15	Imran Zaman	B.A	15 <sup>th</sup>	23.04.2008	No	No	Assistant BOR	
16	Jahanzeb Ghulam	B.A	16 <sup>th</sup>	19.05.2008	No	No	Sub-Registrar	
17	Shabbir Ahmad	M.A	17 <sup>th</sup>	10.07.2008	No	No	Assistant BOR	
18	Abdul Baseer	M.A	18 <sup>th</sup>	12.07.2008	No	No	Assistant BOR	AC not ava
19	Khalid Mansoor	M.A	19 <sup>th</sup>	12.08.2008	No	No	Assistant BOR	
20	Ahmad Sher	M.A	20 <sup>th</sup>	29.12.2008	No	No	SSS Commissioner Malakand	
21	Abdul Akbar Muhammad	B.A	21 <sup>st</sup>	10.05.2009	No	No	Assistant BOR	
22	Arif	M.A	22 <sup>nd</sup>	10.05.2009	No	No	Assistant BOR	
23	Rahim Shah	B.A	23 <sup>rd</sup>	30.05.2009	No	No	Assistant BOR	ACI not ava
24	Affab Ahmad	B.A	24 <sup>th</sup>	30.5.09	No	No	Assistant BOR	
25	Muhammad Ayaz	B.A	25 <sup>th</sup>	30.4.09	No	No	Assistant BOR	
26	Muhammad Qamar	B.A	24 <sup>th</sup>	08.07.2009	No	No	SSS Commissioner Mardan	

5. Attested copies of synopsis from ACRs in respect of the officials are placed on board.

6. It is certified that all the officials included in the panel except S.No. 3, 4 & 14:-

*Attested*  
*[Signature]*  
*22/5/13*

- a. Hold the lower post on regular basis;
- b. Are not involved in any Disciplinary / Departmental proceedings / Anti - Corruption case / judicial enquiry; except Mr. Muhammad Nawaz, Anwar Zeb Assistants and Gul Said appearing at S.No 03, 4 & 14 of the Seniority List.
- c. Their seniority position is final and undisputed.

7. Original ACRs in respect of the above officials will be produced before the Departmental Promotion Committee during the course of meeting.

8. Departmental Promotion Committee is therefore, requested to determine the suitability of 08 officials as Tehsildar on regular basis and 03 out of the above panel for appointment as Tehsildar on Acting Charge Basis.

*[Signature]*  
Assistant Secretary

51

138

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE FOR PROMOTION TO THE POST OF TEHSILDAR (BPS - 16) AND ASSISTANT SECRETARY (BPS - 17) IN REVENUE AND ESTATE DEPARTMENT.

A meeting of Departmental Promotion Committee was held on 17.10.2011 at 2:00 PM in the office of Secretary Revenue & Estate Department under his Chairmanship.

Following attended:-

1. Mr. Waqar Ayub,  
Secretary Revenue & Estate Department Chairman
2. Mr. Masood Khan,  
Deputy Secretary (Regulation - II)  
Finance Department Member
3. Mr. Nasir Aman,  
Section Officer (Regulation - II)  
Establishment Department Member
4. Syed Mubashir Hussain Shah,  
Secretary - I, Board of Revenue Secretary

*Attested*  
*22/5/13*

ITEM No. I

PROMOTION TO THE POST OF TEHSILDAR (BPS-16)

2. The promotion of ministerial staff to the post of Tehsildar (BPS - 16) on regular basis was placed before the Committee. The Committee was informed that there are total 120 posts of Tehsildars in the Province. According to 20% share reserved for ministerial staff 24 posts fall to this quota of which 16 have already been filled up while 08 posts are required to be filled. After examination the service record, of the officials included in the panel the following decision were arrived at by the Committee

S.No	Name of official	Recommendation
1.	Mr. Arshad Jamil Senior Scale Stenographer (BPS - 15)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
2.	Mr. Asad Mehmood Lodhi Senior Scale Stenographer (BPS - 15)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
3.	Mr. Muhammad Nawaz Assistant (BPS - 14)	Deferred due to pending departmental enquiry.
4.	Mr. Anwar Zeb Assistant (BPS - 14)	Deferred due to pending departmental enquiry.
5.	Mr. Tariq Hussain Senior Scale Stenographer (BPS - 15)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.



52

S.No	Name of official	Recommendation
6.	Mr. Noor Muhammad Assistant (BPS - 14)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
7.	Mr. Zahidullah Senior Scale Stenographer (BPS - 15)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
8.	Mr. Azizullah Assistant (BPS - 14)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
9.	Mr. Sher Rehman Assistant (BPS - 14)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
10.	Mr. Akram Shah Assistant (BPS - 14)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.

ITEM No. II

PROMOTION TO THE POST OF ASSISTANT SECRETARY (BPS-17)

There are total 7 regular posts of Assistant Secretaries (BPS - 17) in Revenue and Estate Department, out of which 4 post have already been filled up, while the remaining 3 posts are required to be filled now. After examination of the service record of the officers included in the panel the following decision were arrived at by the committee.

S.No	Name of official	Recommendation
1.	Mr. Mir Qasim Private Secretary (BPS - 16)	He was considered and found suitable for promotion to the post of Assistant Secretary (BPS - 17) on regular basis.
2.	Mr. Muhammad Dawood Superintendent (BPS - 16)	He was considered and found suitable for promotion to the post of Assistant Secretary (BPS - 17) on regular basis.
3.	Mr. Muhammad Humayun Superintendent (BPS - 16)	He was considered and found suitable for promotion to the post of Assistant Secretary (BPS - 17) on regular basis.

Attested  
22/5/13

*Mubashir Hussain Shah*  
Mubashir Hussain Shah  
Secretary - I  
Board of Revenue  
(Secretary)

*Nasir Aman*  
Nasir Aman  
Section Officer (Regulation - II)  
Establishment Department  
(Member)

*Mr. Masood Khan*  
Mr. Masood Khan,  
Deputy Secretary (Regulation - II)  
Finance Department  
(Member)

*Waqar Ayub*  
Waqar Ayub  
Secretary Revenue & Estate Department  
(CHAIRMAN)

40

53

P

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 29/10/2011

**NOTIFICATION**

No. Estt./Tehsildar/ 27122 / On the recommendation of Departmental Promotion Committee the following Assistants / Senior Scale Stenographers of the Board of Revenue and subordinate offices are promoted as Tehsildar (BPS - 16) on regular basis with immediate effect:-

No.	Name of Official	Present post held by the official	Promoted to the next higher post.
1.	Mr. Arshad Jamil	Senior Scale Stenographer (BPS-15) office of the Political Agent, Khyber Agency.	Tehsildar (BPS-16)
2.	Mr. Asad Mehmood Lodhi	Senior Scale Stenographer (BPS-15) office of the Commissioner, Hazara Division.	Tehsildar (BPS-16)
3.	Mr. Tariq Hussain	Senior Scale Stenographer (BPS-15) Board of Revenue.	Tehsildar (BPS-16)
4.	Mr. Noor Muhammad	Assistant (BPS - 14) Board of Revenue.	Tehsildar (BPS-16)
5.	Mr. Zahidullah	Senior Scale Stenographer (BPS-15) Board of Revenue.	Tehsildar (BPS-16)
6.	Mr. Azizullah Jan	Assistant (BPS - 14) Board of Revenue.	Tehsildar (BPS-16)
7.	Mr. Sher Rehman	Assistant (BPS - 14) Board of Revenue.	Tehsildar (BPS-16)
8.	Mr. Akram Shah	Assistant (BPS - 14) Board of Revenue.	Tehsildar (BPS-16)

On their promotion as Tehsildar, they are deputed to Settlement as well as Revenue Training for a period of six months as per attached programme. The promotee shall have to pass the examination on completion of the Settlement & Revenue Training programme. Promotee failing the examination twice will be reverted to his old post.

Sd/-  
Senior Member

No. Estt./Tehsildar/ 27123-38 /

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioners Peshawar, Hazara Divisions.
3. Political Agent, Khyber Agency.
4. Settlement Officer, Manselra.
5. District Officer (R&E)/Collector, Manselra.
6. Budget & Accounts Officer, Board of Revenue. He is requested to take up the case with Finance Department for creation of training reserved posts of Tehsildar (BPS -16) for six months w.e.f 01.11.2011.
7. PS to Senior Member Board of Revenue.
8. Officials concerned.

Attested  
22/5/13

Secretary - I

To: The Senior Member Board of Revenue  
Khyber Pakhtunkhwa Peshawar

Q

54

Subject: Appeal against the Amendments made vide Notification No 12389 dated 30/3/2011 whereby Senior Scale Stenographer of the Offices of Commissioners, Additional Commissioners and Political agents were given share in 20% Tehsildars Promotion Quota fixed for Graduate Assistants /Senior Scale Stenographers of Board of Revenue, Director Land Record, Sub Registrars and appeal that Seniority-Cum Fitness Mode is not suitable for this Promotion Quota and is in Violation of the basic spirit of the West Pakistan Tehsildari Service rules 1962 and all other Subsequent Rules made thereafter for the purpose.

With reference to the above noted subject it is requested that vide Notification No.12389 dated 30/03/2011, the Senior Scale Stenographers of the Offices of Commissioners, Additional Commissioners and Political Agents are included in the 20 % Promotion Quota and thereby made Senior to the Assistants and Stenographers of Board of Revenue and Director Land Record and Sub-Registrars.

The facts based on rules and record show that these Senior Scale Stenographers had no joint Seniority with the Assistants, Stenographers of BOR and DLR and Sub-Registrars and now when they join the Seniority of Ministerial Staff of BOR and DLR, they will be placed at the bottom of Joint Seniority List maintained for promotion to the post of Tehsildar.

Secondly, this quota of promotion for the ministerial staff of Board of Revenue and Subordinate departments is wrongly handled since its inception in Khyber Pakhtunkhwa. The mode of Promotion for this Quota as indicated in Tehsildari rules, 1962 and in some other subsequent rules is selection on merit (Copy of the rules from 1962 to 2002 are attached as annexure A). While presently the mode of promotion applied to this quota is Seniority-Cum Fitness which is in Violation of the spirit of the Rules, 1962 whereas in Punjab, promotion to the post of Tehsildar by this Quota(17% promotion Quota for Ministerial staff ) is practically implemented according to the true Spirit of the Tehsildari rules 1962- selection on merit(from BPS-11to PBS-16) amongst Assistants, Personal Assistants, Superintendents ,Stamp Inspectors, Senior Scale Stenographers of Board of Revenue and its Subordinate Departments. (Copy downloaded from the Official Website of BOR Punjab is attached as Annexure-B)

Following arguments in this regard may be presented.

A- That the maintaining of Seniority list for so many employees of different Cadres and of different departments for Promotion through Seniority Cum-Fitness mode is neither practical nor applicable due to huge strength of employees, thereby the apprehension of mal practices and it is also very difficult to manage such a large number of employees at Provincial, Divisional and Agency levels and have a check upon them in order to ensure transparency while determining their seniority.

B- That in order to remove this flaw, the Federal and Punjab Administration has taken good steps to apply Selection on merit mode to the promotion quota where large number of employees of different Cadres and different departments are involved. The typical example is the Section Officer Promotional Examination arranged for federal employees from Grade 11 to 16 including Prime Minister's Secretariat, President's Secretariat as well as some other Federal Departments. (Copy of the Ad is attached as Annexure B). So the objective behind formulating all these rules and principles is to achieve good governance and also to safeguard the prime National Interests of our country.

Attested  
22/5/13

Now- a- days governance in our country is in a very dismal situation which needs complete overhauling. Globally it is an established fact that the efficiency of a system depends on the persons who run that system. So if the persons running the system are incompetent then that system will come to a complete halt and there will be no way out. Our Country is facing many challenges one of which is poor governance and incompetency of the government functionaries. Ours is not a poor country but a poorly managed Country.

Issues like security, deteriorating law and order situation, energy crisis, flight of capital, agricultural and industrial set back, political instability, lack of foreign investment, poor health and education facilities and all other issues are directly influenced by the poor and bad governance. Neither we can wait for the things to be automatically reformed nor we can afford to shut our eyes to our surroundings. So it is in the best interest of our country and people to improve our governance, which is a key to change.

Managing seniority for different cadres of employees is a cumbersome job which involves many difficulties and problems for administration and creates litigation problems for department. These litigations consume a huge size of public exchequer and create an extra burden on Court shelves. These litigations also create antagonism among employees for one becomes senior to other and the other goes to court for redressal of grievances. This also creates undue seniority race among employees and then they want to become senior by hook or by crook.

During three years service in BOR, the applicants fell victims to a lot of litigations due to this illegal race for promotion and seniority. We have already instituted separate cases in Khyber Pakhtunkwa Service Tribunal against the illegal promotion of two Sub-Registrars. We have already submitted an objection against a dealing Assistant maintaining Seniority of BOR who has tempered in the official record and made himself senior to us. We have also submitted an objection against an illegal appointee who has been made senior to us. The applicants intend to seek remedy from court in case their grievances are not redressed. Similarly one Mr. Muhammad Aarif Assistant in BOR has instituted a case in Khyber Pakhtunkhwa Service Tribunal against us for claiming seniority. This practice will continue till the mode of promotion of ministerial staff to the post of Tehsildar is changed---- selection on merit as on the pattern of Punjab Board of Revenue. This will reduce the burden of litigation and make the seniority race redundant. Then the employees instead of getting senior by hook or by crook will try to improve their knowledge and competency which is in the best interest of the country and its governance.

You are therefore requested to make these Stenographers of the Offices of Commissioners, Additional Commissioners and Political Agents either junior to the Assistants of BOR and subordinate departments or at least be made Junior to the applicants. If this is not convenient then any one of the following courses may please be followed.

Attested  
22/5/13

A----- That the whole 20% promotion quota for ministerial staff should be by selection on merit through Khyber Pakhtunkhwa Public Service Commission on the pattern of Punjab Board of Revenue.

B---If it is also not convenient or not practicable presently then 50% of the promotion quota (of 20%) should be on merit.

C----if it is also not Convenient then 25% of the promotion quota (of 20%) should be on merit

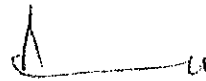
D---If the same is not applicable then the applicants should be sent to KhyberPakhtunkhwa Public Service Commission to appear in exam against the same promotion quota as per syllabus of the examination conducted for ministerial staff of BOR Punjab or according to the syllabus for initial recruitment of Tehsildars/Naib Tehsildars through Khyber Pakhtunkhwa Public Service Commission. In case of our recommendation by KhyberPakhtunkhwa Public Service Commission, it will become a source of inspiration for other employees of BOR and its subordinate departments who themselves may aspire/ try to adopt the same course.

In view of the facts mentioned above, it is most humbly requested that plea/request may please be sympathetically considered for providing relief to the applicants.

Thanks

Yours obediently

Dated: 18-08-2011

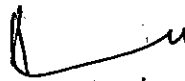


1. Abdul Baseer Assistant BOR



2. Khalid Mansoor Assistant BOR

Attested



22/5/13

2013ء منجانب

بنام

مورخہ

مقدمہ

دعویٰ

جرم

Attested

22/1/13

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کسٹیرکدر کیلئے سید محمد عمران اور دیگر افراد مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

20

ماہ

الرقم

Attested & Accepted

کے لئے منظور ہے۔

مقام  
Sulal Inam  
Advocate Pesh

**BEFORE THE KHYBER PAKHUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Appeal No. 923/2013

Abdul Baseer.....Versus .....The Chief Secretary KPK and others.

**SUBJECT:- APPLICATION FOR ISSUANCE OF STATUS QUO ORDER TO THE EXTENT OF THE CASE OF THE APPELLANT IN THE TITLED SERVICE APPEAL.**

Respected Shewith.

It is stated that the titled Service Appeal alongwith status quo application has been submitted in this august tribunal on 13.05.2013 before the Primary Bench but due to non functioning of this august Tribunal, no order has been issued.

Whereas in another Service Appeal No. 752/2013 titled as Habibullah Wazir versus Government of Khyber Pakhunkhwa, an order of status quo was issued on 30.5.2013 only to the extent of the case of the appellant i.e Habibiullah Wazir (copy of the order is attached herewith).

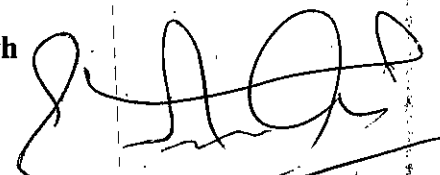
The Service Appeal of the appellant and that of Habibullah Wazir are of similar nature and both are employed in the same Department having the same grievances and same designation. Further the respondent Department is going to hold the Departmental Promotion Committee meeting shortly as a result of which the appellant will have suffer an irreparable loss. As status quo was already granted in Habibullah Wazir case on 03.05.2013 so the appellant did not feel any threat regarding holding of Departmental Promotion Committee meeting by the respondent department, but now it has become necessary to request for grant of status quo to the extent of the case of the appellant.

In view of the above it is most humbly requested that order of status quo may be issued only to the extent of the case of the appellant and the respondent Department may be directed to keep vacant one post of Tehsildar (BPS - 16) against the 20% ministerial staff quota as issued in the case of the above said Habibullah Wazir.

Dated:- 31.05.2013

  
Abdul Baseer  
Assistant, Board of Revenue,  
(Appellant)

Through

  
Suhail Imran Advocate  
For Suhail Law Associates  
Flat No.9-B, Cantonment  
Building Khyber Bazar  
Peshawar  
Contact 091-5596353.  
03005932882

Since the appeal is not pending as not yet admitted for regular hearing owing to non functioning of PTO

Part of with case file.  
31/5/13

of benches, no  
order, as such, can  
be passed at this  
stage. However, notice  
of the application be  
served on the respondents  
along with connected appeals

W  
B/S/B



Before the Service Tribunal, K.P.K.

Abdul Baseer Vs Chief Secretary, etc.

Date of PH : 03-9-2013

R/sir,

With due respect it is stated that the above titled case is fixed for PH for today. Counsel for the petitioner is suffering from fever due to which he cannot attend the Court.

It is therefore requested to kindly adjourn the above titled case and obliged.

Thanks.

Dated: 03/9/2013

Yours Obediently,

Abdul Baseer  
Asstt. BOR (Petitioner)

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR



IN RE; Service Appeal NO. 214 \2013

Muhammad Ayaz, Office Assistant, Office of the Board of Revenue, Peshawar..... Appellant

Versus.

1. Govt. of KPK through Chief Secretary Civil Secretariat, Peshawar.

2. Senior Member Board of Revenue, Govt. of KPK Civil Secretariat, Peshawar.

3. Secretary Establishment, Department, Govt. of KPK Civil Secretariat, Peshawar..... Respondents

Appeal under section 4 of the NWFP Service Tribunal Act, 1974 against the Office Order dated 17.4.2013 passed by Respondent No.2 whereby the Departmental appeal of the appellant was rejected which was filed for striking off amendments made in the Tehsildari\Naib service Rules 1962 through Notification dated 2.12.011 and which were notified on 29.9.2012 in the official gazette.

Prayer in appeal:

On acceptance of this appeal the impugned orders dated 17.4.2013 passed by respondent No. 2 may be set-aside and the amendments made in the Tehsildari\Naib service Rules 1962 through Notification dated 2.12.011 and which were notified on 29.9.2012 in the official gazette may please be set-aside and appellant may be please be promoted on the vacant post of Tehsildar lying in 20% ministerial quota from the date when vacant posts were available with all back benefits.

ATTESTED

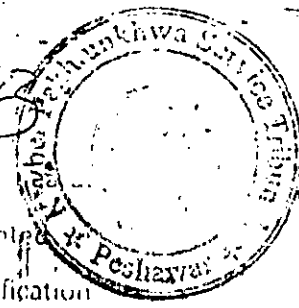
Signature and stamp of the Tribunal official, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

re-submitted to and filed.

Handwritten circled number: 12-3-12

Handwritten numbers: 12-56, 12-77

Appel No. 814/2013  
Mr. Muhammad Ajeed



3. 3.5.2013

Counsel for the appellant present and contended that the appellant has not been treated in accordance with the law. Vide the impugned Notification dated 2.12.2011, notified on 29.9.2012 the right of promotion of appellant has been taken away which is not sustainable in the eyes of law. According to the judgments of apex courts any change with retrospective effect by depriving a civil servant of his right cannot be done. The appellant is eligible for promotion to the post of Tehsildar under Tehsildari/Naib Tehsildari Service Rules dated 30.3.2011. The appellant preferred a departmental appeal but the same was rejected on 17.4.2013. Points raised need consideration. The appeal admitted to regular hearing, subject to all legal objections including limitation. The appellant is directed to deposit security amount and process fee within 10 days. Thereafter, notices be issued to the respondents. Counsel for appellant has also submitted an application for restraining the respondents not to make any promotion in accordance with new amendments made in the Tehsildari/Naib Tehsildari Service Rules- 1962 till the disposal of the case. Notice of application also be sent to the respondents. The respondents are directed not to fill up the post of Tehsildar till next date. Case adjourned to 21.5.2013 for submission of written reply on main appeal as well as on stay application

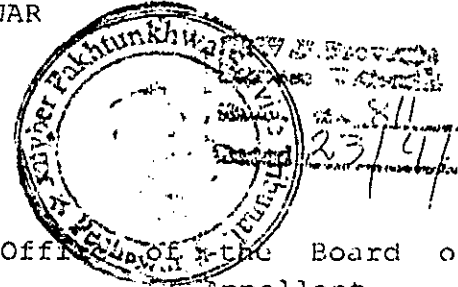
Office of the  
Tehsildar  
District  
Muzaffargarh

*M. Ajeed*  
Member

Date: 5.5.2013  
Date: 6.5.2013  
Date: 6.5.2013

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE: Serv. Appeal NO. 752 \2013



Habibullah Wazir, Office Assistant, Office of the Board of Revenue, Peshawar.....Appellant

Versus:

- 1. Govt. of KPK through Chief Secretary Civil Secretariat, Peshawar.
- 2. Senior Member Board of Revenue, Govt. of KPK Civil Secretariat, Peshawar.
- 3. Secretary Establishment Department, Govt. of KPK Civil Secretariat, Peshawar.....Respondents

Appeal under section 4 of the NWFP Service Tribunal Act, 1974 against the Office Order dated 17.4.2013 passed by Respondent No.2 whereby the Departmental appeal of the appellant was rejected/tilted which was filed for striking off amendments made in the Tehsildari\Naib service Rules 1962 through Notification dated 2.12.011 and which were notified on 29.9.2012 in the official gazette.

Prayer in appeal:

On acceptance of this appeal the impugned orders dated 17.4.2013 passed by respondent No. 2 may be set-aside and the amendments made in the Tehsildari\Naib service Rules 1962 through Notification dated 2.12.011 and which were notified on 29.9.2012 in the official gazette may please be set-aside and appellant may be please be promoted on the vacant post of Tehsildar (V) 20. ministerial quota from the date when vacant posts were available with all back benefits.

Respectfully Sheweth;

- 1. That consequent upon the recommendations of KPK Public Service Commission appellant was appointed as Office Assistant

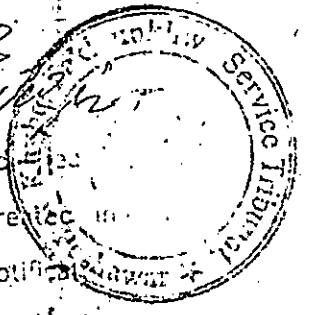
ATTESTED

Handwritten signature and stamp of the Service Tribunal, Peshawar.

Handwritten notes: 23/4/13

Handwritten notes: 24/4/13

Appellate No: 752/2013  
Mr. Habibullah Khan



3. 3.5.2013

Counsel for the appellant present and  
Contended that the appellant has not been treated in  
accordance with the law. Vide the impugned Notification  
dated 2.12.2011, notified on 29.9.2012 the right of promotion  
of appellant has been taken away which is not sustainable in  
the eyes of law. According to the judgments of apex courts  
change with retrospective effect by depriving a civil  
servant of his right cannot be done. The appellant is eligible  
for promotion to the post of Tehsildar under Tehsildari/Naib  
Tehsildari Service Rules dated 30.3.2011. The appellant  
preferred a departmental appeal but the same was rejected  
on 17.4.2013. Points raised need consideration. The appeal is  
admitted to regular hearing, subject to all legal objections  
including limitation. The appellant is directed to deposit the  
security amount and process fee within 10 days. Thereafter,  
notices be issued to the respondents. Counsel for  
appellant has also submitted an application for restraining  
the respondents not to make any promotion in accordance  
with amendments made in the Tehsildari/Naib Tehsildari  
Service Rules 1962 till the disposal of the case. Notice of  
application to be served on the respondents. The respondents  
are directed not to fill up the post of Tehsildar till next date.  
Case adjourned to 21.5.2013 for submission of written reply  
on main appeal as well as on stay application.

Contd. on page 2  
Restraining

SKJ  
Member

Date of ... 6-5-2013  
900  
6  
2  
8  
6-5-2013  
6-5-2013

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

Service Appeal No. 923/2013

Mr. Abdul Baseer.....Petitioner.

Versus

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

Rejoinder on behalf of appellant to the reply of respondent No. 1 & 2

**Preliminary Objections:**

1. In reply to para-1 of the preliminary objections, it is submitted that the honorable Peshawar High Court has sent the writ petition to the appellate authority to treat the writ petition as pending departmental appeal/representation under service laws and rules and decide it as early as possible but when it was received by the Competent Authority, he instead of sending the same to the appellate authority decided it himself therefore, the appellant cannot be punished for the same. According to appeal rules the competent authority should have forwarded the appeal to the appellate authority but he has intentionally decided the departmental appeal of the appellant so the appellant cannot be suffered for the decision passed by the competent authority. The appeal is thus maintainable. Copy of the court order is attached as annexure B of the instant appeal.

All other preliminary objections have been taken in routine. The appellant is having a cause of action. All necessary parties have been arrayed as respondents and it has not been shown how the appellant is estopped by his conduct. The appellant has come to this honorable tribunal with clean hands and the appeal is not time barred. Legal and vested right of the appellant has been infringed.

On facts.

1. Para-1 of the appeal is correct.
2. Para-2 of the appeal is correct.
3. Para-3 of the appeal is correct.
4. Para-4 of the appeal is correct.
5. Para-5 of the appeal is correct.
6. Para-6 of the appeal is correct and reiterated.
7. Incorrect. The rules were amended in order to accommodate blue eyed persons of the then SMBR Mr. Waqar Ayub. He promoted his close relative namely Mr. Fayaz Qureshi the then Assistant in Deputy Commissioner Office Abbottabad and now posted as Tehsildar Mansehra. He was appointed on plain paper while appellant was recommended by the Khyber Pakhtunkhwa Public Service Commission against the post of Assistant in Board of Revenue. Another blue eyed person of Mr. Waqar Ayub is Mr. Asad Lodhi who was promoted by amended Rules as Tehsildar and now serving as Additional Assistant Commissioner, Abbottabad. Before promotion he was working as PA to Commissioner Hazara and Mr. Waqar Ayub also served as Commissioner, Hazara.

8. Para- 8 of the reply is incorrect and that of the appeal is correct. The SSRC was reconstituted when the impugned rules notified on 02-12-2012 were challenged before Peshawar High Court through W.P. No. 3493/2011. In a similar nature Service appeal pending before this Tribunal bearing No. 841/2013 titled as Khalid Mansoor Vs Govt: of Khyber Pakhtunkhwa and others; the appellant Mr. Khalid Mansoor submitted copy of reconstitution of SSRC as Annexure-E with his rejoinder.
9. Para-9 of the reply is incorrect and para-9 of the appeal is reiterated. Further stated that the frequent amendment by the competent authority shows malafide, self interest, partisan approach, highhandedness, prejudice, no consultation, no deliberation, hasty decision and colorful exercise of power over SSRC by the competent authority thus the amendments are liable to be declared as null and void. According to Dictionary meaning; promotion means "to advance from lower rank/scale to higher rank/scale" and resultantly in all government services promotions are made accordingly. Actually the Assistants of Collector / Commissioners and N.T belong to District and Divisional Cadre Post therefore, they were eligible for promotion to the post of N.T while the post of Tehsildar and the Assistants of BOR is Provincial Cadre Post thus there was no discrimination with them and they were having no right of promotion to the Provincial Cadre Post.
10. Para-10 of the reply is incorrect and para-10 of the appeal is correct. The impugned amended rules should not have been given retrospective effect. The respondent Department promoted Mr. Muhammad Qamar on 18-06-2013. His promotion order is attached as Annexure-I, he was shown at serial No. 26 of the working paper while appellant was shown at serial No. 18 of the working papers. Although he was Junior to the appellant but even then he was promoted. Working papers are attached as Annexure-II.
11. Para-11 of the reply is incorrect and para- 11 of the appeal is correct. Seniority list attached with the appeal as Annex-M shows serial No. 21 of the appellant whereas joint seniority list prepared after the impugned amendment shows appellant at serial No. 254 which is a clear testimony of the malafide of the respondent Department thus depriving the appellant of promotion and making it practically impossible for the appellant.
12. Para-12 of the reply is incorrect. Para-12 of the appeal is correct. Reasons explained in Para-11 above.
13. Para-13 of the reply is incorrect and para-13 of the appeal is correct.
14. Para-14 of the reply is incorrect and para-14 of the appeal is correct. Apprehended by frequent amendments by the official respondents; the appellant had submitted an application under Diary No. 5559/PS-SMBR dated 18/08/2011 in which he had requested to SMBR to make this ministerial staff 20% quota for promotion to the post of Tehsildar through selection on merit by the Khyber Pakhtunkhwa, Public Service Commission on the pattern of Punjab Board of Revenue which was not responded willfully. Copy attached as (Annexure-III).
15. Para-15 of the reply is incorrect. As in para-14 above.

16. Para-16 of the reply is incorrect and para16 of the appeal is correct. The appellant was also considered in Departmental Promotion Committee meeting held on 17/10/2011 in which eight employees were promoted to the post of Tehsildar according to previous rules notified on 02/12/2012. The appellant was having expectancy to be promoted on the already vacant posts or on next vacating posts that were to be vacated hereafter but rules were suddenly and malafidely changed. By now, it is well settled that vested/accrued right cannot be taken away with retrospective effect. Copy of the working papers of Departmental Promotion Committee and minutes of the meeting are attached as (Annexure-IV). Considering this malafide on the part of respondent department, the Supreme Court of Pakistan has rightly ordered promotion of Mr. Habibullah Wazir, Assistant Board of Revenue, vide judgment dated 29/09/2015 with back benefits and seniority. Mr. Habibullah Wazir is shown at serial No. 12 of the working papers (Annexure-II) while appellant is shown at serial No. 18 of the working papers. Copy of promotion order of Mr. Habibullah Wazir is attached as (Annexure-IV).
17. Para-17 of the reply is incorrect and para-17 of the appeal is reiterated.
18. Para-18 of the reply is incorrect and para-18 of the appeal is correct. As in para-16 above.

**ON GROUNDS:**

- A. Para-A of the reply is incorrect, Para-A of the appeal is correct.
- B. Para-B of the reply is incorrect, Para-B of the appeal is correct.
- C. Para-C of the reply is incorrect, Para-C of the appeal is correct.
- D. Para-D of the reply is incorrect, Para-D of the appeal is correct.
- E. The appellant will also seek permission to advance additional grounds at the time of arguments.

It is, therefore, requested that the appeal may please be accepted and appellant may please be promoted against the post of Tehsildar (BPS-16) on regular basis with effect from 29/10/2011 with back benefits on the same analogy on which Mr. Habibullah Wazir, Assistant Board of Revenue was promoted in pursuance of Supreme Court of Pakistan judgment/ order dated 29/09/2015.

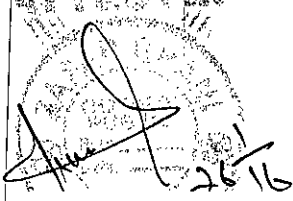
Appellant in Person



Abdul Baseer  
Assistant, Board of Revenue

**AFFIDAVIT**

I do hereby declare and affirm on oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.

ATTESTED  
  
 26/16

  
 Deponent





Anx - I

4  
E

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 18 /06/2013

**NOTIFICATION**

No.Estt:I/26/ (24/10)

Consequent upon the recommendation of Departmental Promotion Committee, the Competent Authority is pleased to order the promotion of the following Superintendents / Senior Scale Stenographer of the offices of Commissioners, Deputy Commissioners and Political Agents to the post of Tehsildar (BPS - 16) on regular basis with immediate effect:-

S.NO	NAME OF OFFICER
1.	Mr. Jamal Ahmad
2.	Mr. Abdul Hadi
3.	Tariq Hussain
4.	Mr. Habib-ur-Rehman
5.	Syed Hafeezullah Shah
6.	Sher Qader Khan
7.	Mr. Rehman-ul-Mulk
8.	Mr. Bakht Jamir Khan
9.	Mr. Tariq Usman
10.	Mr. Muhammad Rafiq
11.	Mr. Abdul Farooq
12.	Muhammad Qamar


2. On promotion they are placed under Revenue / Settlement Training for a period of six (06) months as required under Rule - 53 of the Tehsildar and Naib Tehsildar Departmental Examination and Training Rules - 1969. In this context, Training programme is attached. 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 Rule 15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules - 1989.

By order of  
Secretary to Government of  
Revenue & Estate Department

No. Estt: I/261/2402-25

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. All Commissioners / Deputy Commissioners in Khyber Pakhtunkhwa.
3. All Political Agents in Khyber Pakhtunkhwa.
4. Settlement Officer Abbottabad.
5. Assistant Secretary (Admn) Board of Revenue Khyber Pakhtunkhwa.
6. Budget & Accounts Officer, Board of Revenue Khyber Pakhtunkhwa for necessary action.
7. Private Secretary to Senior Member Board of Revenue Khyber Pakhtunkhwa.
8. P.A to Secretary, Board of Revenue Khyber Pakhtunkhwa.
9. Officers concerned.
10. Office Order File.
11. Personal Files.

  
Deputy Secretary to Government of  
Revenue & Estate Department.

Anx - II

6

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

WORKING PAPER

SUBJECT: PROMOTION TO THE POST OF TEHSILDAR (BPS - 16)

In terms of Notification No. 12389/Admn: I /296/Amendment, dated 30.03.2011 (Annexure - A), the following method of appointment has been prescribed for the post of Tehsildar (BPS - 16):-

- (a) Twenty percent by initial recruitment: and
- (b) Sixty percent from amongst the Naib Tehsildars, District Kanungos, District Revenue Accountants and Head Clerks (Revenue) with at-least five years service as such.
- (c) Twenty percent from amongst Graduate Assistant, Senior Scale Stenographer of Board of Revenue, Director Land Record, Senior Scale Stenographer of the offices of Commissioners, Additional Commissioners, Political Agents and Sub-Registrar with atleast five years as such.

ITEM NO. 1

Promotion on regular basis

2. There are total 120 sanctioned posts of regular Tehsildars in Revenue & Estate Department. According to 20% share, 24 posts fall to the share of ministerial staff, out of which 16 have already been filled while 08 are required to be filled by promotion of ministerial staff on regular basis. List of ministerial employees already promoted as Tehsildar is at (Annexure - B).

ITEM NO. II

Appointment on Acting Charge Basis

3. Out of the total 120 posts, 31 Tehsildars have been appointed as PMS Officer (BPS 17) on Acting Charge Basis vide Establishment Department Notification dated 07.12.2009 and 25.03.2010 (Annexure - C & D). In a meeting of Departmental Promotion Committee held on 21.09.2010, 23 posts in light of 75% ratio have been filled from amongst Naib Tehsildars, minutes of the meeting

Annexure - E). In view of 25% share 08 posts falls in share of ministerial employees who are required to be appointed as Tehsildar (BPS - 16) on Acting Charge Basis as per Joint Seniority List maintained by this office (Annexure - F).

4. The posts on Acting Charge Basis are required to be filed in by way of appointment under provision of Rule-9 of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion & Transfer) -- 1989.

5. A panel of 26 Assistants and Senior Scale Stenographers of the offices of Board of Revenue and Director Land Record and Senior Scale Stenographer of the offices of Commissioners / Assistant Commissioners, Political Agents and Sub-Registrars in order of seniority is given below:-

Name	Qualification	Seniority Position	Date of promotion as SSS / Assistant.	Whether or not 5 years length of service as SSS / Assistant completed	Whether or not already appointed on acting charge basis	Present placed of posting	Remark.
Arshad Jamil, SSS	B.A	1 <sup>st</sup>	09.10.1989	Yes	No	Stenographer to PA Khyber	
Asad Mahmood (S.S.S)	B.A LLB	2 <sup>nd</sup>	05.12.1995	Yes	No	SSS/PS to Commissioner Abbottabad	Absent from duty
Muhammad Nawaz Assistant.	M.A.	3 <sup>rd</sup>	03.03.2000	Yes	No	Assistant BOR	Departmental Enquiry is pending against him
Anwar Zeb Assistant	B.A	4 <sup>th</sup>	11.12.2000	Yes	No	Assistant DLR Office	Departmental Enquiry is pending against him
Tariq Hussain, SSS	B.A.	5 <sup>th</sup>	17.11.2001	Yes	No	PA to Secretary BOR	
Noor Muhammad Assistant	BA	6 <sup>th</sup>	11.09.2002	Yes	No	Assistant BOR	
Zahidullah SSS	M.A.	7 <sup>th</sup>	12.09.2002	Yes	No	PA to Member - I	
Aziz Ullah Assistant	MA	8 <sup>th</sup>	17.10.2002	Yes	No	Assistant BOR	
Sher Rehman Assistant	B.A.	9 <sup>th</sup>	14.12.2002	Yes	No	Assistant BOR	
Akram Shah Assistant	MA	10 <sup>th</sup>	03.12.2003	Yes	No	Assistant BOR	
Murad Ali Assistant	B.A	11 <sup>th</sup>	25.02.2004	Yes	No	Assistant DLR Office	
Habibullah Assistant	M.A.	12 <sup>th</sup>	24.04.2006	Yes	No	Assistant BOR	Missing ACRs 2010

8

Nisar Muhammad	B.A	13 <sup>th</sup>	20.02.2007	No	No	SSS Political Agent Bajaur	Synopsis not attested which returned to PA Bajaur Reverted to the post of RM.
Gul Said	B.A	14 <sup>th</sup>	19.09.2007	No	No	Sub-Registrar	
Inran Zaman	B.A	15 <sup>th</sup>	23.04.2008	No	No	Assistant BOR	
Jehanzeb	B.A	16 <sup>th</sup>	19.05.2008	No	No	Sub-Registrar	
Ghulam Shabbir Ahmad	M.A	17 <sup>th</sup>	10.07.2008	No	No	Assistant BOR	
Abdul Baseer	M.A	18 <sup>th</sup>	12.07.2008	No	No	Assistant BOR	ACRs not available
Khalid Mansoor	M.A	19 <sup>th</sup>	12.08.2008	No	No	Assistant BOR	-do-
Ahmad Sher	M.A	20 <sup>th</sup>	29.12.2008	No	No	SSS Commissioner Malakand	-do-
Abdul Akbar Muhammad Arif	B.A	21 <sup>st</sup>	30.05.2009	No	No	Assistant BOR	
	M.A	22 <sup>nd</sup>	30.05.2009	No	No	Assistant BOR	
Rahim Shah	B.A	23 <sup>rd</sup>	30.05.2009	No	No	Assistant BOR	ACRs not available
Ahlab Ahmad Muhammad Ayaz	B.A	24 <sup>th</sup>	30.5.09	No	No	Assistant BOR	-do-
	B.A	25 <sup>th</sup>	30.4.09	No	No	Assistant BOR	-do-
Muhammad Umar	B.A	24 <sup>th</sup>	08.07.2009	No	No	SSS Commissioner Mardan	-do-

5. Attested copies of synopsis from ACRs in respect of the officials are placed on board.

6. It is certified that all the officials included in the panel except S.No. 3, 4 &

14:-

- Hold the lower post on regular basis.
- Are not involved in any Disciplinary / Departmental proceedings / Anti - Corruption case / judicial enquiry; except Mr. Muhammad Nawaz, Anwar Zeb Assistants and Gul Said appearing at S.No 03, 4 & 14 of the Seniority List.
- Their seniority position is final and undisputed.

7. Original ACRs in respect of the above officials will be produced before the Departmental Promotion Committee during the course of meeting.

8. Departmental Promotion Committee is therefore, requested to determine the suitability of 08 officials as Tehsildar on regular basis and 03 out of the above panel for appointment as Tehsildar on Acting Charge Basis.

Assistant Secretary (P&T)

WORKING PAPER

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

9

**SUBJECT: PROMOTION OF MR. HABIBULLAH ASSISTANT BOARD OF REVENUE IN LIGHT OF JUDGMENT OF SUPREME COURT OF PAKISTAN**

In the year, 2011 there were 8 regular posts of Tehsildars available under 20% reserved quota for Ministerial employees. In a meeting of Departmental Promotion Committee vide minutes (Annexure-A), 8 eligible Ministerial employees were promoted. It is pertinent to mention here that Mr. Habibullah Wazir, Assistant (Petitioner) was only included in the panel as required under the rules but was not considered for promotion as Tehsildar due to non-availability of posts. The said order has never been challenged by the petitioner in any forum, thus the promotion order of the other senior colleagues of petitioner got its finality.

On 02.12.2011 when amendment was notified whereby Assistants of the Board of Revenue were excluded from promotion and Superintendent was made eligible for promotion as Tehsildar (Annexure-B), the petitioner including others filed writ petition before Peshawar High Court, Peshawar which was remanded to the Department for decision. After proper examination, their appeal was dismissed by the Competent Authority. Aggrieved by the said, the petitioner filed appeal before Service Tribunal which was remanded to the Appellate Authority to treat the case of the petitioner as Departmental appeal and in case of genuine grievances of all the stakeholders, and the impugned amendments also smack inadequacy and would require further amendments (Annexure-C). The petitioner challenged the said judgment in Supreme Court of Pakistan. On 29.09.2015, the Supreme Court of Pakistan announced judgment in favour of the petitioner (Annexure-D) whereby the order of Service Tribunal has been set aside and further ordered that the petitioner Habibullah stand promoted as Tehsildar with effect from 29.10.2011 when his colleagues were so promoted.

Case is placed before Departmental Promotion/Selection Committee for consideration in light of Supreme Court of Pakistan Judgment dated 29.09.2015.

  
Assistant Secretary (Estt.)

10 (58)

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

**MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE FOR  
PROMOTION TO THE POST OF TEHSILDAR (BPS - 16) AND ASSISTANT  
SECRETARY (BPS - 17) IN REVENUE AND ESTATE DEPARTMENT.**

A meeting of Departmental Promotion Committee was held on ~~14-10-2014~~ at 2:00 PM in the office of Secretary Revenue & Estate Department under his Chairmanship.

Following attended:-

- |    |  |           |
|----|--|-----------|
| 1. | Mr. Waqar Ayub,<br>Secretary Revenue & Estate Department                         | Chairman  |
| 2. | Mr. Masood Khan,<br>Deputy Secretary (Regulation - II)<br>Finance Department     | Member    |
| 3. | Mr. Nasir Aman,<br>Section Officer (Regulation - II)<br>Establishment Department | Member    |
| 4. | Syed Mubashir Hussain Shah,<br>Secretary - I, Board of Revenue                   | Secretary |

ITEM No. I

**PROMOTION TO THE POST OF TEHSILDAR (BPS-16)**

2. The promotion of ministerial staff to the post of Tehsildar (BPS - 16) on regular basis was placed before the Committee. The Committee was informed that there are total 120 posts of Tehsildars in the Province. According to 20% share reserved for ministerial staff 24 posts fall to this quota of which 16 have already been filled up while 08 posts are required to be filled. After examination the service record, of the officials included in the panel the following decision were arrived at by the Committee

S.No	Name of official	Recommendation
1.	Mr. Arshad Jamil Senior Scale Stenographer (BPS - 15)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
2.	Mr. Asad Mehmood Lodhi Senior Scale Stenographer (BPS - 15)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
3.	Mr. Muhammad Nawaz Assistant (BPS - 14)	Deferred due to pending departmental enquiry.
4.	Mr. Anwar Zeb Assistant (BPS - 14)	Deferred due to pending departmental enquiry.
5.	Mr. Tariq Hussain Senior Scale Stenographer (BPS - 15)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.

S.No	Name of official	Recommendation
6.	Mr. Noor Muhammad Assistant (BPS -14)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
7.	Mr. Zahidullah Senior Scale Stenographer (BPS - 15)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
8.	Mr. Azizullah Assistant (BPS - 14)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
9.	Mr. Sher Rehman Assistant (BPS - 14)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.
10.	Mr. Akram Shah Assistant (BPS - 14)	He was considered and found suitable for promotion to the post of Tehsildar (BPS - 16) on regular basis.

ITEM No. II

PROMOTION TO THE POST OF ASSISTANT SECRETARY (BPS-17)

There are total 7 regular posts of Assistant Secretaries (BPS - 17) in Revenue and Estate Department, out of which 4 post have already been filled up, while the remaining 3 posts are required to be filled now. After examination the service record, of the officers included in the panel the following decision were arrived at by the committee.

S.No	Name of official	Recommendation
1.	Mr. Mir Qasim Private Secretary (BPS - 16)	He was considered and found suitable for promotion to the post of Assistant Secretary (BPS - 17) on regular basis.
2.	Mr. Muhammad Dawood Superintendent (BPS - 16)	He was considered and found suitable for promotion to the post of Assistant Secretary (BPS - 17) on regular basis.
3.	Mr. Muhammad Humayun Superintendent (BPS - 16)	He was considered and found suitable for promotion to the post of Assistant Secretary (BPS - 17) on regular basis.

*Mubashir Hussain Shah*  
Mubashir Hussain Shah  
Secretary - I  
Board of Revenue  
(Secretary)

*Nasir Aman*  
Nasir Aman  
Section Officer (Regulation - II)  
Establishment Department  
(Member)

*Mr. Masood Khan*  
Mr. Masood Khan,  
Deputy Secretary (Regulation - II)  
Finance Department  
(Member)

*Waqar Ayub*  
Waqar Ayub  
Secretary Revenue & Estate Department  
(CHAIRMAN)



To: The Senior Member Board of Revenue  
Khyber Pakhtunkhwa Peshawar.

(Annexure III)

Subject: Appeal against the Amendments made vide Notification No 12389 dated 30/3/2011 hereby Senior Scale Stenographer of the Offices of Commissioners, Additional Commissioners and Political agents were given share in 20% Tehsildars Promotion Quota fixed for Graduate Assistants /Senior Scale Stenographers of Board of Revenue, Director Land Record, Sub Registrars and appeal that Seniority-Cum Fitness mode is not suitable for this Promotion Quota and is in Violation of the basic spirit of the West Pakistan Tehsildari Service rules 1962 and all other Subsequent Rules made thereafter for the purpose.

With reference to the above noted subject it is requested that vide Notification No.12389 dated 30/03/2011, the Senior Scale Stenographers of the Offices of Commissioners, Additional Commissioners and Political Agents are included in the 20 % Promotion Quota and thereby made Senior to the Assistants and Stenographers of Board of Revenue and Director Land Record and Sub-Registrars.

The facts based on rules and record show that these Senior Scale Stenographers had no joint Seniority with the Assistants, Stenographers of BOR and DLR and Sub-Registrars and now when they join the Seniority of Ministerial Staff of BOR and DLR, they will be placed at the bottom of Joint Seniority List maintained for promotion to the post of Tehsildar.

Secondly, this quota of promotion for the ministerial staff of Board of Revenue and Subordinate departments is wrongly handled since its inception in Khyber Pakhtunkhwa. The mode of Promotion for this Quota as indicated in Tehsildari rules, 1962 and in some other subsequent rules is selection on merit (Copy of the rules from 1962 to 2002 are attached as annexure A). While presently the mode of promotion applied to this quota is Seniority-Cum Fitness which is in Violation of the spirit of the Rules, 1962 whereas in Punjab, promotion to the post of Tehsildar by this Quota(17% promotion Quota for Ministerial staff ) is practically implemented according to the true Spirit of the Tehsildari rules 1962- selection on merit(from BPS-11to PBS-16) amongst Assistants, Personal Assistants, Superintendents ,Stamp Inspectors, Senior Scale Stenographers of Board of Revenue and its Subordinate Departments. (Copy downloaded from the Official Website of BOR Punjab is attached as Annexure-B)

Following arguments in this regard may be presented.

- A— That the maintaining of Seniority list for so many employees of different Cadres and of different departments for Promotion through Seniority. Cum-Fitness mode is neither practical nor applicable due to huge strength of employees , thereby the apprehension of mal practices and it is also very difficult to manage such a large number of employees at Provincial ,Divisional and Agency levels and have a check upon them in order to ensure transparency while determining their seniority
- B---- That in order to remove this flaw, the Federal and Punjab Administration has taken good steps to apply Selection on merit mode to the promotion quota where large number of employees of different Cadres and different departments are involved. The typical example is the Section Officer Promotional Examination arranged for federal employees from Grade 11 to 16 including Prime Minister's Secretariat, President's Secretariat as well as some other Federal Departments. (Copy of the Ad is attached as Annexure B).So the objective behind formulating all these rules and principles is to achieve good governance and also to safeguard the prime National Interests of our country.

13

Now- a- days governance in our country is in a very dismal situation

which needs complete overhauling. Globally it is an established fact that the efficiency of a system depends on the persons who run that system. So if the persons running the system are incompetent then that system will come to a complete halt and there will be no way out. Our Country is facing many challenges one of which is poor governance and incompetency of the government functionaries. Ours is not a poor country but a poorly managed Country.

Issues like security, deteriorating law and order situation, energy crisis, flight of capital, agricultural and industrial set back, political instability, lack of foreign investment, poor health and education facilities and all other issues are directly influenced by the poor and bad governance. Neither we can wait for the things to be automatically reformed nor we can afford to shut our eyes to our surroundings. So it is in the best interest of our country and people to improve our governance, which is a key to change

Managing seniority for different cadres of employees is a cumbersome job which involves many difficulties and problems for administration and creates litigation problems for department. These litigations consume a huge size of public exchequer and create an extra burden on Court shelves. These litigations also create antagonism among employees for one becomes senior to other and the other goes to court for redressal of grievances. This also creates undue seniority race among employees and then they want to become senior by hook or by crook.

During three years service in BOR, the applicants fell victims to a lot of litigations due to this illegal race for promotion and seniority. We have already instituted separate cases in Khyber Pakhtunkhwa Service Tribunal against the illegal promotion of two Sub-Registrars. We have already submitted an objection against a record and made himself senior to us. We have also submitted an objection against an illegal appointee who has been made senior to us. The applicants intend to seek remedy from court in case their grievances are not redressed Similarly one Mr. Muhammad Arif Assistant in BOR has instituted a case in Khyber Pakhtunkhwa Service Tribunal against us for claiming seniority. This practice will continue till the mode of promotion of ministerial staff to the post of Tehsildar is changed---- selection on merit as on the pattern of Punjab Board of Revenue. This will reduce the burden of litigation and make the seniority race redundant. Then the employees instead of getting senior by hook or by crook will try to improve their knowledge and competency which is in the best interest of the country and its governance.

You are therefore requested to make these Stenographers of the Offices of Commissioners, Additional Commissioners and Political Agents either junior to the Assistants of BOR and subordinate departments or at least be made junior to the applicants. If this is not convenient then any one of the following courses may please

----- That the whole 20% promotion quota for ministerial staff should be by selection on merit through Khyber Pakhtunkhwa Public Service Commission on the pattern of Punjab Board of Revenue.

B---If it is also not convenient or not practicable presently then 50% of the promotion quota (of 20%) should be on merit.

C---if it is also not Convenient then 25% of the promotion quota (of 20%) should be on merit

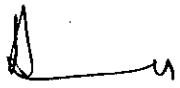
D---If the same is not applicable then the applicants should be sent to KhyberPakhtunkhwa Public Service Commission to appear in exam against the same promotion quota as per syllabus of the examination conducted for ministerial staff of BOR Punjab or according to the syllabus for initial recruitment of Tehsildars/Naib Tehsildars through Khyber Pakhtunkhwa Public Service Commission. In case of our recommendation by KhyberPakhtunkhwa Public Service Commission, it will become a source of inspiration for other employees of BOR and its subordinate departments who themselves may aspire/ try to adopt the same course.

In view of the facts mentioned above, it is most humbly requested that plea/request may please be sympathetically considered for providing relief to the applicants.

Thanks

18/8/2011

Yours obediently

1.   
Abdul Baseer Assistant BOR

2.   
Khalid Mansoor Assistant BOR

Search Blog

Search

## Daily Tips

# Tehsildar Jobs: BOARD OF REVENUE DEPARTMENT Punjab Pakistan

Posted by Sairoo on 3 August, 2010

No comments yet

This item was filed under [ [Jobs In Pakistan](#) ]

@diggsdigg

### BOARD OF REVENUE DEPARTMENT

SR. NO.55 (CASE NO.10-EX/2010) RECRUITMENT TO 10 POSTS OF  
TEHSILDAR (BS-16) AGAINST MINISTERIAL QUOTA (RESERVE FOR THE  
EMPLOYEES OF THE BOARD OF REVENUE DEPARTMENT ONLY).

NOTE: (THE NUMBER OF POSTS MAY VARY AT ANY STAGE)

ALLOCATION: Province of the Punjab.

PAY: (BS-16)

NUMBER OF POSTS: 10 (TEN POSTS)

NUMBER OF CHANCES: Only three chances are allowed to a candidate to appear in examination against 17% reserved quota.

ELIGIBILITY & QUALIFICATION: By selection on merit from amongst officials (Male & Female) holding substantive posts of Superintendents, Private Secretaries, Personal Assistants, Senior Scale Stenographers, Assistants, Head Vernaculars Clerks, Inspectors of Stamps, Revenue Auditors and Colony Auditors who are graduate from a recognized University with 3-years Service of Board of Revenue and other offices subordinate to the Board of Revenue.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 15/12/2015

Anx-IV

19

NOTIFICATION

No. Estt: I/PF/Habibullah/27992 In pursuance of Supreme Court of Pakistan Judgment/order dated 29.09.2015 and on the recommendation of the Departmental Promotion Committee the Competent Authority is pleased to promote Mr. Habibullah Wazir Assistant (BS-16) as Tehsildar (BS-16) on regular basis with effect from 29.10.2011 with back benefits.

On appointment, the official is placed under Revenue/Settlement Training for a period of six (06) months as required under Rule-53 of the Tehsildar and Naib Tehsildar Departmental Examination and Training Rules-1969 as per attached training programme.

By order of  
Senior Member

No. Estt: I/PF/Habibullah/27993-98

Copy forwarded to the:

1. Accountant General, Government of Khyber Pakhtunkhwa
2. Registrar of Supreme Court of Pakistan, Islamabad, with reference to C.P No. 800/2015 dated 29.09.2015
3. Settlement Officer, Nowshera
4. Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa
5. Official concerned
6. Personal File

Secretary-I



No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	19.02.2016	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">Appeal No. 814/2013, Muhammad Ayaz Vs. Govt. of KPK through Chief Secretary. Peshawar &amp; others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSI SHAH, MEMBER.-</u> Appellant with counsel (Mr. Nasir Mahmood Advocate) and Addl. Government Pleader (Mr. Muhammad Adeel Butt) with Mukhtiar Ali, Supdt, for the official respondents present.</p> <p>2. This service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 filed before this Tribunal, is for the following prayer:-</p> <p>“It is, therefore, respectfully prayed that on acceptance of this appeal, this hon’ble Tribunal may be pleased to strike down the impugned notification dated 29.09.2012 to be against the law and thus cancelled with further direction to respondent No.2 to promote the appellant in accordance with service rules dated 30.03.2011. Any other remedy not specifically asked for but appropriate in the circumstances of the case may also be awarded to the appellant.”</p> <p>Per amended memo: of appeal, the appellant was appointed as Assistant (BPS-14) in the Board of Revenue, Khyber Pakhtunkhwa on 30.04.2009 <sup>which</sup> was the feeding cadre for promotion to the post of Tehsildar per Tehsildari &amp; Naib Tehsildari Service Rules, 1962. That by way of the impugned amendment, Senior Scale</p>

**ATTESTED**

MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Stenographer of the office of Commissioners, Addl. Commissioners, and Political Agents were included in 20% quota fixed for graduate Assistants for the promotion to the post of Tehsildar as a result whereof seniority position of the appellants suffered. That vide impugned notification dated 02.12.2011, such rules were further amended so that Assistants (BPS-14) of Board of Revenue (Appellants) could be promoted to the post of Naib Tehsildars' which is again an equal post in BPS-14 and hence, the chances of the appellant to become Tehsildar by promotion in accordance with rules before such amendment were eliminated by way of the impugned amendments and thus badly affected and aggrieved.

2. Arguments heard and record perused.

3. One of the arguments of the learned counsel for the appellant was that in a similar Service Appeal No. 752/2013, titled "Habibullah Wazir Versus Government of KK through Chief Secretary, Peshawar etc.", which appeal was not allowed by this Tribunal vide judgment dated 20.3.2015, but the said judgment was set aside by the august Supreme Court of Pakistan in CP No. 800/2015 vide judgment dated 29.09.2015 and the said Habibullah Wazir was promoted to the post of Tehsildar with all back benefits by the august Supreme Court of Pakistan. He submitted that this appeal may also be allowed in the same way and appellant may be promoted to the post of Tehsildar.

4. The appeal was resisted by the learned Addl. A.G inter-alia on the ground that name of Habibullah Wazir was already fully mature for promotion in the panel of the posts of Tehsildar which

RECEIVED  
21/12/2015  
Muzaffar  
Peshawar

position is not available to the present appellant and this case being so different, may be dismissed.

5. After hearing learned counsel for appellant and learned Addl. A.G for sufficient long time, the Tribunal came to the conclusion that the appellants are being faced with the same problem of promotion to the post of Tehsildear as Habibullah Wazir. Copies of the judgments of this Tribunal in Service Appeal No. 752/2013 decided on 20.3.2015 and C.P No.800/2015 of the august Supreme Court of Pakistan were produced by learned counsel for the appellant which shows that august Supreme Court of Pakistan had set aside judgment of this Tribunal resultantly Habibullah Wazir was promoted to the post of Tehsildar. In the said situation, the Tribunal decides to remit the appeal to the respondent department with the direction to examine the matter and in case this case is identical with case of Habibullah Wazir then appellant may also be considered in the prescribed manner for the purpose of promotion to the post of Tehsildar. The appeal is decided accordingly. Parties are left to bear their own costs. File be consigned to the record room.

6. Having common question of law and facts, this judgment will also dispose of another connected appeal No. 841/2014 titled "Khalid Mansoor Versus SMBR, Government of KPK, Peshawar etc." in the same manner.

**ANNOUNCED**  
19.02.2016

*Sd/- P. Bakhsh Shah,  
Member*  
*Sd/- Abdul Latif,  
Member*

Certified true copy  
Khalid Mansoor  
Service Appeal No. 841/2014  
Peshawar

Date of Presentation of Application 07-03-2016

Number of Words 1200

Copying Fee 8/-

Urgent 2/-

Total 10/-

Name of Applicant Khalid Mansoor

Date of Receipt 19.03.2016

Date of Filing 19.03.2016



**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

MR. JUSTICE SARMAD JALAL OSMANY  
MR. JUSTICE DOST MUHAMMAD KHAN

**Civil Petition No.800/2015**

(On appeal from the judgment dated  
20.03.2015 passed by the KPK Service  
Tribunal in Service Appeal No.752 of  
2013)

Habibullah Wazir

...Petitioner

VERSUS

Govt. of KPK thr. Chief Secretary, Peshawar & others

..Respondents

For the petitioner:

Mr. Nasir Mahmood, ASC

For the respondents:

Mr. Mujahid Ali Khan, Addl. A.G. KPK

Date of hearing:

29.9.2015

**JUDGMENT**

**Sarmad Jalal Osmany, J.**— This petition impugns the judgment of the learned KPK Service Tribunal in Service Appeal No.752 of 2013, whereby the same was disposed of by directing the concerned authority to consider, "*genuine grievance of the petitioner*".

2. Briefly stated facts of the case are that admittedly the petitioner, who at the relevant time was serving as Assistant in the office of BOR, KPK was considered along with 25 other Assistants for promotion to the post of Tehsildar (BPS-16) by the Departmental Promotion Committee vide Memorandum dated 17.10.2011. Per the said Memorandum the petitioner along with his other colleagues fell amongst the 20% of the criteria of Graduate Assistant, Senior Scale Stenographers etc. of the office of Commissioners, who were eligible for such promotion. However vide notification dated 29.10.2011 only 8 employees out of 26 recommended for promotion were so promoted to

**ATTESTED**

Superintendent  
Supreme Court of Pakistan  
Islamabad

grade-16, also excluding the petitioner. The petitioner filed the departmental appeal, which was unheeded to and this prompted him to approach the learned Service Tribunal, which decided the case as afore mentioned.

3. In the backdrop of the foregoing facts, learned ASC for the petitioner has submitted that the petitioner's case along with his other colleagues, who were not promoted, attracts the old rules before the same were amended on 29.09.2012 whereby now they would be promoted to grade-14 (Naib Tehsildar) instead of grade-16. Per the learned ASC when once the concerned authority had recommended the petitioner's case for promotion under the old rules viz to grade-16 and there were vacancies to accommodate him and the others then the new rules could not be applied retrospectively and the petitioner along with others should have been promoted to grade-16.


4. When we posed the question about the retrospective applicability, the learned Additional Advocate General could not give any valid answer.

5. We have heard both, the learned ASC for the petitioner as well as the learned Additional Advocate General, KPK.

6. In our opinion when admittedly the petitioner along with his other colleagues were considered fit for promotion by the Departmental Promotion Committee under the old rules to the post of Tehsildar (BPS-16) then, particularly, when such vacancies were available, the petitioner could have not been denied promotion and that too without assigning any reasons.

7. For the foregoing discussion, this petition is converted into an appeal and allowed; the impugned judgment is set aside; the petitioner stands promoted to the post of Tehsildar w.e.f. 29.10.2011

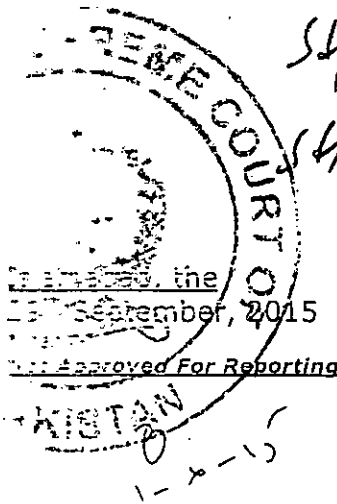
**ATTESTED**

  
Superintendent  
Supreme Court of Pakistan  
Islamabad

when his colleagues were so promoted. He shall be given all back benefits including salary etc.

8. The respondents shall file a statement as to how many employees of the department whose names appear in the Memorandum dated 17.10.2011 i.e. Sr. No.9 to 26, have been promoted and if not so, then reasons should be stated.

To come up on 06.10.2015.



M. Sarwar Jal Oswany,  
M. Dost Muhammad Khan,

Certified to be True Copy  
[Signature]  
Superintendent  
Supreme Court of Pakistan  
Islamabad

GR No: 13417/15 Civil/Criminal  
 Date of Presentation: 29-9-15  
 No. of Words: \_\_\_\_\_  
 No. of Follies: 99  
 Reproduction Fee Rs: 600  
 Copy Fee in: 500  
 Court Fee stamps: 55  
 Date of Completion of Copy: 11/10/15  
 Date of delivery of Copy: \_\_\_\_\_  
 Compared by/Prepared by: [Signature]  
 Received by: [Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 923/2013

Mr. Abdul Baseer Assistant .....Appellant

VERSUS

Senior Member, Board of Revenue others.....Respondents

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

PRELIMINARY OBJECTIONS

1. The appeal is badly time barred.
2. The appellant has no locus standi to bring the instant Appeal.
3. The appellant is estopped by his own conduct to bring the instant Appeal.
4. The appellant has no grounds in support of his Appeal and has no cause of action.
5. That the appeal is not maintainable and bad for mis-joinder & non-joinder of necessary parties.
6. That this Hon'ble Tribunal has got no jurisdiction to entertain the appeal.
7. That no Departmental Appeal has filed by appellant. Hence not maintainable under section 4 of Service Tribunal Act 1979.

RESPECTFULLY SHEWETH.

ON FACTS.

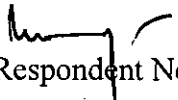
1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record.
6. Pertains to record. However in the year 2001-02, the West Pakistan Tehsildar/Naib Tehsildar Service Rules 1962 were superseded and new rules were introduced in 2001-02.
7. Incorrect. The appellant appointed in the year 2008 as per admission of the appellant in para-5 above. New rules were introduced in 2001 (Annexure-A) by repealing all other rules in force at the time. At the time of appointment of appellant, Tehsildari/Naib Tehsildari Service Rules 1962 were not in the field as the appellant was appointed as Assistant in the year 2008, who cannot claim promotion under Tehsildari/Naib Tehsildari Service Rules, 1962. Therefore, Rules, 1962 are not applicable in the instant case.
8. Incorrect. Rules were amended after due deliberation and consultation with Standing Service Rules Committee which is just, fair, reasonable, and according to law.
9. Incorrect. The field Superintendents (BS-16) were included for selection against the post of Tehsildar (BS-16) as they had no further prospects of promotion. The Department seriously felt and realized that selection of Assistant of Board of Revenue (BS-14) as Tehsildar (BS-16), and the field offices Assistant (BS-14) as Naib Tehsildar (BS-14) was sheer discrimination and needed to be stopped and on equal footings. Rules were published in the official gazette in September 2012 (Annexure-B). The rules were circulated to all offices. Writ Petition filed to challenge the rules was converted into representation.

10. Incorrect. Eligible senior most Assistant as Tehsildar while the appellant was not considered for promotion as Tehsildar due to not availability of posts of Tehsildars. Only inclusion his name in the working paper does not make him eligible for promotion as Tehsildar.
11. Incorrect. No discussion has been done with the appellant. The appellant will be considered for promotion as Tehsildar on his own turn.
12. Incorrect. As in Para-11 above, the appellant will be considered for promotion as Tehsildar on availability of posts on his own turn.
13. Incorrect. The appellant has not been deprived from his legal right.
14. Incorrect. Amendment was made in consultation with Finance, Establishment and Law Department through proper Standing Service Rules Committee being a proper forum.
15. Incorrect. As in Para-14 above.
16. Incorrect. The Assistant of the offices of Commissioners, Deputy Commissioners and Political Agents having the same experience has been made eligible for promotion as Tehsildar on the basis of joint seniority list of Assistants at Provincial level.
17. Incorrect. Rules, 1962 has been superseded in the year 2001-02.
18. Incorrect. The Head of Administrative Department has been notified as Chairman of the Standing Service Rules Committee (Annexure-C).

#### ON GROUNDS

- A. Incorrect. At present there is no post of Tehsildar comes in the share of appellant i.e. Ministerial quota further promotion is not a vested Right.
- B. Incorrect. Amendment notification has been issued in consultation with Finance, Establishment and Law Department which is applicable to all the post of Tehsildar/Naib Tehsildar.
- C. Incorrect. As in Para-B.
- D. Incorrect. Promotion is not a vested Right and appellant will be promoted according to Rules on his own turn.
- E. The respondent will also seek permission to advance additional grounds at the time of arguments.

It is therefore requested that the appeal may please be dismissed with costs.

  
Respondent No. 1& 2

5

A

D/9

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

**NOTIFICATION**

DATED, PESHAWAR, THE 27<sup>th</sup> NOVEMBER, 20

No. 27944 / Ad-I- In pursuance of the provisions contained in Sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, read with the Cabinet Division Notification No. SRO 475(1)/2001, dated the 28<sup>th</sup> June, 2001, and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the Method of recruitment, qualifications and other conditions specified in column 3 to 6 of the Appendix to this notification, which shall be applicable to posts borne on the cadre strength of Revenue and Estate Department specified in column 2 of the said Appendix.

S. O. \_\_\_\_\_

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

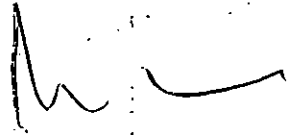
(M)

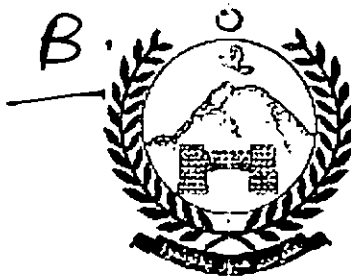
NO. 27945-51 / Ad-I,

A  
Dated: 27-11-2001.

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

1. The Secretary's to Govt: of NWFP:-
  - (i) E&A Department.
  - (ii) Finance Department.
  - (iii) Law Parliamentary Affairs Department.
2. The Secretary's NWFP, Public Service Commission.
3. The Registrar, Peshawar High Court, Peshawar.
4. The Accountant General, NWFP Peshawar.
5. The All D.O ( R/E )/ Collector, NWFP.
6. The Private Secretary to Minister for Revenue, NWFP.
7. The Controller, Govt: Printing Press, NWFP, Peshawar with the request that the notification may be published in the official gazette and to supply fifty printed copies to the undersigned.

  
DEPUTY SECRETARY TO GOVT: OF  
THE NWFP, REVENUE DEPARTMENT.



# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 00000000000, 00TH SEPTEMBER, 2012.

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

### NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

No. Estt:I/296/Amendment/29174.—In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment, Finance and Law Departments hereby directs that in this Department Notification No. 32102/Admn:I/135/SSRC, dated 26-12-2008 read with Notification No. 12389/Admn:I/296/Amendment, dated 30.03.2011, the following further amendments shall be made, namely:-

### AMENDMENTS

In the Appendix:-

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



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

Sd/-x-x-x  
SECRETARY.



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

Dated Peshawar the February 4, 2015

NOTIFICATION

SOR-VI(E&AD)/2-69/2008/A of-I. In pursuance to Rule 3(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and in supersession of this Department's Notification No. SOR-VI(E&AD)/2-69/2008, dated 13<sup>th</sup> July, 2012, the Competent Authority is pleased to restore the composition of the Standing Service Rules Committee (SSRC) notified vide this department's Notification No. SOR-VI(E&AD)/2-69/2008, dated 29<sup>th</sup> January, 2008 as under:-

- |  |          |
|--|----------|
| 1. Administrative Secretary concerned.                       | Chairman |
| 2. Additional Secretary (Regulation),<br>E&A Department.     | Member   |
| 3. Additional Secretary (Regulation),<br>Finance Department. | Member   |
| 4. Additional Secretary<br>Law Department.                   | Member   |
| 5. Head of attached department concerned.                    | Member   |
| 6. Deputy Secretary (Admn.) of the<br>department concerned.  | Member   |

Chief Secretary,  
Khyber Pakhtunkhwa

ENCLOSURE & EVEN DATE

Forwards to:-

1. Addl: Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. Addl: Chief Secretary (FATA), FATA Secretariat Peshawar
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
7. All Divisional Commissioners in Khyber Pakhtunkhwa
8. All Heads of Attached Departments in Khyber Pakhtunkhwa
9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
10. All Deputy Commissioners in Khyber Pakhtunkhwa and Political Agents in FATA.
11. The Registrar Peshawar High Court, Peshawar.
12. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar
13. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
14. All Special Secretaries / Additional Secretaries / Deputy Secretaries and Section Officers in Establishment & Administration Department.

(GAIYA JAMIL)  
OFFICER (REG-VI)

Revenue Department

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 923/2013

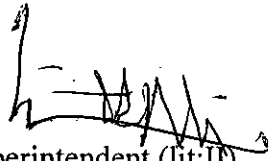
Mr. Abdul Baseer Assistant.....Appellant

VERSUS

Senior Member, Board of Revenue, and others.....Respondents

AFFIDAVIT

I Mukhtiar Ali Superintendent (Lit;II), Board of Revenue Khyber Pakhtunkhwa do hereby solemnly affirm that the contents of the written reply are true and correct to the best of my knowledge and belief information provided to me, and noting has been deliberately concealed from this Hon'able Tribunal.

  
Superintendent (lit;II)  
Board of Revenue