

19.10.2016

Agent to counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Mr. Muhammad Jan, GP for respondents present. Record submitted by respondent-department which is placed on file. Since it was requested that previous restraint order may be intact therefore, last opportunity given to the appellant for arguments as well as that the appeal may be fixed on priority basis. To come up for arguments on 02.12.2016. The restrain order shall continue.

(PIR BAKHSH SHAH)  
MEMBER

(ABDUL LATIF)  
MEMBER

02.12.2016

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Mukhtiar Ali, Superintendent for official respondents No. 1 to 3 present. We have heard arguments of learned counsel for the parties and perused the record.

Vide our detailed judgment of to-day in connected service appeal No. 555/2013, titled "Fazal Rehman Versus Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar etc.", we accept the present appeal also as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

Member

Chairman

ANNOUNCED  
02.12.2016

02.12.16

17.08.2016

Counsel for the appellant and Mr. Attaullah, Assistant alongwith Mr. Muhammad Jan, Government Pleader for the respondents present. Case file perused. Perusal of appeal reveals that the appellant was promoted as Naib Tehsildar on regular basis with effect from 29.05.2008 as per annexure-C available on file, however, in the impugned seniority list issued by the respondents the appointment date of the appellant as Naib Tehsildar is mentioned as 02.09.2010. When confronted with the position, learned Government Pleader requested for time to clarify the point and produce the relevant record. Request accepted. To come up for such record on ~~7-9-16~~ Meanwhile no adverse order be passed against the appellant.

Member

Member

07.09.2016

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. Alongwith Addl. AG for respondents present. Representative of the respondents requested for adjournment to submit record as per direction issued to him by previous order sheet. Request accepted. Representative of the respondents is directed to submit the requisite record positively on next date. To come up for arguments on ~~19.10.16~~ The restrain order shall continue.

Member

Member

15.10.16

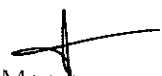
29.03.2016

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt: alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to non-availability of D.B. Therefore, the case is adjourned to 01.06.2016 for arguments.

  
Chairman

01.06.2016

Junior to counsel for the appellant and Assistant AG for respondents present. Junior to counsel for the appellant requested for adjournment. Adjourned for arguments on 13.7.2016.

  
Member

  
Member

13.07.2016

Counsel for the appellant and Mr. Attaullah, Assistant Secretary alongwith Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested to requisitioned record specifically of private respondent No. 4. The respondent-department is directed to produce all relevant record and specifically record of respondent No. 4. To come up for record and arguments on 17.8.2016.

  
Member

  
Member

11.03.2015

Counsel for the appellant, M/S Mukhtiar Ali, Supdt. for respondent No.2 and Qudaratullah, DK for respondent No. 3 alongwith Addl: A.G for official respondents present. Learned counsel for the appellant informed the court that correct addresses of private respondents No. 4 to 102 are not traceable. Requested for adjournment as he intends to apply for proclamation. Application be submitted within three days and after deposit of proclamation charges, notice be published in Daily 'Mashriq' for 16.4.2015.

  
Chairman

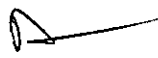
16.04.2015

Agent of counsel for the appellant, M/S Mukhtiar Ali, Supdt. for respondent No. 2 and Abdul Jalil, Naib Tehsildar for respondents No.3 alongwith Addl: A.G for official respondents No. 1 to 3 present. Private respondents No. 4 to 102 not present despite proclamation in Daily Mashriq dated 14<sup>th</sup> April 2015; placed on record of appeal No. 566/2013. Proceeded ex-parte. Official respondents No. 1 to 3 have submitted their written statement. The appeal is assigned to D.B for rejoinder and final hearing for 26.10.2015.

  
Chairman

26.10.2015

Clerk to counsel for the appellant and Addl: AG for respondents present. Arguments could not be heard due to learned Member (Judicial) is on official tour to D.I Khan. Therefore, the case is adjourned to 29/3/16 for arguments

  
Member

24.6.2014.

Counsel for the appellant, and AAG with Mir Qasam, Assistant Secretary and Qudratullah, DK for the official respondents present and reply filed. Counsel for the appellant is directed to provide fresh and complete addresses of private respondents within a week time and thereafter notices be issued to them. To come up for written reply of private respondents on 16.10.2014.

  
MEMBER

16.10.2014

Counsel for the appellant, and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. and Qudratullah, DK for the official respondents present who already filed written reply. Counsel for the appellant is once again directed to provide fresh and complete addresses of private respondents within a week time. Thereafter fresh notices be issued to them for submission of their written reply on 30.12.2014.

  
MEMBER

30.12.2014

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents No. 1&2 present. The Tribunal is incomplete. To come up for the same on 14.3.2015.

  
MEMBER

Appeal No. 567/2013.  
Mr. Haq Nawaz

24.01.2014

Counsel for the appellant and Mr. Muhktiar Ali, Supdt with Mr. Zai Ullah, GP for the respondents present. Representative of the respondents submitted copy of order dated 16.01.2013 of respondent No.2, copy handed over the learned counsel for the appellant. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned seniority list dated 05.10.2012, communicated to the appellant on 14.10.2012, the appellant filed departmental appeal which has not been responded within the statutory period of 90 days, hence the present appeal on 13.03.2013.

The learned GP was of the view that the instant appeal is not maintainable in the present form. There is no original order against which the appellant filed departmental appeal. Therefore, case may be dismissed with cost.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 10.04.2014.

Appellant deposit  
Process fee & Security  
Rs. 2110/- Balance Receipt  
attached in A.No. 555/13

Member

24.01.2014

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

Chairman

10.4.2014

Junior to counsel for the appellant, Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for respondents No. 1 & 2 and Yasar Salman, DRA for respondent No. 3 present and requested for further time. Private respondents have not been properly served. Counsel for the appellant is directed to produce their correct and fresh addresses within 10 days and notices be issued to them through registered post. Case to come up for written reply of all the respondents on 24.6.2014.

MEMBER

MEMBER

16.

7.

29.10.2013


Counsel for the appellant present and heard. In his appeal, the appellant has assailed final seniority list as it stood on 31.12.2010 and communicated to the appellant, according to him, on 14.10.2012, where-after, review petition was preferred; but review petition dose not bear the date on which the same was moved. Therefore, pre-admission notice be issued to the SMBR, KPK, Peshawar (respondent No.2) for production of record showing the date of review petition and its receipt, if any, and the appellant may also furnish record showing the date of filing the review petition for further preliminary hearing on 17.12.2013.

  
Chairman

8.

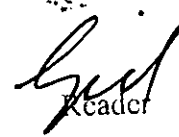
17.12.2013

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt for respondent No.2 present. Representative of the respondent requested for time to produce the requisite record on the next date. To come up for preliminary hearing on 24.01.2014.

  
Member

15.5.2013

Counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunal (Amendment) Ordinance, 2013 (Khyber Pakhtunkhwa Order No. II of 2013), the case is adjourned on note Reader for proceeding as before on 25.6.2013.

  
Reader

5. 25.6.2013

Munshi to Counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 22.8.2013.

  
Reader

6. 23.08.2013

Since 22<sup>nd</sup> August 2013 has been declared as local holiday on account of by-Election, therefore, case is adjourned to 29.10.2013 for preliminary hearing.



Member



3,  
15.5.2013



Counsel for the appellant present. In pursuance of the  
Khyber Pakhtunkhwa Service Tribunal (Amendment) Ordinance,  
2013 (Khyber Pakhtunkhwa Order No. II of 2013), the case is  
adjourned on note Reader for proceeding as before on 25.6.2013.

  
Reader

Form- A  
FORM OF ORDER SHEET

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

Case No. 567/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/03/2013	The appeal of Mr. Haq Nawaz resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.   REGISTRAR
2	1-4-2013	This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>15-5-2013</u>   CHAIRMAN

The appeal of Mr. Haq Nawaz Naib Tehsildar received today i.e. on 13/03/2013 is incomplete on the following\* scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal may be got signed by the appellant.
- ②- Addresses of respondent no.4 to 102 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Copy of Final seniority list dated 31.12.2010 issued on 5.10.2012 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 4- Copy of departmental appeal against the Impugned final seniority list is not attached with the appeal which may be placed on it.
- 5- 104 more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 427 /S.T.

Dt. 15/3 /2013.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

MR. NOOR MUHAMMAD KHATTAK ADV. PESH.

*Note*

*Sir*

*All objections has been removed  
hence resubmitted today dated 20/3/2013.*

*43*

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

APPEAL NO. 567 /2013

**HAQ NAWAZ**

**VS**

**REVENUE DEPARTMENT**

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE NO.</b>
1-	Memo of appeal	.....	1- 7.
2-	Promotion	<b>A</b>	8- 9.
3-	Judgment	<b>B</b>	10- 12.
4-	Order	<b>C</b>	13.
5-	Application	<b>D</b>	14- 15.
6-	Seniority list	<b>E</b>	16- 29.
7-	Departmental appeal	<b>F</b>	30- 32.
8-	Vakalat nama	.....	33.

**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

**MOBILE NO.0345-9383141**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

**APPEAL NO. 567 /2013**

**K.W.P. Peshawar**  
**554**  
**13-3-13**

Mr. Haq Nawaz, Niab Tehsildar (BPS-14),

Settlement Panyala, District D.I Khan ..... APPELLANT

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa,  
through Chief Secretary KPK Peshawar.
- 2- The Senior Member Board of Revenue,  
Khyber Pakhtunkhwa Peshawar.
- 3- The Commissioner Dera Ismail Khan Division,  
Dera Ismail Khan.
- 4- Mr. abdur Rashid, Naib Tehsildar (BPS-14),
- 5- Mr. Muhammad Ayub, Naib Tehsildar (BPS-14),
- 6- Mr. Amir Muhammad, Naib Tehsildar (BPS-14),
- 7- Mr. Maqboolur Rehman, Naib Tehsildar (BPS-14),
- 8- Mr. Shakirullah, Naib Tehsildar (BPS-14),
- 9- Mr. Munir Ahmad, Naib Tehsildar (BPS-14),
- 10- Mr. Rahamdullah Khan, Naib Tehsildar (BPS-14),
- 11- Mr. Imtiaz Ali Shah, Naib Tehsildar (BPS-14),
- 12- Mr. Khalid Khan, Naib Tehsildar (BPS-14),
- 13- Mr. Fazli Wadood, Naib Tehsildar (BPS-14),
- 14- Mr. Irshad Ali, Naib Tehsildar (BPS-14),
- 15- Mr. Amir Nawaz, Naib Tehsildar (BPS-14),
- 16- Mr. Shah Wazir, Naib Tehsildar (BPS-14),
- 17- Mr. Sikander Khan, Naib Tehsildar (BPS-14),
- 18- Mr. Ishtiaq Ahmad Khan, Naib Tehsildar (BPS-14),
- 19- Mr. Shamsul Islam, Naib Tehsildar (BPS-14),
- 20- Mr. Allah Noor, Naib Tehsildar (BPS-14),
- 21- Mr. Muhammad Tariq Aziz, Naib Tehsildar (BPS-14),

re-submitted to  
and filed.

26/3/13

- 22- Mr.Muhammad Ilyas, Naib Tehsildar (BPS-14),
- 23- Mr.Yasir Salman kundi, Naib Tehsildar (BPS-14),
- 24- Mr.Yadullah Khattak, Naib Tehsildar (BPS-14),
- 25- Mr.Ahmad Hashmi, Naib Tehsildar (BPS-14),
- 26- Mr.Aminullah khan, Naib Tehsildar (BPS-14),
- 27- Mr.Islahuddin, Naib Tehsildar (BPS-14),
- 28- Mr.Zahid Younis, Naib Tehsildar (BPS-14),
- 29- Mr.Niamatullah, Naib Tehsildar (BPS-14),
- 30- Mr.Muhammad Riaz, Naib Tehsildar (BPS-14),
- 31- Mr.Muhammad Yar, Naib Tehsildar (BPS-14),
- 32- Mr.Sher Ali Khan, Naib Tehsildar (BPS-14),
- 33- Mr.Munawar Shah, Naib Tehsildar (BPS-14),
- 34- Mr.Iftikaruddin, Naib Tehsildar (BPS-14),
- 35- Mr.Younis Khan, Naib Tehsildar (BPS-14),
- 36- Mr.Mujahid Ali, Naib Tehsildar (BPS-14),
- 37- Mr.Syed Abdul Akber Shah, Naib Tehsildar (BPS-14),
- 38- Mr.Syed Sultan Haider Shah, Naib Tehsildar (BPS-14),
- 39- Mr.Aftab Ahmad, Naib Tehsildar (BPS-14),
- 40- Mr.Dil Nawaz khan, Naib Tehsildar (BPS-14),
- 41- Mr.Kifayatullah, Naib Tehsildar (BPS-14),
- 42- Mr.Faqir Hussian, Naib Tehsildar (BPS-14),
- 43- Mr.Zulfiqar khan, Naib Tehsildar (BPS-14),
- 44- Mr.Waqar Ahmad , Naib Tehsildar (BPS-14),
- 45- Mr.Muhammad Faraz Qurashi, Naib Tehsildar (BPS-14),
- 46- Mr.Fazal ur Rehman, Naib Tehsildar (BPS-14),
- 47- Mr.Farukh Jadoon, Naib Tehsildar (BPS-14)
- 48- Mr.Fayaz Ahmad, Naib Tehsildar (BPS-14),
- 49- Mr.Bilal Ahmad, Naib Tehsildar (BPS-14),
- 50- Mr.Tanveer Shahzad, Naib Tehsildar (BPS-14),
- 51- Mr.Ejaz Ahmad. , Naib Tehsildar (BPS-14),
- 52- Mr.Muhammad Salim, Naib Tehsildar (BPS-14),
- 53- Mr.Muhammad Sohail, Naib Tehsildar (BPS-14),
- 54- Mr.Sajid Saleem, Naib Tehsildar (BPS-14),
- 55- Mr.Adil Waseem, Naib Tehsildar (BPS-14),

- 56- Mr.Tazil-ur Rehman, Naib Tehsildar (BPS-14),
- 57- Mr.Qazi Muhammad Aslam, Naib Tehsildar (BPS-14),
- 58- Mr.Abdul Qayum, Naib Tehsildar (BPS-14),
- 59- Mr.Roohul Amin, Naib Tehsildar (BPS-14),
- 60- Mr.Qianoos, Naib Tehsildar (BPS-14),
- 61- Mr.Khurshid Ali, Naib Tehsildar (BPS-14),
- 62- Mr.Latif-ur-Rehman, Naib Tehsildar (BPS-14),
- 63- Mr.Jehan Wali, Naib Tehsildar (BPS-14),
- 64- Mr.Amir Zarin, Naib Tehsildar (BPS-14),
- 65- Mr.Shah Wazir, Naib Tehsildar (BPS-14),
- 66- Mr.Sher Bahader, Naib Tehsildar (BPS-14),
- 67- Mr.Shaukat Iqbal, Naib Tehsildar (BPS-14),
- 68- Mr.Abdur Rashid, Naib Tehsildar (BPS-14),
- 69- Mr.Ahmad Ali, Naib Tehsildar (BPS-14),
- 70- Mr.Faramosh khan, Naib Tehsildar (BPS-14),
- 71- Mr.Abdul Haseeb, Naib Tehsildar (BPS-14),
- 72- Mr.Shakeel Ahmad, Naib Tehsildar (BPS-14),
- 73- Mr.Gohar Ali, Naib Tehsildar (BPS-14),
- 74- Mr.Mehmood Shah, Naib Tehsildar (BPS-14),
- 75- Mr.Sher Dil, Naib Tehsildar (BPS-14),
- 76- Mr.Muhammad Shoaib, Naib Tehsildar (BPS-14),
- 77- Mr.Muhammad Irshad, Naib Tehsildar (BPS-14),
- 78- Mr.Zafar Iqbal, Naib Tehsildar (BPS-14),
- 79- Mr.Nawab Gul, Naib Tehsildar (BPS-14),
- 80- Mr.Umbaras Khan, Naib Tehsildar (BPS-14),
- 81- Mr.Shakeel-ur-Rehman, Naib Tehsildar (BPS-14),
- 82- Mr.Shiek Muhammad Jamil, Naib Tehsildar (BPS-14),
- 83- Mr.Muhammad Aslam khan, Naib Tehsildar (BPS-14),
- 84- Mr.Bashir Ahmad, Naib Tehsildar (BPS-14),
- 85- Mr.Sher Yar khan, Naib Tehsildar (BPS-14),
- 86- Mr.Sardar Yousaf, Naib Tehsildar (BPS-14),
- 87- Mr.Saz Muhammad, Naib Tehsildar (BPS-14),
- 88- Mr.Ghulam Saeedullah, Naib Tehsildar (BPS-14),
- 89- Mr.Abdul Malik, Naib Tehsildar (BPS-14),

- 90- Mr.Muhammad Saeed, Naib Tehsildar (BPS-14),
- 91- Mr.Riaz-ul Haq, Naib Tehsildar (BPS-14),
- 92- Mr.Muhammad Iqbal, Naib Tehsildar (BPS-14),
- 93- Mr.Umar Said, Naib Tehsildar (BPS-14),
- 94- Mr.Jehan Zaib, Naib Tehsildar (BPS-14),
- 95- Mr.Asmatullah, Naib Tehsildar (BPS-14),
- 96- Mr.Gul Shehzad, Naib Tehsildar (BPS-14),
- 97- Mr.Muhammad Alam, Naib Tehsildar (BPS-14),
- 98- Mr.Abbas Ali Shah, Naib Tehsildar (BPS-14),
- 99- Mr.Didar Khan, Naib Tehsildar (BPS-14),
- 100- Mr.Sardar Ghulam Murtaza, Naib Tehsildar (BPS-14),
- 101- Mr.Fazl-e- Hakeem, Naib Tehsildar (BPS-14),
- 102- Mr.Musadeq Hussain, Naib Tehsildar (BPS-14),

All care of Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE FINAL SENIORITY LIST DATED 31-12-2010 ISSUED ON 5-10-2012 COMUNICATED TO THE APPELLANT ON 14-10-2012 ,WHEREBY THE APPELLANT HAS BEEN PLACED WRONGLY AND ILLEGALLY AT SERIAL NO 169 INSTEAD OF ABOVE THE NAME OF ABDUR RASHID i.e. SERIAL NO 69 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN STAUTORY PERIOD OF NINETY DAYS**

**PRAYER:** That on acceptance of this appeal the respondents may be directed to extent that the seniority list dated 31-12-2010 may be corrected by placing the appellant above at serial No.69 above the name of respondent No.3 (Mr. ABDUR RASHID N.T) with all consequential benefits. Any



**other remedy which this august Tribunal deems fit that may also be awarded in favor of appellant**

**R.SHEWATH:**

- 1- That the appellant was initially appointed as patwari in the Revenue Department and later on was promoted to the post of Kanungo (BPS-09) vide order dated 15-1-2008 on the basis of seniority cum fitness. Copy of the promotion order is attached as annexure .....**A.**
- 2- That during service appellant passed Niab Tehsildari examination and later on the appellant was promoted to the post of Niab Tehsildar (BPS-14) on acting charge basis on the recommendations of the proper Departmental selection Committee vide order dated 2-7-2008.
- 3- That while working as Naib Tehsildar (BPS-09) an order dated 8-12-2009 was issued due to which the appellant was reverted to the post of kanungo from Naib Tehsildar without any plausible reason and justification. That respondent No.3 namely Abdur Rashid who was junior to the appellant was regularized on the post of Naib Tehsildar while the petitioner has been reverted to the post of kanungo illegally.
- 4- That feeling aggrieved appellant filed Departmental appeal and then knocked the door of this Honorable Service Tribunal Peshawar. That the said appeal was decided in favor of the appellant and subsequently vide order dated 2-9-2010 the service of the appellant has been regularized on the post of Naib Tehsildar (BPS-14) w.e. from 29-5-2008. Copies of the judgment and order are attached as annexure .....**B & C.**
- 5- That in the year 2010 a tentative seniority list was issued due to which the seniority of the appellant was placed below the

name of respondent No.3 (Abdur Rashid) who was much more junior to appellant. That appellant filed review against the said seniority list but inspite of that the said seniority list has been declared final by respondent No.2 vide Notification dated 5-10-2012 communicated to the appellant on 14-10-2012. Copies of the review and seniority list are attached as annexure ..... **D and E.**

6- That feeling aggrieved appellant filed Departmental appeal before the respondent No.2 but no reply has been received so far. Copy of the Departmental appeal is attached as annexure ..... **F.**

6- That having no other remedy appellant filed this appeal on the following grounds amongst the others.

**GROUND:**

**A-**That the impugned seniority list dated 31-12-2010 is against the law, facts, natural justice and materials on the record therefore not tenable and liable to be set aside.

**B-**That as evident from the aforesaid Judgment and order the services of the appellant were regularized vide order dated 29-5-2008 but the impugned seniority list issued on 5-10-2012 communicated to the appellant on 14-10-2012 is against the spirit of the aforesaid order and judgment of this Honorable Service Tribunal dated 23-7-2010.

**C-**That appellant has not been treated in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Pakistan 1973.

- D-** That appellant has been highly discriminated and not treated by the authorities in accordance with law and rules.
- E-** That despite of having senior to respondent No.3 to 102 the appellant has been placed junior to them by violating the appointment, promotion and transfer Rules 1989.
- F-** That appellant seeks the permission of this august court to advance other grounds and proofs at the time of hearing.

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



**APPELLANT**

**HAQ NAWAZ**

**THROUGH:**

  
**NOOR MUHAMMAD KHATTAK**

**&**

**PIR IMAMUDDIN**

**ADVOCATES PESHAWAR**

سینا رتی لیت و سواریان و دیگر امور

A - (B)

MINUTES OF THE DEPARTMENTAL SELECTION AND PROMOTION COMMITTEE OF REVENUE DEPARTMENT, D.I.KHAN HELD ON 11th January, 2008 at

A meeting of the Departmental Selection and Promotion Committee of the Revenue Department, D.I.Khan was held on 11th January, 2008 at 10.00 a.m. in the office of District Officer, Revenue & Estates, D.I.Khan. The following attended :

1. Khan Bakhsh Marwat, District Officer, Revenue & Estates, D.I.Khan. In Chair.
2. Engineer Muhammad Umair, D.O. Planning. (Rep: of D.C.O. D.I.Khan)
3. Qaiser Khan Mian Khel, D.D.O. Rod Kohi, D.I.Khan.
4. Muhammad Zaman Khattak, Assistant (Rep: of Board of Revenue, N.W.F.P.).

The meeting was started with recitation of holy "Quran". The Chairman welcomed the participants. The items of the agenda of the meeting were discussed in detail:-

Item No. 1. Promotion of Kanungoi Pass/Senior most Patwaris (IPS=05) to the post of Kanungo (IPS=09) on regular basis, with immediate effect.

1. Total sanctioned posts. 27
2. Total filled up posts by confirmed Kanungos. 14
3. Vacant posts of Kanungos. 13.

According to the office record, the following were Senior Most Patwaris who passed the Kanungoi examination :=

S.NO.	NAME OF PATWARI.	KANUNGOI EXAM. FAIL/PASS.	REMARKS.
1.	Ghulam Jan s/o Ghulam Aziz	Pass	Cleared.
2.	Muhammad Rafi s/o Abdul Qadir.	Pass	=de=
3.	Fazalur Rehman s/o Saifur Rehman.	Pass	=de=
4.	Abdul Qadeem s/o Ashiq Hussain	Pass.	=de=
5.	Gohar Zaman s/o Muhammad Razaan.	Pass	=de=
6.	Farhad Khan s/o Qalandar Khan	Pass	=de=
7.	Ahmad Bakhsh s/o Khuda Bakhsh	Pass	=de=
8.	Imam Bakhsh s/o Sardar.	Pass	=de=
9.	Saeedullah s/o Alan Sher	Pass.	=de=
10.	Haq Nawaz s/o Hussain Bakhsh.	Pass.	=de=
11.	Abdur Rashid s/o Umar Daraz.	Pass.	=de=
12.	Hakim Khan s/o Falak Sher.	Pass.	=de=
13.	Hamidullah s/o Habibullah.	Pass.	=de=

فضل الرحمن

مدعی گزینہ

تصویب

مدعی گزینہ

Handwritten signature/initials

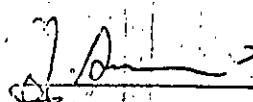
The annual Confidential Reports of the above mentioned Patwaris were checked by the Committee's members. During the meeting it was pointed out that the A.C.Rs of the following Patwaris are incomplete/not available :-


1. Farhad Khan s/o Qalandar Khan.
2. Imam Bakhsh s/o Sardar.
3. Saadullah s/o Alam Sher.
4. Hamidullah s/o Habibullah.

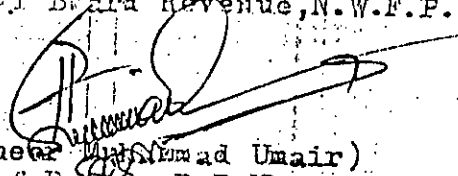
5- After discussion it was unanimously decided that thirteen Patwaris (mentioned in para No.3 of the minutes of the meeting) who have passed the Kanungei examination may be promoted as Kanunges (BPS-09) on regular basis by superseding the Patwaris who have not passed the Kanungei examination. However, the above mentioned four Patwaris (Mentioned at Para No.4 of the minutes) whose A.C.Rs were found incomplete/~~or~~ not available will be promoted conditionally subject to the production of A.C.Rs with good remarks within fifteen days and after receipt of their A.C.Rs. On the receipt of their A.C.Rs their promotion orders will be issued.


6- The items No.2,3 and 4 of the working paper of the Departmental Selection & Promotion Committee were also discussed. It was unanimously decided that the matter may be kept pending till the exhibition of contents of Register Patwar Passed Candidate of Revenue Department.

The meeting was ended by the vote of thanks by the Chair.

  
(Muhammad Zaman Khattak)  
Rep: of Board Revenue, N.W.F.P.


  
(Qaiser Khan Mian Khal)  
D.D. of Red Kohi, D.I. Khan

  
(Engineer Muhammad Umair)  
Rep: of D.C.O. D.I. Khan.

  
(Khan Bakhsh Marwat)  
Chairman.

No. 12-15 /DK Dated D.I. Khan the 11.1.2008.

Copy to: all concerned for information please.

  
District Officer  
Revenue & Estates, D.I. Khan.

23  
4

BEFORE THE K.P.K SERVICE TRIBUNAL PESHAWAR

Appeal No. 559/2010

Date of institution - 06.03.2010

Date of decision - 23.07.2010



Fazalur Rehman, Naib Tehsildar Daraban Kalan, D.I.Khan,,..... (Appellant)

VERSUS

1. SMBR, NWFP, Peshawar.
2. Commissioner D.I.Khan Division D.I.Khan
3. D.O (R & E) D.I.Khan.
4. Abdur Rashid, Naib Tehsildar, now Sub Registrar, Tehsil Office, D.I.Khan  
..... (Respondents)

Appeal against the order dated 8.12.2009 whereby the appellant has been reverted from the post of Naib Tehsildar (BPS-14) and posted as Kanungo (BPS-9).

M/S Ijaz Anwar &  
Noor Muhammad Khattak, Advocates ..... For Appellant  
Mr. Tahir Iqbal, A.G.P ..... For Respondent 1-3.,  
Mr. M. Asif Yousafzai, Advocate..... For Respondent No. 4.

MR ABDUL JALIL ..... MEMBER  
MR. HOOR ALI KHAN..... MEMBER

JUDGMENT

ABDUL JALIL, MEMBER :- This appeal has been filed by the appellant against the order dated 8.12.2009 whereby he was reverted from the post of Naib Tehsildar (BPS-14) and posted as Kanungo (BPS-9).

2. Brief facts of the case are that the appellant was initially appointed as Patwari. He was promoted as Kanungo on 15.1.2007. He qualified Naib Tehsildari departmental examination. On the recommendation of Departmental Promotion Committee he was promoted as Naib Tehsildar on acting charge basis by the competent authority (SMBR). He was senior amongst his colleagues. He was senior to Respondent No. 4 (Abdur Rashid Khan). The appellant's promotion was withdrawn without hearing him or to issue show cause notice as such he was condemned unheard. The appellant was

ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ATTESTED

promoted on acting charge basis in view of his eligibility and availability of vacancy of Naib Tehsildar. Respondent No. 4 who was junior to the appellant and was promoted on acting charge basis was regularized while the appellant was reverted.

3. Arguments heard and file perused.

4. The learned counsel for the appellant argued that the appellant was eligible for promotion. He was promoted on acting charge basis. Respondent No. 4 being junior to the appellant was also promoted on acting charge basis, but his services were regularized while the appellant was reverted. He referred this Tribunal judgment dated 19.5.2008, the relevant part of which is reproduced below :-

"15. The dispute, therefore, between the parties is not that whether Javed Khan was fit for promotion as Naib Tehsildar or to hold the post of Naib Tehsildar. The dispute was that whether Javed Khan could be appointed on regular basis in preference to both the appellants. As both the appellants are senior to Javed Khan (Respondent No. 2), the officials respondents were legally bound to consider the seniority of the appellants versus Respondents No. 2 and 5 and to appoint the senior most amongst them on regular basis, while the others were to be appointed either on acting charge basis or, as the case might be, on temporary basis till the arrival of recommendees of the NWFP Public Service Commission, or till a regular vacancy was, turn by turn, available for them.

16. In the light of the above, we partially accept both the appeals to the extent that the official respondents shall take up the exercise to consider the seniority of the appellants and respondents No. 2 and 5, and appoint the senior most amongst them on regular basis as Naib Tehsildar, while the others may be regularized as Naib Tehsildars as and when vacancies are available for them. But they shall remain as Naib Tehsildars for the periods for which their promotion as Naib Tehsildar is permissible under the law, either on current charge basis or on acting charge basis. In view of the complicated nature of the case, we leave the parties to bear their own costs."

5. The A.G.P argued that the appellant is basically Field Kanungo and was promoted as Naib Tehsildar on acting charge basis through D.P.C. The Commissioner is fully empowered of the service matters of Naib Tehsildar, therefore, he reverted the appellant from the post of Naib Tehsildar. He referred Notification dated 12.12.2009 issued by the Establishment Department which says that the Divisional Commissioner is empowered to deal with the service matters of Naib Tehsildars. The appellant was

ATTESTED

ATTESTED  
 NAWAZ KHAN  
 Naib Tehsildar  
 District Tribunal,  
 Peshawar



2

12

promoted on acting charge basis. It was a temporary promotion and when the recommendees of the Public Service Commission submitted their arrival reports, as a result the appellant was reverted to his original post to accommodate the recommendees of Public Service Commission. The nominees of the Public Service Commission have superior rights then the officials who were working on acting charge basis. He also contended that under the Provision of Section-(9) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 clearly envisages in Sub Section 6 that acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

6 He also argued that promotee Naib Tehsildars are in excess in the Division as per detail provided by the Commissioner office.

7. In the light of the above referred judgment, the official respondents shall take up the seniority of appellant and Respondent No. 4 and appoint senior most among them on regular basis as Naib Tehsildar while the other may be regularized as Naib Tehsildar as and when vacancies are available for them. But they shall remain as Naib Tehsildars for the period for which their promotion is permissible under the law either on current charge basis or on acting charge basis.

8. This judgment will also dispose of the other connected appeals bearing Nos. 560/2010 by Gohar Zaman and 568/2010 by Haq Nawaz, involving common question of law, in the same manner.

No order as to costs. File be consigned to the record.

ANNOUNCED.  
23.07.2010.

(NOOR ALI KHAN)  
MEMBER.

(ABDUL JALIL)  
MEMBER.

*Certified to be true copy*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

**ATTESTED**

30-7-10  
number of copies 1200  
copying fee 80  
sent 2  
of 10  
name of C.S. [Signature]  
date of Cont. 30-7-10



C-13

**GOVERNMENT KHYBER PAKHTUNKHWA.**  
**REVENUE AND ESTATE DEPARTMENT**  
Peshawar dated the 2- /09/2010.

ORDER:


No. /Admn:V/PF(F). In pursuance of Khyber Pakhtunkhwa Service Tribunal Judgement passed in Service Appeals bearing No.559/2010, 5560/2010 and 568 /2010 M/S Fazal Rehman, Gohar Zaman and Haq Nawaz are hereby promoted to the post of Naib Tehsildar (BPS-14) on regular basis w.e.f. 29/5/2008.

By order of  
Senior Member,  
Board of Revenue Khyber Pakhtunkhwa

No. 16355-60 /Admn:V/PF(F).

Copy forwarded to the:-

1. District Officer (R&E)/Collector, D.I.Khan.
2. District Accounts Officer, D.I.Khan.
3. Registrar Khyber Pakhtunkhwa Service Tribunal.
4. Officials concerned.
5. Office Order File.
6. Personal File.

  
Assistant Secretary (Estt.),  
Board of Revenue Khyber Pakhtunkhwa

**ATTESTED**  


D - 14

BEFORE THE SENIOR MEMBER BOARD OF REVENUE  
KHYBER PAKHTUNKHWA PESHAWAR.

Subject: Objections to the Tentative Joint Seniority List Prepared on Provincial Basis of Naib Tehsildars (BPS-14) as stood on 31.12.2010 for placement of the name of the appellant above the name of Mr. Abdur Rashid whose name is at serial No. 71 and to reckon the seniority of the appellant w.e.f 29.5.2008.

Respected Sir,

I respectfully submit my objections to the seniority list of Naib Tehsildars BPS-14 circulated vide letter dated 09.07.2011 as follows:-

1. That during the course of my service some of my colleagues were promoted on acting charge basis vide order dated 02.07.2008, I also filed appeal to the then SMBR who accepted my appeal vide order dated 09.10.2009 and I was promoted as Naib Tehsildar BPS-14 on acting charge basis. These orders were acted upon and proper posting of the appellant was issued.
2. That in the meantime vide order dated 8.12.2009 I was reverted to the post of Qanungo, I filed service appeal No. 559/2010 in the Service Tribunal Khyber Pakhtunkhwa Peshawar, similarly in the service appeal the promotion of Mr. Abdur Rashid Naib Tehsildar was also challenged who was promoted on 29.5.2008 as Naib Tehsildar (though he was junior to me). The service appeal was accepted vide judgment and order dated 23.7.2010 and it was directed to take up the seniority of the appellant and Mr. Abdur Rashid and appoint the senior most on regular basis while the other be regularized as and when vacancies are available for them.
3. That accordingly vide order dated 2.9.2010 the judgment of the Service Tribunal was implemented and the appellant was promoted on regular basis as Naib Tehsildar (BPS-14) w.e.f 29.5.2008. (Copy attached)

**ATTESTED**

- 15
4. That now vide letter dated 9.7.2011 tentative seniority list of Naib Tehsildar (B-14) has been circulated and I found my name at S.No.169 of the said list, however my junior namely Abdur Rashid against whom the Service Tribunal has allowed me seniority and promotion was placed at serial No. 71.
  5. That the date for reckoning of my seniority in the cadre of Naib Tehsildar has been mentioned as 2.9.2010, which is infact 29.5.2008, thus my seniority is to be reckoned w.e.f 29.5.2008 i.e the date when I was allowed regular promotion as Naib Tehsildar and the date is liable to correction similarly my name is required to be placed above the name of Abdur Rashid who is at serial No. 71.
  6. That the seniority list prepared is in violation of Section-8 of the NWFP Civil Servant Act read with Rule 17 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 thus liable to be corrected.
  7. That the seniority list is required to be corrected, and my name is to be placed above the name of my erstwhile junior whose name appear at serial No. 71.

It is therefore requested that I may please be given my due seniority in accordance with law and my name may please be placed above serial No. 71 (Abdur Rashid) and my seniority is to be reckoned w.e.f 29.5.2008.

Yours Obediently



Haq Nawaz  
Naib Tehsildar  
Settlement Panyala  
D. I. Khan.

20-07-011

**ATTESTED**

No: 1879 / BC dated D.I.Khan the 25 / 10 / 2012

E- (16)

From: The District Officer Revenue & Estate/ Collector,  
Dera Ismail Khan.  
To: All Tehsildar, s and Naib Tehsildar, s Revenue & Estate  
Department, Dera Ismail Khan.

Subject: FINAL SENIORITY LIST OF NAIB TEHSILDAR (BPS-14)  
IN KHYBER PAKHTUNKHWA AS STOOD ON 31-12-2010.

Memo: A copy of letter No: 4001/05/ Estt-II dated 27-09-2012 along with its  
enclosures received from Assistant to Commissioner Revenue Division, D.I.Khan is sent  
herewith for information as desired.

*[Handwritten Signature]*

District Officer  
Revenue & Estate/ Collector,  
Dera Ismail Khan

No: \_\_\_\_\_ / BC

Copy to the Assistant to Commissioner Revenue, D.I.Khan Division,  
D.I.Khan for information please w/r to above subject.

*[Handwritten Signature]*  
District Officer  
Revenue & Estate/ Collector,  
Dera Ismail Khan

ATTESTED

*[Handwritten Signature]*



OFFICE OF THE  
**COMMISSIONER**

DIKHAN DIVISION DIKHAN  
Fax No. 0966-9280352

17  
100

No. 6001-05 /Estt:-II Dated DIKhan, the 27/9 /2012

To

1. The District Coordination Officer/Political Agent FR DIKhan.
2. The District Coordination Officer/Political Agent FR Tank.
3. The Political Agent, SWA Tank.
4. The District Officer Revenue & Estate/Collector, DIKhan.
5. The District Officer Revenue & Estate/Collector, Tank.

Subject:-

FINAL SENIORITY LIST OF NAIB TEHSILDAR (BPS-14) IN  
KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2010.

Memo:

A copy of Notification No. Estt-V/F.S.L/17736 dated 6.9.2012 along with Final Seniority List of Naib Tehsildars (BPS-14) as stood on 6.9.2012, received from Assistant Secretary (Estt), Board of Revenue, Khyber Pakhtunkhwa Peshawar is sent herewith.

You are requested to please circulate it amongst the all concerned official, working under your jurisdiction, as desired by the Board of Revenue.

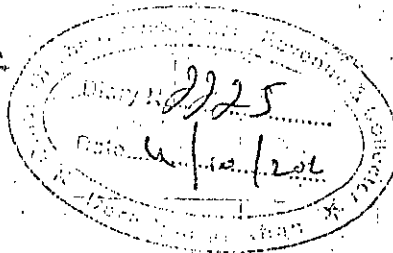
*[Signature]*  
For Commissioner,  
DIKhan Division, DIKhan.

No.      /Estt-II

Copy to the Assistant Secretary, Board of Revenue, Khyber Pakhtunkhwa Peshawar for information with reference to above.

For Commissioner,  
DIKhan Division, DIKhan

*Be*  
*circulate to all*  
*concerned.*  
*4/9*



ATTACHED

*[Signature]*

18

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 10/09/2012

OFFICE ORDER

No. Estt: V/ F.S. I/

In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of regular Naib Tehsildars (BPS - 14) in Khyber Pakhtunkhwa, as stood on 31.12.2010, is hereby published for information of all concerned.

By Order of:  
Senior Member

No. Estt: V/ F.S. I/

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

- 1. All Divisional Commissioners, in Khyber Pakhtunkhwa, *D. S. Khan*
- 2. Office Order File

They are requested to circulate the sam amongst the Naib Tehsildars concern working under their jurisdiction / control

*ACR*

*[Signature]*  
Assistant Secretary (Estt)

*[Signature]*  
*[Signature]*  
18/9

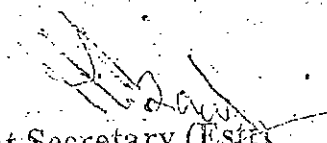
1209  
19/9/12

*H* 2963  
17/07

ATTESTED

*[Signature]*

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH/ DOMICILE	DATE OF 1ST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
167.	Mr. Musadiq Hussain (BA)	27.10.1962 Kohat	15.03.1980	23.07.2010	Promotee	Promoted through Adminis- order of SMBR
168.	Mr. Fazle Rehman (Matric)	10.06.1958 DIKhan		02.09.2010	--do--	--do--
169.	Mr. Haq Nawaz (Matric)	03.07.1960 DIKhan		02.09.2010	--do--	--do--
170.	Mr. Gohar Zaman (FA)	20.04.1965 DIKhan		02.09.2010	--do--	--do--
171.	Mr. Anwar Hussain (FA)	28.03.1972 Kohat		15.10.2010	--do--	--do--
172.	Mr. Ghuncha Gul (C.Com)	24.04.1957 Michan d	22.12.1998	02.11.2010	--do--	--do--
173.	Mr. Abdul Jalil (MA)	15.01.1964 Swat		04.11.2010	--do--	--do--
174.	Muhammad Amin (Matric)	19.06.1957 Swat	06.04.1981	08.11.2010	--do--	--do--
175.	Mr. Kamalistan (Matric)	01.04.1958 Swat	06.04.1981	08.11.2010	--do--	--do--
176.	Mr. Hazrat Yousaf (MA)	06.04.1959 Battagram	01.01.1977	11.11.2010	--do--	--do--

  
 Assistant Secretary (Estt)  
 Board of Revenue Khyber Pakhtunkhwa

29

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
150.	Mr. Sheryar Khan (Matric)	01.10.1961 Mohmand	13.09.1983	25.07.2009	Promotee	Promoted through Administrative order of SMBR
151.	Mr. Hazrat Khan (Matric)	02.02.1956 Mohmand	08.10.1986	10.09.2009	--do--	--do--
152.	Mr. Sardar Yousaf (BA)	15.03.1959 Bajaur	22.02.1978	17.09.2009	--do--	--do--
153.	Mr. Saz Muhammad (FA)	01.02.1961 Bajaur	25.11.1981	17.09.2009	--do--	--do--
154.	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
155.	Mr. Abdul Malik (FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
156.	Mr. Muhammad Saeed	Peshawar		30.09.2009	--do--	--do--
157.	Mr. Riaz-ul-Haq (BA)	11.01.1955 Bajaur	04.07.1987	22.10.2009	--do--	--do--
158.	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	22.10.2009	--do--	--do--
159.	Mr. Umar Said (BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
160.	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
161.	Mr. Asmatullah (BA)	NWA	01.07.1976	22.01.2010	--do--	--do--
162.	Mr. Gul Shehzad	15.06.1986 Peshawar		21.04.2010	--do--	--do--
163.	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	--do--
164.	Mr. Abbas Ali Shah (FA)	06.08.1997 Battagram	14.05.1979	24.06.2010	--do--	--do--
165.	Mr. Dildar Khan (BA)	15.05.1975 Haripur	01.09.2003	25.06.2010	--do--	--do--
166.	Mr. Fazl-e-Hakeem (Matric)	02.09.1953 Swat	09.05.1979	14.07.2010	--do--	--do--

**ATTESTED**



S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
133	Mr. Abdur Rashid (MSc)	05.01.1962 Swabi	28.08.1988	02.05.2009	Promotee	Naib Tehsildar
134	Mr. Ahmad Ali (MA, B.Ed)	17.04.1962 Swabi	28.08.1988	02.05.2009	--do--	--do--
135	Mr. Faramosh (BA)	01.12.1957 Bajaur	26.11.1975	12.05.2009	--do--	Promoted through Administrative order of SMBR
136	Mr. Abdul Hasceb (Matric)	01.09.1962 Bannu	18.02.1977	12.05.2009	--do--	--do--
137	Mr. Shakeel Ahmad MA	03.07.1971 Charsadda	13.09.1992	12.05.2009	--do--	--do--
138	Mr. Gohar Ali (B.A)	31.03.1980 Bannu	29.05.2009	29.05.2009	Direct	Naib Tehsildar
139	Mr. Mehmood Shah (Matric)	01.02.1959 Peshawar	04.10.1977	02.06.2009	Promotee	--do--
140	Mr. Sher Dil (BA)	24.01.1974 Kohistan	10.04.1995	02.06.2009	--do--	--do--
141	Mr. Muhammad Shoaib (BA)	01.01.1968 Kohat	09.12.1990	02.06.2009	--do--	--do--
142	Mr. Muhammad Arshad (BA)	20.01.1967 Kohat	02.09.1984	26.06.2009	--do--	--do--
143	Mr. Zafar Iqbal (B.A. L.L.B)	25.02.1963 Kohat	02.04.1987	02.07.2009	--do--	--do--
144	Mr. Nawab Gul (M.A)	15.11.1966 Kohat	01.01.1995	02.07.2009	--do--	--do--
145	Mr. Umbaras Khan (B.A)	30.06.1975 Mardan	20.08.1988	07.07.2009	--do--	--do--
146	Mr. Shakeel-ul-Rehman	10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	--do--
147	Mr. Sheikh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	--do--
148	Muhammad Aslam Khan (Matric)	08.01.1953 DIKhan	16.07.1983	18.07.2009	--do--	--do--
149	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	--do--	--do--

**ATTESTED**

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF 1ST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
117.	Munammad Salim S/O Muhammad Saddiq (BSC)	03.05.1978 Abbottabad	02.02.2009	02.02.2009	Direct	Naib Tehsildar
118.	Muhammad Sohail S/O Muhammad Ali (BA)	16.11.1979 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
119.	Mr. Sajid Saleem (BA)	01.04.1978 DIKhan	06.11.1996	10.02.2009	Promotee	Promoted through Administrative Order of SMBR
120.	Mr. Adil Waseem (BA)	25.12.1988 Nowshera	27.02.2009	27.02.2009	Direct	Naib Tehsildar
121.	Mr. Tazil-ur-Rehman		14.04.2009	14.04.2009	--do--	--do--
122.	Qazi Muhammad Aslam (Matric)	25.11.1953 Abbottabad	05.07.1980	02.05.2009	Promotee	--do--
123.	Mr. Abdul Qayyum (BA)	24.04.1984 Kollistan	27.12.1993	02.05.2009	--do--	--do--
124.	Mr. Roohul Amin (Matric)	25.10.1966 Kohat	01.04.1985	02.05.2009	--do--	--do--
125.	Mr. Qianees (BA)	14.07.1967 Kohat	01.07.1991	02.05.2009	--do--	--do--
126.	Mr. Khurshid Ali (Matric)	19.01.1959 Malakand	05.12.1991	02.05.2009	--do--	--do--
127.	Mr. Latif-ur-Rehman (Matric)	01.07.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
128.	Mr. Jehan Wali (Matric)	01.02.1957 Shangla	01.03.1978	02.05.2009	--do--	--do--
129.	Mr. Amir Zain (Matric)	06.08.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
130.	Mr. Shah Wazir (Matric)	02.02.1960 Swat	05.04.1981	02.05.2009	--do--	--do--
131.	Mr. Sher Bahadar (BA)	07.04.1965 Tank	10.10.1992	02.05.2009	--do--	--do--
132.	Mr. Shaukat Iqbal (M.A)	2/11/1973 DIKhan	19.10.1992	02.05.2009	--do--	--do--

**ATTESTED**

26

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
104.	Mr. Afiab Ahmad S/O Javed Muhammad (MSc)	08.12.1982 Peshawar	02.02.2009	02.02.2009	Direct	Naib Tehsildar
105.	Mr. Dil Nawaz Khan S/O Akbar Zeb (I.L.E)	22.03.1979 Swabi	02.02.2009	02.02.2009	--do--	--do--
106.	Mr. Kifayat Ullah S/O Haji Akbar (M.A)	09.01.1977 Peshawar	02.02.2009	02.02.2009	--do--	--do--
107.	Mr. Faqir Hussain S/o Muhammad Younis (BA)	10.10.1983 Nowshera	02.02.2009	02.02.2009	--do--	--do--
108.	Mr. Zulfikar Khan S/O Arsala Khan (M.Com)	15.04.1983 Peshawar	02.02.2009	02.02.2009	--do--	--do--
109.	Mr. Waqar Ahmad S/O Muhammad Irfan (M.A)	24.04.1980 Mansehra	02.02.2009	02.02.2009	--do--	--do--
110.	Muhammad Faraz Qurashi S/O Muhammad Riaz Qurashi (MBA)	17.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
111.	Mr. Fazal ur Rehman S/O Habib-ur-Rehman (M.A)	10.07.1973 Haripur	02.02.2009	02.02.2009	--do--	--do--
112.	Mr. Farukh Jadoon S/O Anwar Ahmad Khan (BSc)	04.05.1984 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
113.	Mr. Fayaz Ahmad S/O Pir Khan (M.A)	10.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
114.	Bilal Ahmad S/O Farid-ud-Din (BA. B.Ed)	10.10.1978 Haripur	02.02.2009	02.02.2009	--do--	--do--
115.	Mr. Tanveer Shahzad S/O Muhammad Sahif (M.A)	30.12.1977 Mansehra	02.02.2009	02.02.2009	--do--	--do--
116.	Mr. Ejaz Ahmad S/O Muhammad Riaz (3 - M.A)	15.04.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--

**ATTESTED**

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
92.	Mr. Islahuddin S/O Syed Badshah (BA.LLB)	15.04.1982 Mardan	02.02.2009	02.02.2009	Direct	Naib Tehsildar
93.	Mr. Zahid Younis S/O Muhamamd Younis (M.A)	20.01.1978 Karak	02.02.2009	02.02.2009	--do--	--do--
94.	Mr. Naimat Ullah S/O Khanim Ullah (Double M.A)	26.04.1973 Dir	02.02.2009	02.02.2009	--do--	--do--
95.	Muhammad Riaz S/O Fazal Aziz (LLB)	02.02.1980 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
96.	Muhammad Yar S/O Faqir Gul (MA)	02.02.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
97.	Mr. Sher Ali Khan S/O Sahibzar Gul (M.A)	13.11.1974 Swat	02.02.2009	02.02.2009	--do--	--do--
98.	Mr. Munawar Shah S/O Abdur Rashid (M.A)	12.02.1973 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
99.	Mr. Iftikhar uddin S/O Zewar Din (MSc)	05.08.1973 Charsadda	02.02.2009	02.02.2009	--do--	--do--
100.	Mr. Younis Khan S/O Waqif Khan (M.A)	15.06.1981 Upper Dir	02.02.2009	02.02.2009	--do--	--do--
101.	Mr. Mujahid Ali S/O Khalil-ur-Rehman (M.A)	19.04.1974 Nowshera	02.02.2009	02.02.2009	--do--	--do--
102.	Syed Abdul Akbar Shah S/O Syed Gul Chaman (MSC/M.A)	11.04.1981 Mardan	02.02.2009	02.02.2009	--do--	--do--
103.	Syed Sultan Haider Shah S/O Syed Gulzar Hussain Shah (BA. LLB)	08.12.1972 Peshawar	02.02.2009	02.02.2009	--do--	--do--

**ATTESTED**

24

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
79.	Mr. Irshad Ali S/O Dost Muhammad (MA)	15.03.1978 Mohmand	02.02.2009	02.02.2009	Direct	Naib Tehsildar
80.	Mr. Amir Nawaz S/O Gul Daraz (BSc/MPA)	22.04.1975 DIKhan	02.02.2009	02.02.2009	--do--	--do--
81.	Mr. Shah Wazir S/O Abdul Khan (MSc)	30.03.1980 SWA	02.02.2009	02.02.2009	--do--	--do--
82.	Mr. Sikandar Khan S/O Sar Zamin Khan (M.A)	10.12.1976 Swat	02.02.2009	02.02.2009	--do--	--do--
83.	Mr. Ishtiaq Ahmad Khan S/O Allauddin (M.A)	30.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
84.	Mr. Shamsul Islam S/O Fagir Gul (MA)	10.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
85.	Mr. Allah Noor S/O Hazrat Noor (MA)	11.04.1983 (FR) DIKhan	02.02.2009	02.02.2009	--do--	--do--
86.	Muhammad Tariq Aziz S/O Ayaz Khan (MA)	04.02.1981 NWA	02.02.2009	02.02.2009	--do--	--do--
87.	Muhammad Ilyas S/O Shah Nasim Khan (MSc)	03.03.1975 Swat	02.02.2009	02.02.2009	--do--	--do--
88.	Mr. Yasir Salman Kundi S/O Hamid Khan Kundi (MBA)	03.08.1979 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
89.	Mr. Yadullah Khan Khattak S/O Mohibullah Khattak (MA)	23.05.1979 Mardan	02.02.2009	02.02.2009	--do--	--do--
90.	Mr. Ahmad Hashmi S/O Fazli Rabbi (B.A)	2.04.1983 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
91.	Mr. Amin Ullah Khan S/O Dost Muhammad Khan (BA)	07.06.1977 DIKhan	02.02.2009	02.02.2009	--do--	--do--

*[Handwritten signature]*

**ATTESTED**

*[Handwritten signature]*

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
64.	Mr. Abdur Rasheed (B.Com)	06.02.1952 DIKhan	01.09.1972	08.05.2008	Promotee	Naib Tehsildar
65.	Mr. Naimat Ullah Khan (BA)	11.08.1967 Tank	16.06.1990	08.05.2008	--do--	--do--
66.	Mr. Naik Muhammad (B.A)	04.04.1971 Kohat	26.07.1995	10.05.2008	--do--	--do--
67.	Mr. Amanullah (Matric)	09.06.1956 Tank	09.06.1956	29.05.2008	--do--	Promoted through Administrative Order of SMBR
68.	Mr. Shah Zaman (F.A)	16.07.1958 Tank	03.07.1984	29.05.2008	--do--	--do--
69.	Mr. Abdur Rasheed (Matric)	1958 DIKhan	1987	29.05.2008	--do--	--do--
70.	Muhammad Ali (B.Sc)	04.11.1960 Tank	18.12.1986	29.05.2008	--do--	--do--
71.	Mr. Amir Muhammad (B.A)	06.04.1961 Swabi	28.08.1988	11.08.2008	--do--	Naib Tehsildar
72.	Mr. Maqboolur Rehman (F.A)	02.05.1959 Bannu	07.04.1980	13.01.2009	--do--	Promoted through Administrative Order of SMBR
73.	Mr. Shakir Ullah S/O Khan Mir (MA. MBA)	15.01.1978 Khyber Agency	02.02.2009	02.02.2009	Direct	Naib Tehsildar
74.	Mr. Munir Ahmad S/O Jhangi Khan (MSc)	20.03.1979 SWA	02.02.2009	02.02.2009	--do--	--do--
75.	Mr. Rahamd Ullah khan S/O Ahmad Khan (MSc. Chem)	18.04.1978 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
76.	Mr. Imtiaz Ali Shah S/O Muhammad Ali Shah (MSc)	14.04.1980 Karak	02.02.2009	02.02.2009	--do--	--do--
77.	Mr. Khalid Khan S/O Ifitikhar Hussain (MA)	23.03.1978 Bajuar	02.02.2009	02.02.2009	--do--	--do--
78.	Mr. Fazli Wadood S/O Fazli Mahmood (BA)	04.04.1982 Mohmand	02.02.2009	02.02.2009	--do--	--do--

**ATTESTED**

22

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST- ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT, AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
48.	Mr. Khyzar Hayat (F.A)	01.05.1955 Tank	22.12.1985	01.01.2008	Promotee	Naib Tehsildar
49.	Muhammad Farooq Anwar (Matric)	10.09.1958 Tank	23.12.1985	01.01.2008	--do--	--do--
50.	Mr. Kutab Khan (F.A)	22.05.1956 Tank	02.07.1986	01.01.2008	--do--	--do--
51.	Mr. Ghulam Qasim (FA)	28.08.1958 DIKhan		01.01.2008	--do--	--do--
52.	Mr. Qudrullah (Matric)	20.02.1959 DIKhan	01.09.1977	01.01.2008	--do--	--do--
53.	Mr. Aftab Hussain Shah (B.A)	04.05.1958 DIKhan	13.09.1980	01.01.2008	--do--	--do--
54.	Mr. Sikandar Hayat Shah (Matric)	20.01.1958 Bannu	18.02.1981	05.01.2008	--do--	--do--
55.	Mr. Ghulam Abbas (Matric)	15.02.1958 Lakki Marwat	11.11.1982	05.01.2008	--do--	--do--
56.	Mr. Saleem Asmat (BA)	03.01.1959 DIKhan	27.03.1984	31.03.2008	--do--	Promoted through Administrative Order of SMBR
57.	Mr. Raqibas Khan (FA)	01.09.1956 Bannu	05.03.1982	02.04.2008	--do--	Naib Tehsildar
58.	Mr. Habib Ahmad B.A	04.04.1955 Swat	06.04.1981	02.04.2008	--do--	--do--
59.	Mr. Himayat Ullah Qureshi (B.A)	06.11.1958 Tank	10.01.1978	02.04.2008	--do--	--do--
60.	Mr. Abdullah Jan (FA)	17.10.1958 Charsadda	01.09.1977	08.05.2008	--do--	--do--
61.	Mr. Miraj Muhammad (F.A)	30.09.1958 Charsadda	31.05.1975	12.05.2008	--do--	--do--
62.	Mr. Nazir Ahmad (Matric)	12.03.1954 Mansehra	18.08.1979	08.05.2008	--do--	--do--
63.	Mr. Muhammiad Ziafat (F.A)	12.02.1955 Abbottabad	06.10.1976	08.05.2008	--do--	--do--

*[Handwritten Signature]*

**ATTESTED**

*[Handwritten Signature]*

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
32.	Mr. Ghulam Sarwar (Matric)	01.03.1955 Shangla	01.03.1978	20.07.2007	Promotee	Naib Tehsildar
33.	Mr. Farzand Ali (Matric)	03.05.1954 Swat	19.05.1976	20.07.2007	--do--	--do--
34.	Mr. Muqarab Khan (F.A.)	01.03.1953 Buner	13.08.1975	20.07.2007	--do--	--do--
35.	Mr. Said Rahim (Matric)	15.04.1957 Swat	04.09.1976	20.07.2007	--do--	--do--
36.	Mr. Fazli Raziq (B.Com)	01.05.1955 Swat	06.04.1981	20.07.2007	--do--	--do--
37.	Mr. Shah Nawaz (B.A)	01.10.1959 Lakki Marwat	11.11.1978	26.07.2007	--do--	--do--
38.	Mr. Asmat Ullah (Matric)	15.03.1959 Lakki Marwat	28.04.1982	26.07.2007	--do--	--do--
39.	S. Mazhar Hussain Shah (F.A)	07.07.1956 DIKhan	10.005.1976	26.07.2007	--do--	--do--
40.	Mr. Hussain Bakhsh (Matric)	13.04.1956 DIKhan	01.09.1976	26.07.2007	--do--	--do--
41.	Mr. Abdur Rashid (F.A)	01.09.1955 Tank	01.07.1984	26.07.2007	--do--	--do--
42.	Mr. Fateh Ullah (F.A)	10.10.1958 Tank	01.07.1984	26.07.2007	--do--	--do--
43.	Muhammad Akram (Matric)	03.10.1959 Tank	01.12.1983	26.07.2007	--do--	--do--
44.	Mr. Mufazim Hussain (Matric)	01.01.19657 Tank	05.07.1984	26.07.2007	--do--	--do--
45.	Muhammad Israr (B.A)	19.05.1959 Bannu	18.07.1985	26.07.2007	--do--	--do--
46.	Mr. Afzal Khan (F.A)	15.03.1959 Swat	05.04.1981	01.09.2007	--do--	--do--
47.	Mr. Anwar ul Haq (B.A)	01.02.1959 Swat	05.04.1981	31.12.2007	--do--	--do--

Priority List of Naib Tehsildar

**ATTESTED**



20

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
						Appointed as Tehsildar on Acting Charge Basis
15.	Mr. Akbar Iftikhar Ahmad (B.A) LLB	29.03.1977 Hangu	24.11.2005	24.11.2005	Direct	--do--
16.	Mr. Qaisar Khan (B.A)	09.04.1975 DIKhan	19.12.2005	19.12.2005	--do--	--do--
17.	Mr. Najib Ullah (BA)	15.02.1969 DIKhan	06.03.19969	27.02.2006	--do--	--do--
18.	Mr. Muhammad Ayub Khan. (B.A)	01.03.1964 Bannu	12.06.2006	12.06.2006	--do--	--do--
19.	Mr. Abdur Rehman Shah (B.A)	15.02.1985 Bannu	23.01.2007	23.01.2007	--do--	--do--
20.	Mr. Sarif Ahmad (Matric)	13.05.1955 Peshawar	28.02.1977	31.05.2007	Promotee	--do--
21.	Mr. Hasham Gul (B.A)	01.01.1955 Peshawar	07.05.1982	31.05.2007	--do--	--do--
22.	Muhammad Riaz (Matric)	22.05.1958 Nowshera	06.08.1978	31.05.2007	--do--	--do--
23.	Mr. Atta Ullah (Matric)	1.04.1956 Charsadda	06.11.1978	31.05.2007	--do--	--do--
24.	Mr. Musadiq Hussain (Matric)	21.08.1955 Hangu	12.05.1973	31.05.2007	--do--	--do--
25.	Mr. Abdul Qayyum (Matric)	03.01.1954 Kohat	23.06.1970	31.05.2007	--do--	--do--
26.	Muhammad Nawaz (F.A)	30.03.1957 Mardan	20.05.1976	31.05.2007	--do--	--do--
27.	Mr. Mir Laiq (F.A)	27.04.1963 Mardan	08.03.1983	31.05.2007	--do--	--do--
28.	Mr. Nouman Ali Shah BCS(Hons)	17.09.1984 Bannu	06.07.2007	06.07.2007	Direct	--do--
29.	Muhammad Bashir (F.A)	10.12.1956 Haripur	01.11.1976	20.07.2007	Promotee	--do--
30.	Mr. Hidayat Ullah (B.A)	28.04.1962 Malakand	13.03.1991	20.07.2007	--do--	Naib Tehsildar
31.	Mr. Iftikhar Ahmad (Matric)	02.04.1954 Mansehra	15.07.1979	20.07.2007	--do--	--do--

**ATTESTED**

19

**FINAL SENIORITY LIST OF NAIB TEHSILDARS (BS-14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2010**

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
1.	Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Appointed as Tehsildar on Acting Charge Basis
2.	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	--do--	--do--
3.	Mr. Mian Samiullah Jan BA	17.10.1953 Charsadda	19.03.1982	12.10.2002	--do--	--do--
4.	Mr. Ghani Khan B.A	02.02.1952 Charsadda	1979	12.10.2002	--do--	--do--
5.	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	--do--	--do--
6.	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	--do--	Naib Tehsildar
7.	Mr. Shamas Gul B.A	1952 NW Agency	1973	09.05.2003	--do--	--do--
8.	Mr. Javed Hussain (Matric)	13.06.1952 Haripur	27.05.1977	30.06.2003	--do--	Appointed as Tehsildar on Acting Charge Basis
9.	Mr. S. Asghar Shah (Matric)	25.12.1959 Haripur	25.05.1981	30.06.2003	--do--	--do--
10.	Mr. Ali Sher Khan B.A LLB	15.02.1978 Peshawar	14.02.2004	14.02.2004	Direct	--do--
11.	Mr. Tariq Saleem B.A	14.08.1971 Tank	14.02.2004	14.02.2004	--do--	--do--
12.	Mr. Abdul Ghaffar B.A	15.12.1974 Tank	14.02.2004	14.02.2004	--do--	--do--
13.	Mr. Said Rehman (Matric)	30.10.1958 Mardan	01.10.1980	22.11.2004	Promotee	--do--
14.	Mr. Kiramat Ullah Kundi (B.A)	03.03.1974 Tank	29.11.2004	29.11.2004	Direct	--do--

**ATTESTED**

F--(30)

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

**REVIEW PETITION NO. \_\_\_\_\_/2012**

Mr. Haq Nawaz, Naib Tehsildar (BPS-14),  
Settlement Panyala, District D.I Khan ..... **PETITIONER**

**VERSUS**

The Board of Revenue KPK Peshawar ..... **RESPONDENT**

**REVIEW PETITION AGAINST THE FINAL  
SENIORITY LIST DATED 31.12.2010 ISSUED  
ON 5.10.2012 COMMUNICATED TO THE  
PETITIONER ON 14.10.2012 WHEREBY THE  
PETITIONER HAS BEEN PLACED WRONGLY  
AND ILLEGALLY AT SERIAL NO.169 ISTEAD  
OF ABOVE THE NAME OF ABDUR RASHID (i.e  
SERIAL NO.71)**

**PRAYER:** That on acceptance of this Review petition the seniority list dated 31.12.2010 may be corrected by placing the petitioner above at serial NO.71 (Abdur Rashid). Any other remedy which this august Court deems fit that may also be awarded in favor of the petitioner.

**R.SHEWETH:**

- 1- That the petitioner was initially appointed as patwari in the Revenue Department and later on was promoted to the post of Kanungo (BPS-09) vide dated 15.1.2008 on the basis of seniority cum fitness. Copy of the promotion order is attached as annexure ..... A.
- 2- That during service petitioner passed Naib Tehsildari examination and later on the petitioner was promoted to the post of Naib Tehsildar (BPS-14) on acting charge basis on the recommendations of the Departmental selection Committee vide order dated 2.7.2008.

**ATTESTED**

- 3- That while working as Naib Tehsildar an order dated 8.12.2009 was issued due to which the petitioner was reverted to the post of Kanungo from N.T without any plausible reason and justification. That one namely Rashid who was junior to the petitioner was regularized

123  
4/

the post of Naib Tehsildar while the petitioner has been reverted to the post of Kanungo illegally.

- 4- That feeling aggrieved petitioner filed Departmental appeal and then knocked the door of the honorable service tribunal Peshawar. That the said service appeal was decided in favor of the petitioner and subsequently vide order dated 2.9.2010 the service of the petitioner has been regularized on the post of Naib Tehsildar (BPS-14) w.e.from 29.5.2008. Copies of the judgment and order are attached as annexure ..... B and C.
- 5- That in the year 2010 a tentative seniority list was issued due to which the seniority of the petitioner has been placed below the name of Abdur Rashid who was much more junior to petitioner. That petitioner filed review against the said seniority list but inspite of that the said seniority list has been declared final by your good self issued on 5.10.2012 communicated to the petitioner on 14.10.2012. Copies of the review and seniority list are attached as annexure ..... D and E.
- 6- That having no other remedy petitioner filed this review petition on the following grounds amongst the others.

**GROUND:**

- A- That the impugned seniority list dated 31.12.2010 is against the law, facts, natural justice and materials on the record therefore not tenable and liable to be set aside.
- B- That as evident from the aforesaid record and orders the services of the petitioner were regularized by vide order dated 29.5.2008 but the impugned seniority list issued on 5.10.2012 communicated to the petitioner on 14.10.2012 is against the spirit of the aforesaid order and judgment of the Honorable service Tribunal dated 23.7.2010.
- C- That petitioner has not been treated in accordance with law and rules on the subject noted above and as such Article 4 and 25 of the Constitution of Pakistan 1973 has been violated.
- D- That petitioner has been highly discriminated and not been treated in accordance with law and rules.

**ATTESTED**

E- That petitioner seeks the permission of this august court to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the review petition of the petitioner may be accepted as prayed for.

PETITIONER

*Haq Nawaz*

HAQ NAWAZ

THROUGH:

*Noor Mohammad Khattak*

NOOR MOHAMMAD KHATTAK  
ADVOCATE

ATTESTED

*12/9*

**VAKALATNAMA**

IN THE COURT OF KPK Service Tribunal Peshawar  
\_\_\_\_\_ OF 2013

Hay Nawaz

(Appellant)  
(Plaintiff)  
(Petitioner)

VERSUS

Revenue department

(Respondent)  
(Defendant)

I/We Hay Nawaz

Do hereby appoint and constitute NOOR MOHAMMAD KHATTAK, Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate counsel on my/our cost. I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 12 / 3 / 2013.



CLIENT

  
ACCEPTED

NOOR MOHAMMAD KHATTAK  
(ADVOCATE)

**OFFICE:**

Room No.1, Upper Floor,  
Isiamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

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

Departmental Appeals No....	174, 175 & 176/2012
Date of Institution ...	14.11.2012
Date of Decision ...	16.01.2013

Gohar Zaman, Fazal Rehman & Haq Nawaz..... (Appellants)

**VERSUS**

Board of Revenue, Khyber Pakhtunkhwa ..... (Respondent)

**DEPARTMENTAL APPEAL / REPRESENTATION AGAINST FINAL  
SENIORITY LIST OF NAIB TEHSILDARS FOR THE YEAR 2010**

Facts of the case are that the above named Kanungos of DIKhan Division were appointed as Naib Tehsildars by Board of Revenue vide order No. 1774-83/Admn:V. dated 02.07.2008 through Departmental Promotion Committee meeting on Acting Charge Basis. It is pointed out that M/S Gohar Zaman, Fazal Rehman, Haq Nawaz were reverted by Commissioner, DIKhan Division on 08.12.2009.

M/S Gohar Zaman etc filed appeals against their reversion order which was rejected by the Senior Member Board of Revenue. Aggrieved by the said order they filed appeals before the Service Tribunal which were accepted to the extent that senior most be appointed on regular basis and the others be regularized on the availability of vacancies. In pursuance of the Service Tribunal order dated 23.07.2010, they were promoted as Naib Tehsildars on regular basis on 02.09.2010 through Administrative order of the then Senior Member, Board of Revenue without holding DPC meeting.

They filed review petitions against the final seniority list of Naib Tehsildars for the year 2010 with the prayer that the seniority list issued on 05.03.2012 be corrected and they may be placed senior to Mr. Abdur Rashid appearing at S. No. 69. According to the 2008 seniority list of Kanungos of DIKhan Division, the official appears at S. No. 15, 17, 22 & 23. Comments received from Assistant Secretary (Estt), Board of Revenue is also perused.

Under Section 3(4) of the Civil Servants Act, 1973, seniority in a post, service or cadre to which a Civil Servant is promoted shall take effect from the date of regular appointment to the post. Petition / request for assigning seniority w.e.f 29.05.2008 can not be acceded to. Appeals are accordingly rejected.

**ANNOUNCED**  
16.01.2013

*(Signature)*  
**(FAZAL REHMAN)**  
SENIOR MEMBER  
BOARD OF REVENUE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeals No: 567 of 2013

Haq Nawaz, Naib Tehsildar..... Appellant

VERSUS

Revenue Department Khyber Pakhtunkhwa and others..... Respondents

COMMENTS ON BEHALF OF RESPONDENTS NO.1&2

PRELIMINARY OBJECTIONS.

1. The appeal is badly time barred.
2. The appellant has filed the instant appeal without having recourse to the departmental appellate authority, therefore the appeal is not maintainable and liable to be dismissed.
3. The appellant has no locus standi to bring the present Service Appeal.
4. The appellant is estopped by his conduct to bring the present Service Appeal.

RESPECTFULLY SHEWETH

ON FACTS

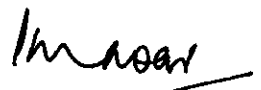
1. Para No. 1 pertains to record and thus needs no comments.
2. Correct to the extent that the official was appointed as Naib Tehsildar on (Acting Charge Basis) on 02.07.2008.
3. Correct to the extent that on arrival of fresh appointees from Public Service Commission, the official was reverted to his original post.
4. Correct to the extent that the Hon'able Service Tribunal has ordered that official respondent appoint the senior most amongst the petitioners before it on regular basis as Naib Tehsildar while the others may be regularized as and when vacancies are available. But they shall remain as Naib Tehsildar for the period for their promotion is permissible under the law either on Current Charge Basis or on acting charge basis. The then Senior Member, Board of Revenue, considered and implemented the Judgment of Service Tribunal and issued an administrative order without holding Departmental Promotion Committee and regularized their services as Naib Tehsilda (the judgment/ order is annexed-A):
5. The name of the appellant and respondent No.3 have been included in the Seniority List of Naib Tehsildars on the basis of their promotion through Administrative Orders which are under review in the Department and an enquiry is also under process in National Accountability Bureau (Annexure-B).

6. Incorrect.

ON GROUNDS.

- A. Incorrect. The Seniority List was issued according to Law/Rules.
- B. Incorrect. His services were regularized through Administrative order without adopting proper procedure i.e holding of Departmental Promotion Committee which is the proper forum for promotion under Section - 5 of the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules 1989.
- C. Incorrect. The appellant has been treated according to the law and rules.
- D. Incorrect. No discrimination has been done as Administrative promotion order has no legal footing.
- E. Incorrect. Promotion is always made with immediate effect, and not with retrospective effect.

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



Respondent No.1&2



BEFORE THE K.P.K SERVICE TRIBUNAL PESHAWAR

Appeal No. 559/2010

Date of institution - 06.03.2010

Date of decision - 23.07.2010



Fazalul Rehman, Naib Tehsildar Daraban Kalan, D.I.Khan,..... (Appellant)

VERSUS

1. SMBR, NWFP, Peshawar.
2. Commissioner D.I.Khan Division D.I.Khan
3. D.O (R & E) D.I.Khan.
4. Abdur Rashid, Naib Tehsildar, now Sub Registrar, Tehsil Office, D.I.Khan —  
..... (Respondents)

Appeal against the order dated 8.12.2009 whereby the appellant has been reverted from the post of Naib Tehsildar (BPS-14) and posted as Kanungo (BPS-9).

M/S Ijaz Anwar &  
Noor Muhammad Khattak, Advocates ..... For Appellant  
Mr. Tahir Iqbal, A.G.P ..... For Respondent 1-3.  
Mr. M. Asif Yousafzai, Advocate..... For Respondent No. 4.

MR ABDUL JALIL ..... MEMBER  
MR. NOOR ALI KHAN..... MEMBER

JUDGMENT

ABDUL JALIL, MEMBER :- This appeal has been filed by the appellant against the order dated 8.12.2009 whereby he was reverted from the post of Naib Tehsildar (BPS-14) and posted as Kanungo (BPS-9).

2. Brief facts of the case are that the appellant was initially appointed as Patwari. He was promoted as Kanungo on 15.1.2007. He qualified Naib Tehsildari departmental examination. On the recommendation of Departmental Promotion Committee he was promoted as Naib Tehsildar on acting charge basis by the competent authority (SMBR). He was senior amongst his colleagues. He was senior to Respondent No. 4 (Abdur Rashid Khan). The appellant's promotion was withdrawn without hearing him or to issue show cause notice as such he was condemned unheard. The appellant was

promoted on acting charge basis in view of his eligibility and availability of vacancy of Naib Tehsildar. Respondent No. 4 who was junior to the appellant and was promoted on acting charge basis was regularized while the appellant was reverted.

3. Arguments heard and file perused.
4. The learned counsel for the appellant argued that the appellant was eligible for promotion. He was promoted on acting charge basis. Respondent No. 4 being junior to the appellant was also promoted on acting charge basis, but his services were regularized while the appellant was reverted. He referred this Tribunal judgment dated 19.5.2008, the relevant part of which is reproduced below :-

15. The dispute, therefore, between the parties is not that whether Javed Khan was fit for promotion as Naib Tehsildar or to hold the post of Naib Tehsildar. The dispute was that whether Javed Khan could be appointed on regular basis in preference to both the appellants. As both the appellants are senior to Javed Khan (Respondent No. 2), the officially respondents were legally bound to consider the seniority of the appellants versus Respondents No. 2 and 5 and to appoint the senior most amongst them on regular basis, while the others were to be appointed either on acting charge basis or, as the case might be, on temporary basis till the arrival of recommendees of the NWFP Public Service Commission, or till a regular vacancy was, turn by turn, available for them.

16. In the light of the above, we partially accept both the appeals to the extent that the official respondents shall take up the exercise to consider the seniority of the appellants and respondents No. 2 and 5, and appoint the senior most amongst them on regular basis as Naib Tehsildar, while the others may be regularized as Naib Tehsildars as and when vacancies are available for them. But they shall remain as Naib Tehsildars for the periods for which their promotion as Naib Tehsildar is permissible under the law, either on current charge basis or on acting charge basis. In view of the complicated nature of the case, we leave the parties to bear their own costs."

5. The A.G.P argued that the appellant is basically Field Kanungo and was promoted as Naib Tehsildar on acting charge basis through D.P.C. The Commissioner is fully empowered of the service matters of Naib Tehsildar, therefore, he reverted the appellant from the post of Naib Tehsildar. He referred Notification dated 12.12.2009 issued by the Establishment Department which says that the Divisional Commissioner is empowered to deal with the service matters of Naib Tehsildars. The appellant was

3

3

16 promoted on acting charge basis. It was a temporary promotion and when the recommendees of the Public Service Commission submitted their arrival reports, as a result the appellant was reverted to his original post to accommodate the recommendees of Public Service Commission. The nominees of the Public Service Commission have superior rights than the officials who were working on acting charge basis. He also contended that under the Provision of Section (9) of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 clearly envisages in Sub Section 6 that acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

6 He also argued that promotee Naib Tehsildars are in excess in the Division as per detail provided by the Commissioner office.

7 In the light of the above referred judgment, the official respondents shall take up the seniority of appellant and Respondent No. 4 and appoint senior most among them on regular basis as Naib Tehsildar while the other may be regularized as Naib Tehsildar as and when vacancies are available for them. But they shall remain as Naib Tehsildars for the period for which their promotion is permissible under the law either on current charge basis or on acting charge basis.

8 This judgment will also dispose of the other connected appeals bearing Nos. 560/2010 by Gohar Zaman and 568/2010 by Haq Nawaz, involving common question of law, in the same manner.

No order as to costs. File be consigned to the record.

ANNOUNCED.  
23.07.2010.

(NOOR ALI KHAN)  
MEMBER.

  
(ABDUL JALIL)  
MEMBER.

Date of Presentation of Application 26.7.10  
Number of Vols. Two  
Copying Fee 8  
Urgent —  
Total 8  
Name of Copyist —————  
Date of Completion of Copy 9-8-10  
Date of Delivery of Copy 5-8-10


copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

SUBJECT: REVIEW OF ILLEGAL PROMOTIONS AS TEHSILDARS / NAIB  
TEHSILDARS

During processing of departmental representations it has been detected that following officials managed to get their appointment to posts of Tehsildars / Naib Tehsildars regularized through administrative orders that have been made contrary to the law and rules governing promotions. I am directed to forward you the list of such officials with a copy of the order through which service was regularized, with the request to summon the official before the Senior Member Board of Revenue to explain why the orders should not be rescinded.

Periodic progress and action taken in each individual case be provided to this section for taking / updating service record.

  
Assistant Secretary (Estt)

Dated 09/3/2011

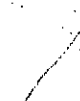
U.O No. Estt. 7/11/11

Reader to Senior Member Board of Revenue

U.O No. Estt-I

Dated \_\_\_\_\_

Copy forwarded for information of Secretary - I Board of Revenue.

  
Assistant Secretary (Estt)

LIST OF THOSE OFFICIALS WHO WERE PROMOTED THROUGH ADMINISTRATIVE  
ORDER OF SENIOR MEMBER, BOARD OF REVENUE.

S. No.	Division	Name of Officer / Official	Present posting
	<b>DIKhan</b>		
1.		Saleem Asmat	Naib Tehsildar, Hangu
2.		Shah Zaman	Political Naib Tehsildar, SW Agency
3.		Mohammad Ayub	Political Naib Tehsildar, SW Agency
4.		Amanullah	Political Naib Tehsildar, Sarwakai SW Agency
5.		Fazal Rehman	Naib Tehsildar
6.		Gohar Zaman	HCR, Karak.
7.		Haq Nawaz	Naib Tehsildar, Settlement Panjala
8.		Abdul Jalil	Political Naib Tehsildar, FR DIKhan.
9.		Sajid Saleem	Naib Tehsildar, Darzand, DIKhan
10.		Abdur Rasheed	Naib Tehsildar Paroha DIKhan.
	<b>Bannu</b>		
1.		Faizullah	District Kanungo.
2.		Mohammad Alam	Waiting for posting in Board of Revenue. (NT)
3.		Haq Dad Khan	Naib Tehsildar, Bannu
4.		Mohammad Iqbal	HCR, Lakki Marwat.
5.		Inayatullah	Naib Tehsildar, Naurang
6.		Asmatullah	HCR, Bannu.
7.		Maqbol ur Rehman	Naib Tehsildar, FR Bannu.
8.		Ikramullah	Senior Scale Stenographer in the office of Commissioner, Bannu.
	<b>Kohat</b>		
1.		Anwar Hussain	Waiting for posting in Board of Revenue. (NT)
2.		Musdiq Hussain	District Kanungo, Kohat.
3.		Mohammad Arif	Naib Tehsildar, Karak.
	<b>Peshawar</b>		
1.		Hazrat Khan	WAPDA, Pesco Khyber Circle.
2.		Shehr yar Khan	Naib Tehsildar, Passport Landi Kotal
3.		Ghuncha Gul	WAPDA, Peshawar Circle.
4.		Shakeel Ahmad	Naib Tehsildar, Malgori
5.		Mohammad Saeed	Naib Tehsildar, Irrigation Peshawar.
6.		Gul Shehzad	Naib Tehsildar, PDA.
	<b>Mardan</b>		
1.		Fazal Hakeem	Naib Tehsildar, Topi, Swabi
2.		Umar Said	Waiting for posting in Board of Revenue. (NT)
	<b>Hazara</b>		
1.		Hazrat Yousaf	District Revenue Accountant, Battagram.
2.		Abbas Ali Shah	HCR, Manshura.
3.		Dildar Khan	Naib Tehsildar, Land Acquisition, Chitral.
4.		Mohammad Javed	Tehsildar, Mastuj
	<b>Matakand</b>		
1.		Kamalistan	Naib Tehsildar, Judicial Swat.
2.		Mohammad Amin	Naib Tehsildar, Lower Dir.
3.		Ghulam Saeedullah	District Revenue Accountant, Dir Upper.
4.		Abdul Malik	Tehsildar, Bisd.
5.		Sardar Yousaf	Naib Tehsildar, Dargai
6.		Saz Mohammad	Naib Tehsildar, Charnang, Bajour Agency.
7.		Abdul Haseeb	Tehsildar, Barawal
8.		Faramoush	Tehsildar, Batkhela
9.		Jehan Zeb	Naib Tehsildar, Utroankhel
10.		Ibrar Ahmad	Naib Tehsildar, Kalam.
11.		Abdul Latif	Tehsildar, Totali
12.		Qasir Khan	Tehsildar, Gaggra
13.		Raiz-ul-Haq	Reader to Member Board of Revenue.

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

Service Appeal No.567 of 2013

Haq Nawaz Naib Tehsildar.....Appellant

VERSUS

Revenue Department Khyber Pakhtunkhwa and others.....Respondents

**COMMENTS ON HEHALF OF RESPONDENTS NO.3**

**PRELIMINARY OBJECTION.**

1. The appeal is badly time barred.
2. The appellant has filed the instant appeal without having recourse to the departmental appellate authority, therefore, the appeal is not maintainable and liable to be dismissed.
3. The appellant has no locus standi to bring the present Service Appeal.
4. The appellant is estopped by his conduct to bring the present service appeal.



**RESPECTFULLY SHEWETH**

1. Para No.1 pertains to record and thus needs no comments.
2. Relates to Respondent No.2.
3. As above.
4. As above.
5. As above.
6. No Comments.
7. No Comments

**ON GROUNDS.**

- A. The preparation of Seniority List of Naib Tehsildar relates to the office of Respondent No.2, hence no comments.
- B. Relates to Respondent No.2.
- C. No Comments.
- D. Not admitted.
- E. No Comments.

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

  
Commissioner,  
DIKhan Division, DIKhan.  
 (Respondent No.3).