

25.01.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant stated that the grievance of the appellant has been redressed and sought withdrawal of the present service appeal. Consequently the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.


Member



Member

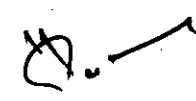
ANNOUNCED.

25.01.2019

06.09.2018

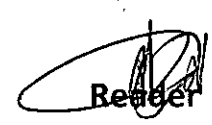
Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Atta Ullah Assistant Secretary for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 24.10.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

24.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 12.12.2018.


Reader


12.12.2018

Nemo for appellant. Mr. Muhammad Riaz Painsa Khel, Asstt. A.G for the respondents present.


On the last date the matter was adjourned through a Reader note on account of the Tribunal being incomplete.

Adjourned to 25.01.2019 for hearing before the D.B. Fresh notices be issued to appellant/counsel.


Member



Chairman


Noted for 25/01/19

Counsel: 
21/01/2019

03.01.2018

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for official respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 01.03.2018 before D.B.


(Ahmad Hassan)
Member(E)


(M. Amin Khan Kundi)
Member (J)

22.02.2018

Due to none availability of D.B the case is adjourned. To come up on ~~03.05~~ 2018 before D.B


Member


03.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for same on 16.07.2018 before D.B


Reader

16.07.2018

Clerk to counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 06.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

18.09.2017

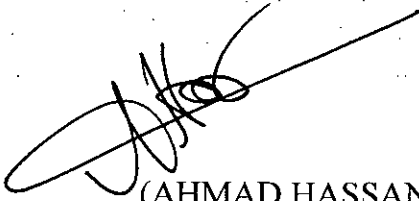
Agent to counsel for the appellant present. Learned Additional Advocate General for the respondents present. Agent to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 03.10.2017 before D.B.


Member
(Executive)


Member
(Judicial)

03.10.2017

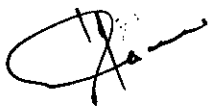
Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Mukhtiar Ali, Supdt for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 14.11.2017.



(AHMAD HASSAN)
MEMBER


(MUHAMMAD HAMID MUGHAL)
MEMBER

14.11.2018

Counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 03.01.2018 before D.B.


Gul Zeb Khan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

22.09.2016

Counsel for the appellant and Mr. Attaullah, Assistant Director alongwith Addl. AG for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 26-1-17.


Member


Member




26.01.2017

None present on behalf of the appellant. Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Jan, GP for respondents present. notices be issued to the appellant and his counsel. To come up for arguments on 26.05.2017.

Noted for 26/5/17



(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

26.05.2017

Counsel for the appellant present. Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Adeel Butt, Additional AG for official respondent No. 1 also preset. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 18.09.2017 before D.B.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

26.10.2015

Counsel for the appellant and Assistant A.G for official respondent No. 1 present. None present on behalf of private respondents No. 2 and 3. Proceeded ex-parte. Assistant AG requested for adjournment on behalf of official respondent No. 1. To come up for written reply/comments on behalf of official respondent No. 1 on 26.01.2016 before S.B.


Chairman

26.1.2016

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl: A.G for respondents present. Para-wise comments submitted by respondent No. 1. The appeal is assigned to D.B for rejoinder and final hearing for 10.5.2016.


Chairman

10.5.2016

Counsel for the appellant, Mr. Muhammad Jan, GP for official respondent No.1 and private respondent No.2 in person present. Private respondent No.2 submitted an application for setting aside ex-parte proceedings alongwith Wakalat Nama which is placed on file. Learned counsel for the appellant has no objection on setting aside of the ex-parte proceedings against private respondent No.2. Hence application is accepted. Rejoinder on behalf of the appellant also submitted, copy of which is placed on file. To come up for written reply of private respondent No.2 and arguments on 22.09.2016.


Member


Member

Appellant Deposited
Security & Process Fee



Counsel for the appellant and Assistant A.G for respondents present. Learned counsel for the appellant argued that the appellant is Senior to private respondent No. 3 Mr. Dildar Khan. That the appellant as well as the said private respondent No. 3 performing duties as Naib Tehsildars on officiating basis. That the appellant as well as the said private respondent preferred departmental appeals for regular promotion which were accepted but despite the same appellant reverted to the post of Kanungo (BPS-9). That the appellant preferred departmental appeal against the said reversion on 7.12.2012 which was not responded and hence the instant service appeal on 4.4.2013.

That the appellant being senior to private respondents No. 2 and 3 was entitled to promotion as Naib Tehsildar in preference to the said respondents. That Rule-9 (2) of APT Rules, 1989 stood violated. Also places reliance on the judgment of this Tribunal passed in appeal No. 559/2010 decided on 23.7.2010 titled Fazal-ur-Rehman VS SMBR etc.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for 12.8.2015 before S.B.


Chairman

12.08.2015


Agent of counsel for the appellant, Mr. Mukhtiar Ali, Supdt. for respondent No. 1 alongwith Assistant A.G and counsel for private respondent No. 3 present. Wakalat Nama for respondent No. 2 also placed on file. Requested for adjournment. To come up for written reply/comments on 26.10.2015 before S.B.


Chairman

15.

22.01.2015


Counsel for the appellant and Mr. Kabirullah Khattak, Asst. Advocate for the respondents present. The learned AAG requested for time to contact the respondents for submission of seniority list of the appellant. To come up for preliminary hearing on 04.03.2015.


Member

16.

04.03.2015


Counsel for the appellant and Asst. AG for the respondents present. Counsel for the appellant requested for adjournment. Adjourned to 23.04.2015 for preliminary hearing before S.B.


Member

17.

23.04.2015

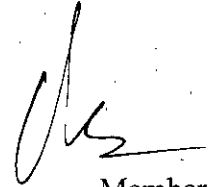
Agent of counsel for the appellant and Asstt. AG for the respondents present. Agent of counsel for the appellant seeks adjournment. Adjourned for preliminary hearing to 15.05.2015 before S.B.


Member

12.

23.07.2014

Clerk of counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 26.09.2014.



Member

13.

26.09.2014

Counsel for the appellant and Muhammad Mukhtiar, Supdt for official respondent No.1 with Mr. Ziaullah, GP present. Representative of the official respondent filed copy of regularization order dated 21.04.2010 of Mr. Gul Shehzad (private respondent No.2) as Naib Tehsildar(BPS-14), copy whereof is handed over to the learned counsel for the appellant. To come up for further preliminary hearing on 02.12.2014.



Member

14.

Reader Note:

02.12.2014

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Asst: AG for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned to 22.01.2015 for the same.



Reader

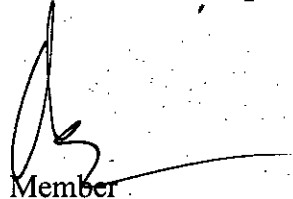
8.
12.02.2014

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 26.03.2014.


Member


9.
26.03.2014

Junior to the counsel for the appellant present and requested for adjournment as his counsel was busy in the Peshawar High Court, Peshawar. To come up for preliminary hearing on 14.05.2014.


Member


10.
14.05.2014

Clerk of counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 18.06.2014.


Member

11.
18.06.2014

Junior to counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 23.07.2014.


Member

4.

01.08.2013

Clerk of counsel for the appellant present and requested for adjournment. Case is adjourned. To come for preliminary hearing on 10/10/2013.

Member

5.

10.10.2013

Counsel for the appellant present and requested of adjournment. To come up for preliminary hearing on 19.11.2013.

Member

6.

19.11.2013

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 20.12.2013.

Member

7.

20.12.2013


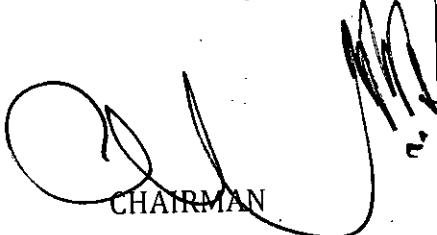

Clerk of counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 12.02.2013.

Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 753/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/04/2013	<p>The appeal of Mr. Siddique Akbar 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.</p> <p style="text-align: right;"> REGISTRAR</p>
2	6-5-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>21-6-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3.	21.6.2013	<p>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 1.8.2013.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Siddique Akbar Kanungo received today i.e. on 04/04/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Page Nos. 5 and 11 to 14 of the appeal are illegible which may be replaced by legible/batter one.

No. 536 /S.T,

Dt. 04/4 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. NOOR MUHAMMAD KHATTAK ADV. PESH.

Note.

*Sir, All objections has been removed
hence resubmitted today dated 24-4-2013.*

97

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 753 /2013

SIDDIQUE AKBAR

VS

SMBR & OTHERS

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE NO.
1-	Memo of appeal	1- 3.
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3-	Appointment order	B	5.
4-	Charge report	C	6.
5-	Seniority list	D	7.
6-	Certificate	E	8.
7-	DPC minutes	F	9- 13.
8-	Relaxation order	G	14.
9-	Promotion order	H	15.
10-	Order	I	16.
11-	Notification	J	17- 19.
12-	Acting charge promotion	K	20.
13-	Judgment	L	21- 22.
14-	Seniority list	M	23- 26.
15-	Departmental appeal	N	27- 29.
16-	Vakalat nama	30.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

MOBILE NO.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO 753 /2013.

682
04-4-2013

Mr. Siddique Akbar, Kanungo (BPS-09),
O/O Deputy Commissioner, Dir Lower.....Appellant

VERSUS

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- (2) Mr. Gul Shehzada, N.T, Board of Revenue Khyber Pakhtunkhwa Peshawar.
- (3) Mr. Dildar Khan, N.T, Board of Revenue Khyber Pakhtunkhwa Peshawar.....Respondents

Ex parte
vide order
sheet dated
26-10-15

APPEAL UNDER ARTICLE 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, FOR THE GRANT OF REGULAR PROMOTION TO THE POST OF NAIB TEHSILDAR (BPS-14) FROM THE DATE WHEN APPELLANT JUNIOR COLLEAGUES WERE PROMOTED WITH ALL CONSEQUENTIAL BENEFITS AND SENIORITY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS

PRAYER:

That on acceptance of this appeal the respondents may very kindly be directed to consider the appellant for regular promotion to the post of Naib Tehsildar (BPS-14) by treating him at par with his junior Colleagues i.e. respondent No.2 and 3 with all consequential benefits and seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R.SHEWETH:

1. That Appellant was initially appointed as patwari in the respondent Department in the year 2007. That then after the Appellant served the respondent Department quite efficiently and upto the entire satisfaction of his superior. (Copies of the Patwar certificate, appointment order and charge report are attached as Annexure **A, B and C**).
2. That the respondent Department issued seniority list of Patwaris of District Dir Lower due to which appellant was placed at serial No.1 and the respondent No.2 was placed at serial No.6 of the said seniority list vide dated

4/4/13

re-submitted to
and filed:

24-4-13

31.12.2008. That after passing the Kanungo examination and proper Departmental Promotion Committee along with relaxation from the competent authority the appellant was promoted to the post of Kanungo (BPS-09) on regular basis vide order dated 14.04.2009. (Copies of the seniority list, Certificate, minutes of DPC, relaxation order and promotion order as are attached as Annexure **D, E, F G and H**).

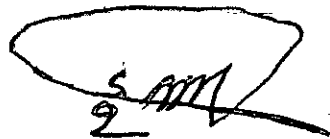
3. That later on vide order dated 29.09.2009 the respondent No.2 was promoted to the post of District Kanungo (BPS-14). That while working as PNT on acting charge basis the Appellant appeared in the Naib Tehsildar examination and remained successful, he was thus eligible for the post of Naib Tehsildar. (Copies of the order and Notification and acting charge promotion are attached as Annexure **I, J and K**).
4. That later on the services of respondent NO.2 and 3 has been regularized on post of Naib Tehsildar. That feeling aggrieved appellant also filed Departmental appeal for regularization of his service as Naib Tehsildar but the same was turned down on no good grounds. That then after the Appellant was reverted to the post of Kanungo (BPS-09) without any reason and justification though respondent No.2 and 3 being much more junior to appellant have been regularized on the post of Naib Tehsildar (BPS-14) being blue eyed chap persons. Copies of the judgment and Seniority list are attached as Annexure **L & M**).
5. That appellant is still working as Kanungo while that of respondent No.2 and 3 being junior to appellant have been regularized on the post of Naib Tehsildar (BPS-14). That having no other remedy appellant filed Departmental appeal but no reply has been received so far. Copy of the Departmental appeal is attached as annexure **N**.
6. Hence the present appeal on the following grounds amongst the others.

GROUND:

- A- That not granting regular promotion to the post of Naib Tehsildar (BPS-14) to the appellant inspite of being senior to respondent No.2 and 3 is against the law, facts and natural justice.

- B- That appellant has highly been discriminated and not treated in accordance with law and rules, he was treated differently amongst his similarly placed colleagues as well as his junior colleagues.
- C- That the appellant has not been dealt 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 it is evident from the record that appellant is senior to respondent No.2 and 3 but inspite of that respondent No.2 and 3 has been regularly promoted to the post of Naib Tehsildar (BPS-14) on regular basis while that of appellant is still working as Kanungo (BPS-09).
- E- That quite illegally the respondent No.2 and 3 who were also promoted on acting charge basis was regularized on the post of Naib Tehsildar while the appellant has been reverted to the post of Kanungo though appellant has prior right of regularization on the post of Naib Tehsildar (BPS-14).
- 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 the appellant may very kindly be accepted as prayed for.



APPELLANT

SIDDIQUE AKBAR

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

سرٹیفکیٹ امتحان پٹوار

A - (4)

تصدیق کی جاتی ہے کہ آئی (پٹوار) ولد محمد اسماعیل نے زیر رول نمبر 197 امتحان پٹوار جو بمقام ریونیو اکیڈمی کرک ماہ جون سال ۲۰۰۶ میں شامل ہوا۔ اس کی تاریخ پیدائش بمطابق سکول سرٹیفکیٹ 1984-2-22 ہے۔ جس کا مضمون دار نتیجہ درج ذیل ہے۔

تفصیل مضامین

نمبر شمار	مضامین	کل نمبر	پاس	نیل	کیفیت
۱	حساب	۳۰	۳۵		
۲	مسات	۳۰	۳۸		
۳	زبانی امتحان مسات	۴۰	۴۲		
۴	دستور العمل کاغذات اراضی وغیرہ	۸۰	۵۴		
۵	دستور العمل کاغذات اراضی وغیرہ کا زبانی امتحان	۴۰	۳۸		
۶	نقoul کاغذات	۱۰۰	۷۰		
۷	کام سروے	۱۰۰	۵۳		
۸	املا مضمون نویسی اور خطاطی	۵۰	۲۵		
۹	قانون شریعت ریشتر	۳۰	۲۳		

دستخط صدر قانوٹکو

دستخط ڈسٹرکٹ آفیسر ریونیو پٹوار پشاور

It is certified that Mr. Saddiq Akbar S/o Shahzad Akbar has passed Patwar School Examination from Patwar Training School at Revenue Academy Karak under Roll No. 197

ATTESTED

دستخط ڈسٹرکٹ آفیسر قانوٹکو (D/K)

3289 LR-I/Di8.
Dated the Peshawar 26/12/2007.

OFFICE ORDER.

This Office issued in respect of Saddiq Akbar s/o Ghulam Akbar, settlement patwari Tehsil Drosh District Chitral against the vacant post of Kanungo District Lower Dir vide Endst: No. 3240-46/LR-I Dir dated 19-12-2009 may be issued Kanungo in District Lower Dir in his own pay & scale.

DIRECTOR
LAND RECORDS, NWFP.

Endst No. 3290-96/LR-I/Dir.

ATTESTED
[Signature]

B-5



3289

LR-J/Dir

26/12/2007

OFFICE ORDER.

This office order issued in respect of Saddiq Akbar s/o Ghulam Akbar, Settlement Patwar, Tehsil Drosh District Chitral against the vacant post of Kantongo in District Lower Dir vide endost No.3240-46/LR-EDir dated, 19/12/2007 may be read as Kantongo in District Lower Dir in his Own Pay & Scale

cell-
DIRECTOR,
LAND RECORDS, NWFP.

Endst: No. 3290-96 LR-EDir.

Copy for information and necessary action is forwarded to the:-

- 1) PS to Senior Member, Board of Revenue, NWFP.
- 2) District Coordination Officer, Lower Dir.
- 3) District Officer, (R&E) Collector, Lower Dir.
- 4) Settlement Officer, Chitral
- 5) District Accounts Officer, Lower Dir
- 6) Official concerned.
- 7) Office order file

[Signature]
DIRECTOR,
LAND RECORDS, NWFP.

Arif

M
26/12

ATTESTED
[Signature]

C-6

CHARGE REPORT.

In compliance with the Director Land Records NWRP office order issued vide dist: No. 3246-46/L.R-I/Dir dated 19/12/2007 and No. 3290-36/L.R-I/Dir dated 26/12/2007, I assumed the charge of the post of Kanungo in the office of District Officer Revenue & Estate Dir Lower today on 27/12/2007 (P.N).

S. Akbar
(SADDIQ AKBAR)
Kanungo, Dir Lower.

OFFICE OF THE DISTRICT OFFICER REVENUE & ESTATE DIR LOWER.
Dated Timargara the 27/12/2007.

No 5147-501

Copy forwarded to:-

- 1) ✓ The Director Land Records, N*FP, Peshawar.
- 2) The District Accounts Officer, Dir Lower.
- 3- Settlement Officer, Chitral.
- 4- The Distt: Accounts Officer Chitral.
for information

[Signature]
District Officer,
Revenue & Estate, Dir Lower.

ATTESTED


[Signature]

D-7

TENTATIVE SENIORITY LIST OF PATWARIS OF THE OFFICE OF DISTRICT OFFICER, REVENUE & ESTATE DIR LOWER AS STOOD ON 31-12-2008.

S.No.	Name & Deisgnation	Date of Birth	Date of first entry into Govt. Service.	Date of Regular appointment in the office of DOR&E Dir Lower as Patwari	Method of Appointment
1.	Mr. Hazrat Hussain Patwari	16-03-1979	31-08-2005	31-8-2005	Direct
2.	Mr. Jamilul Hadi Patwari	04-06-1974	16-01-2007	01-01-2008	Direct
3.	Mr. Sahib Zada Patwari	15-04-1974	01-11-1995	12-06-2007 ✓	Direct
A 4.	Mr. Sadig Albar Patwari	22-02-1984	01-09-2007	27-12-2007	Direct
5.	Mr. Habibur Rehman Patwari	20-05-1968	16-07-2002	12-01-2008	Direct
B 6.	Mr. Gul Shekzad Patwari	05-10-1988	07-07-2008	07-07-2008	Direct

ATTESTED


District Officer,
Revenue & Estate Dir Lower.

E-8



OFFICE OF THE
DIRECTOR LAND RECORDS/INSPECTOR
GENERAL OF REGISTRATION, NWFP.

No. 9072 / LR-I20-DBK
Peshawar dated the... 24/10/2008

CERTIFICATE

It is certified that Mr. Sadiq Akbar s/o Ghulam Akbar Office Kanungo (own pay & scale) of District Lower Dir appeared in the Departmental Examination of Kanungo held in the month of June, 2008 at Abbottabad and passed in all Papers under Registration.No.371 vide Notification: Endost: No: No.8373-8405/LR-1/20-DEK, dated 24/09/2008.

SUPERINTENDENT,
LAND RECORDS, NWFP.
Superintendent
Land Records, N.W.F.P.

ATTESTED

on Fax

F-9

OFFICE OF THE DISTRICT OFFICER, REVENUE AND ESTATE
DIR LOWER AT TIMERGARA.

No. 824 /Acctt.,

Dated Timergara the, 09 /3/2009.

To:

The Secretary,
Board of Revenue NWFP, Peshawar.

Subject:

MEETING OF THE DEPARTMENTAL SELECTION/PROMOTION
COMMITTEE FOR THE PROMOTION OF PATWARIES TO THE POST OF
KANUNGO.

A meeting of the Departmental Selection/Promotion Committee in the subject matter has been scheduled to be held on 19-3-2009 at 10.00 AM in the office of the undersigned to discuss and examine the promotion of patwari to the posts of Kanungo. For the purpose working paper is enclosed herewith.

It is requested that an officer as member of the said committee may kindly deputed to attend the meeting on the date and time fixed i.e. 19-3-2009.


District Officer,
Revenue & Estate Dir Lower.

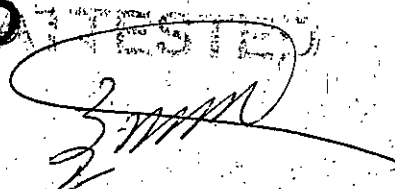
No. _____ /

- Copy alongwith working papers is forwarded to the:-
1. District Coordination Officer, Dir Lower, he is requested to kindly depute an officer of his office to attend the scheduled meeting please.
 2. The Deputy District Officer, Timergara, he is also requested to attend the scheduled meeting in the capacity as member of the committee.

District Officer,
Revenue & Estate Dir Lower.

ATTESTED





PAPER FOR THE DEPARTMENTAL PROMOTION/SELECTION COMMITTEE MEETING FOR THE PROMOTION OF PATWARIS (BS-5) TO THE POST OF KANUNGO (BPS-9) TO BE HELD ON 19-3-2009.

10

There are Three post of Tehsil Office Kanungo (BS-9) and one post of Assistant District Kanungo (BS-9) are laying vacant in the office of District Officer, & Revenue Dir Lower, while one post of Tehsil Office Kanungo (BS-9) has also been vacated due to the posting of Mr. Alam Zeb Tehsil Office Kanungo as Tehsildar, Wari in his own pay and Scale. Thus at present total 4 posts of Tehsil Office Kanungo and one post of Assistant District Kanungo are lying vacant. These posts can be filled by promotion from among the holding of the post of patwaris. The criteria for the post of Kanungo (BS-9) notified by the Govt. of NWFP, Revenue Deptt. Peshawar vide Notification No.27944/Admn.I, dated 27-11-2001, is as under:-

Nomenclature of Post	Qualification for Appointment	Method of recruitment
Kanungo	Passing of Kanungo departmental Examination and successful completion Of such training as may Prescribed by Govt.	By promotion on the basis of seniority cum fitness from among the Partwaris in the District with year services as such.

The Committee constituted for the above purpose by Govt. of NWFP Establishment Deptt. (Regulation Wing) vide No.SOR-V(F&AD)2-7/2007, dated 1-11-2006, received through Board Of Revenue NWFP Peshawar as under:-

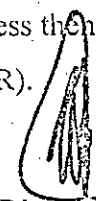
- | | | |
|----|--|-----------|
| 1. | District Officer, Revenue & Estate, Dir Lower. | Chairman. |
| 2. | One member to be nominated by the DCO Dir Lower. | Member. |
| 3. | Deputy District Officer, Timergara. | Member. |
| 4. | One member to nominated by Administration Deptt. | Member. |

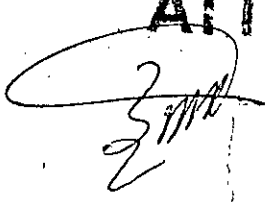
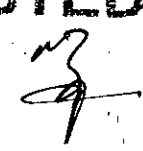
UP DATE SENIORITY POSITION OF THE PROMOTION IN DIR LOWER IS AS UNDER:-

S.No.	Name	Date of Ist appointment with deptt.	Date of appointment in Revenue Deptt. i.e. DOR Dir Lower	Passing of Kanungo Examination	Length of service.
1	Mr. Hazrat Hussain Patwari		31-8-2005	2008	3 years & 5 Months
2	Mr. Jamiul Hadi Patwari	16-1-2007 DOR Office Nowshetra	1-1-2008	-do-	2 years, one month and 15 days
3	Mr. Sahib Zada Patwari	1-11-1995 Edu: Deptt.	16-6-2007	-do-	One year & 8 Months
4	Mr. Sadiq Akbar Patwari	1-9-2007 Settlement Operation Chitral	27-12-2007	-do-	One year, 2 months and 6 days
5	Mr. Habibur Rehman Patwari	16-7-2002 Settlement Operation Chitral	12-1-2008	-do-	One year, one month and 24 days
6	Gul Shehzad Patwari		7-7-2008	-do-	8 months

All the patwaris mentioned above have passed the departmental examination of Kaunugo except Mr. Gul Shehzad at S.No.6. But their services are less then the prescribed period of 5 years, which require relaxation from the competent authority (SMBR).

ATTESTED


 District Officer,
 Revenue & Estate Dir Lower.

MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION AND PROMOTION COMMITTEE (AT DISTRICT LEVEL FOR THE POSTS IN BPS-1 TO 10 IN THE OFFICE OF THE DISTRICT, REVENUE & ESTATE) HOLD ON 19-03-2009 AT 10.00 A.M.

A Meeting of the Departmental Selection/ Promotion Committee of Revenue Department (at District level for the posts in BPS-1 to 10 in the office of District Officer Revenue Dir Lower). The following attended the meeting.

- 1- Mr. Gul Wahid District Officer Revenue & Estate Dir Lower.....Chairman.
- 2- Mr., Fazal Qadar Jan ACO, Dir Lower.....Member.
- 3- Mr. Muhammad Ali Shah TOSD, BOR, NWFP.....Member
- 4- Mr. Tariq Ali, Tehsildar, SamarbaghMember

The Chairman welcome the participants and pointed that six posts of Kanungo BPS-9 and one post of Assistant District Kanungo BPS-9 sanctioned since devolution i-e 14-08-2001 duly reflected in the budget book for 2008-2009. Five posts of Kanungo (BPS-9) were filled in by promotion among the patwaris. Later on one Abdul Latif Kanungo was promoted to the post of District Kanungo BPS-14 and than transferred to District Bunir and the post remained vacant. On 15-10-2008 Mr. Fazal Karim Kanungo was also promoted against the post of District Kanungo BPS-14 vide Director Land Records NWFP No. 8671-75 dated 15-10-2008 and one post of Kanungo vacated due to the transfer of one Alamzeb Kanungo as Tehsildar Wari District Dir Upper in his own pay scale. Now at present in at posts of Kanungo and one post of Assistant District Kanungo BPS-09 are lying vacant since long and expressed apprehension of its abolition if kept vacant for indefinite period.

Mr. Muhammad Ali shah. TOSD. Board of Revenue, NWFP explained legal position / method of the promotion of patwaris to the post of Kanungo and said that as per rules completion of probation period good ACR as well as five years service with the Department Kanungo examination is pre-requisite for such like promotion. He pointed out that under rules-12 of the Kanungo service rules 1964, the Secretary to Govt of NWFP, Revenue Department (SMBR) is the competent authority to relax service for reasons to be recorded in writing in individual cases

ATTESTED



provided the Government: is satisfied that a strict application of the rules would cause undue hardship to the individual concerned. He is also explained that as per rules, the services rendered by a patwaris in settlement operation at the part of the country are considered as contract services which are continue towards only and only not towards seniority. He is also pointed out that Five years service as patwaris in Kanungo pass Certificate is compulsory for promotion to the post of Kanungo.

Subsequently the committee examined of promotion one by the according to working papers.

ATTESTED



MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION AND PROMOTION COMMITTEE (AT DISTRICT LEVEL FOR THE POSTS IN BPS-1 TO 10 IN THE OFFICE OF THE DISTRICT OFFICER, REVENUE & ESTATE) HELD ON 19-03-2009 AT 10.00 A.M.

A meeting of the Departmental Selection / Promotion Committee of Revenue Department (at District level for the posts in BPS-1 to 10 in the office of District Officer, Revenue Dir Lower) was held on 19-03-2009 at 10.00 AM in the office District Officer, Revenue & Estate Dir Lower. The following attended the meeting:-

- 1. Mr. Gul Wahid District Officer, Revenue & Estate Dir Lower..... Chairman.
- 2. Mr. Fazal Qadir Jan, ACO, Dir Lower Member.
- 3. Mr. Muhammad Ali Shah TOSD, BOR, NWFP Member.
- 4. Mr. Tariq Ali, Tehsildar, Samarbagh Member.

The chairman welcomed the participants and pointed that six posts of Kanungo BPS-9 and one post of Assistant District Kanungo BPS-9 sanctioned since devolution i.e. 14.08.2001 duly reflected in the budget book for 2008-2009. Five posts of Kanungos (BPS-9) were filled in by promotion among the patwaris. Later on one Abdul Latif Kanungo was promoted to the post of District Kanungo BPS-14 and then transferred to District Durr and the post remained vacant. On 15.10.08 Mr. Fazal Karim Kanungo was also promoted against the post of District Kanungo BPS-14 vide Director, Land Records NWFP No 8673-75-08 dated 15.10.2008 and one post of Kanungo vacated due to the transfer of one Alamzeb Kanungo as Tehsildar Wari District Dir Upper in his own pay and scale. Now at present four posts of Kanungo and one post of Assistant District Kanungo BPS-9 are lying vacant since long and expressed apprehension of its abolition if kept vacant for indefinite period.

Mr. Muhammad Ali Shah, TOSD, Board of Revenue, NWFP explained legal position / method of the promotion of patwaris to the post of Kanungo and said that as per rules completion of probation period, good ACR as well as five years service with passing of departmental Kanungo examination is pre-requisite for such like promotion. He also pointed out that under Rules-12 of the Kanungo Service Rules 1961, the Secretary to Govt. of NWFP, Revenue Department (SMBR) is the competent authority to relax service for reasons to be recorded in writing in individual cases provided the Govt. is satisfied that a strict application of the rules would cause undue hardships to the individual concerned. He also explained that as per rules, the services rendered by a patwari in settlement operation all over part of the country are considered as contract services which are counted towards pension only and not towards seniority. He also pointed out that Five years service as Patwari and Kanungo pass Certificate is compulsory for promotion to the post of Kanungo.

Subsequently the committee examined the cases of promotion one by one according to working papers.

ATTESTED

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Mr. Hazrat Hussain Patwari.

He hails from Mardan District and appointed as Patwari in the office of District officer Revenue and Estate Dir Lower on 18-8-2005 and assume the charge on 31-8-2005. He has passed the Kanungo Examination on 2008, up till now he has total three years, six months and nineteen days service in Revenue Department, which is less than required for promotion. However, his promotion will be subject to obtaining of relaxation in service for one year, five months and eleven days from the competent authority (SMBR NWFP) under rules-12 of Kanungo service rules 1964.

2. Mr. Jamilul Hadi Patwari.


He is the bonafide resident of District Nowshera and was appointed as patwari in the office of District officer, Revenue & Estate Nowshera on 16.01.2007. Later on he was posted as Kanungo in office of District Officer, Revenue & Estate Dir Lower in his own pay & sale vide Director, Land records NWFP, Order No. 3298-4007/LR-1/Dir, Dated 27-12-2007. He has passed the Kanungo Departmental Examination in 2008, Uptill now he has total two years, two months and three days service in the Revenue Department which he less than required for promotion. However, his promotion will be subject to obtaining relaxation in service for two years, Nine Months and 27 days from the competent authority (SMBR NWFP) under rules-12 of the Kanungo service rules-1964.

3. Mr. Sahibzada Patwari.

He hails from District Charsadda and appointed as PTC Teacher in the Education Department. Afterward he was appointed as Patwari in the office of District Officer, Revenue and Estate Dir Upper on 12-06-2007 and than posted as Kanungo (BPS-9) in the office District Officer, Revenue and Estate Dir Lower in his own pay and seal on 27-12-2007. He has passed the Kanungo Departmental Examination in 2008, Uptill now he has total one year, Eight months and seven days service in Revenue Department, Which is less than required for promotion. However, his promotion will be subject to obtaining relaxation in service for three years, Three months and Twenty Three days from the competent authority (SMBR NWFP) under rules-12 of the Kanungo service rules-1964.

4. Mr. Sadiq Akbar Patwari.

He is the bonafide resident of District Peshawar previously he was served in settlement operation Chitral, but later on posted as Kanungo in the of District Officer, Revenue and Estate Dir Lower vide Director Land Records NWFP Order No. 3290-96LR-1/Dir, dated 26-12-2007 in his own pay & scale and assume the charge on 27-12-2007. He has passed the Kanungo Department Examination 2008. Uptill now he has total One year, Two Months and Twenty four days service in Revenue

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(12)

Mr. Hazrat Hussain Patwari.

He hails from Mardan District and was appointed as Patwar in the office of District Officer, Revenue & Estate Dir Lower on 18-08-2005 and assume the Charge on 31-08-2005. He has passed the Kanungo Departmental Examination in 2008. up till now he has total Three years, Six months and Nineteen days service in Revenue Department, which is less than required for promotion. However, his promotion will be subject to obtaining of relaxation in service for one year, Five months and Eleven Days from the competent authority (SMBR NWFP) under reuls-12 of Kanungo service Rules-1964.

2. Mr. Jamilul Haqi Patwari.

He is the bonafide residents of District Nowshera and was appointed as Patwar in the office of District Officer, Revenue & Estate Nowshera on 16-01-2007. Later on he was posted as Kanungo in the office of District Officer, Revenue & Estate, Dir Lower in his own pay & Scale vide Director, Land Records NWFP, Order No.3298-400/LR-1/Dir, dated 27-12-2007. He has passed the Kanungo Departmental Examination in 2008. uptill now he has total Two years, Two months and Three days service in the Revenue Department, which is less than required for promotion. However, his promotion will be subject to obtaining relaxation in service for Two years, Nine months and 27 days from the competent authority (SMBR NWFP) under Rules-12 of the Kanungo Service Rules-1964.

3. Mr. Sahibzada Patwari.

He hails from District Charsada and was appointed as PTC Teacher in the Education Department. Afterward he was appointed as Patwari in the office of District Officer, Revenue & Estate Dir Upper on 12-06-2007 and then posted as Kanungo (BPS-9) in the office of District Officer, Revenue & Estate Dir Lower in his own Pay & Scale on 27-12-2007. He has passed the Kanungo Departmental Examination in 2008. Uptill now he has total One year, Eight months and Seven days service in Revenue Department, which is less than required for promotion. However, his promotion will be subject to obtaining relaxation in service for Three years, Three months and Twenty Three days from the competent authority (SMBR NWFP) under Rules-12 of the Kanungo Service Rules-1964.

✓ 4. Mr. Sadia Akbar Patwari.

He is the bonafide resident of District Peshawar. Previously he was served in settlement operation Chitral, but later on posted as Kanungo in the office of District Officer, Revenue & Estate Dir Lower vide Director, Land Records NWFP Order No.3290-96/LR-1/Dir, dated 26-12-2007 in his own Pay & Scale and assume the Charge on 27-12-2007. He has passed the Kanungo Department Examination in 2008. Uptill now he has total One year, Two months and Twenty Four days service in Revenue Department, which is less than required for promotion. However, his promotion will be subject to obtaining relaxation in service for Three years, Nine months and Six days from the competent authority (SMBR NWFP) under Rules-12 of the Kanungo Service Rules-1964.

ATTESTED

12/12/08
2/11/08

However, his promotion will be subject to obtaining relaxation to service for Three years, Nine months and Six days from the competent authority (SMBR NWFP) under rules-12 of the Kanungo Service rules-1964.

5. Mr. Habibur Rehman Patwari.

He is the bonafide resident of District Bannu and was appointed in settlement operation Chitral on 16-07-2002. Later on he was appointed as Patwari in the office of District Officer, Revenue & Estate Dir Lower vide Director, Lands Records NWFP Order No. 5002-08/1-R-1/Dir, dated 01-01-2008 and assume the charge on 12-01-2008. He has passed the Kanungo Departmental Examination in 2008. Uptill now he has total one year, Two months and Seven days service in Revenue Department, which is less than required for promotion. However, his promotion will be subject to obtaining Examination for Three years, Nine months and Twenty Three days from the competent authority (SMBR NWFP) under rules-12 of the Kanungo Service rules-1964.

MR. TARIQ ALI,
TEHSILDAR SAMARBAGH

MR. FAZAL QADIR JAN,
Asstt: Coordination Officer

Mr. MUHAMMAD ALI SHAH
TOSD, Board of Revenue, NWFP.

ATTESTED

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5. Mr. Habibur Rehman Patwari.

He is the bonafide resident of District Bannu and was appointed in settlement operation Chitral on 16-07-2002. Later on he was posted as Patwari in the office of District Officer, Revenue & Estate Dir Lower vide Director, Land Records NWFP Order No. 5002-08/LR-1/Dir, dated 01-01-2008 and assumed the Charge on 12-01-2008. He has passed the Kanungo Departmental Examination in 2008. Uptill now he has total One year, Two months and Seven days service in Revenue Department, which is less than required for promotion. However, his promotion will be subject to obtaining relaxation of service for Three years, Nine months and Twenty Three days from the competent authority (SMR NWFP) under Rules-12 of the Kanungo Service Rules-1964.

MR. TARIQ ALI,
TEHSILDAR SAMARBAGH

MR. FAZAL QADIR JAN,
Asstt. Coordination Officer,
Dir Lower.

Mr. MUHAMMAD ALI SHAH,
TOSD, Board of Revenue, NWFP.

APPROVED.
MR. GUL SHARIF,
District Officer, Revenue & Estate,
Dir Lower.

ATTESTED
13/9/08

ATTESTED
[Signature]

GOVERNMENT OF NWFP,
REVENUE & ESTATE DEPARTMENT.
Dated Peshawar the 11-04-2009.

OFFICE ORDER.

No. 10-04 /LR.1/259- On the recommendation of District Officer. (R&E) Lower Dir vide No. 1135/Patwari sated 26-03-2009 and No. 1164/Patwaris sated 28-03-2009 the competent authority has been pleased to grant relaxation regarding prescribed length of service in respect of the following patwaris of District Lower Dir for the post of Kanungo enlisted under rule-12 of the West Pakistan (North Zone) Kanungo service rules- 1964.

S.NO.	Name of Patwaris	Service relaxation required
1	Hazrat Hussain	One year, Five months and 11 days
2	Jamil-ul-Hadi	Two years, Nine months and 07 days
3	Sahib Zada	Three years, Three months and 22 day
4	Sadiq Akbar	Three years, Nine months and 06 days
5	Habib-ur-Rehman	Three years, Nine months and 03 days

By order of
SENIOR MEMBER,
BOARD OF REVENUE N.W.F.P.

ATTESTED



GOVERNMENT OF NWFP,
REVENUE AND ESTATE DEPARTMENT

G-14

Peshawar dated the 11/04/2009.

OFFICE ORDER.

No. 10-214 /L.R-1/259- On the recommendation of District Officer, (R&E), Lower Dir vide No.1135/Patwaris dated, 26/03/2009, and No.1164/Patwaris, dated, 28/03/2009, the competent authority has been pleased to grant relaxation regarding prescribed length of service in respect of the following Patwaris of District Lower Dir for the post of Kanungo as envisaged under Rule-12 of the West Pakistan (Northern Zone) Kanungo Service Rules-1961.

S.No.	Name of Patwari	Service Relaxation required.
1	Hazrat Hussain	One Year, Five Months and 11 days.
2	Jamil-ul-Hadi	Two Years, Nine Months and 07 days
3	Sahib Zada	Three Years, three months and 22 days
4	Sadiq Akbar	Three Years, Nine Months and 06 days
5	Habib-ur-Rehman	Three Years, Nine months and 03 days.

By order of
SENIOR MEMBER,
BOARD OF REVENUE, N.W.F.P.

Indst.No. /L.R-1/259.

Copy for information and necessary action is forwarded to:-

- 1) District Coordination Officer, Lower Dir.
- 2) District Officer, (R&E), Lower Dir with reference to his letter No.1135/ Patwaris (DPC) dated, 26/03/2009.
- 3) District Accounts Officer, Lower Dir.
- 4) Assistant Secretary (Admin), Board of Revenue, NWFP.
- 5) Official concerned.
- 6) Office order file.

DIRECTOR LAND RECORDS,
N.W.F.P.

ATTESTED

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H - (15)
OFFICE OF THE DISTRICT OFFICER, REVENUE AND ESTATE DIR LOWER

No. _____ /Patwari/ Dated Timergara the, 14 /4/2009.

OFFICE ORDER.

As per recommendation of the Departmental Selection/Promotion Committee and Service relaxation granted by the Senior Member, Board of Revenue NWFP, Peshawar vide order No.10014/LR-I/259, dated 11-04-2009, the following patwaris (BPS-05) of the office of District Officer, Revenue & Estate Dir Lower are hereby promoted as Tehsil Office Kanungo / Assistant District Kanungo (BPS-09) noted against each with immediate effect:-

1. Mr. Hazrat Hussain Tehsil Office Kanungo.
2. Mr. Jamilul Hadi, Tehsil Office Kanungo.
3. Mr. Sahib Zada, Tehsil Office Kanungo.
4. Mr. Sadiq Akbar, Tehsil Office Kanungo.
5. Mr. Habibur Rehman Assistant Distt: Kanungo.

Sd/-
District Officer,
Revenue & Estate Dir Lower.

No. 1379-831

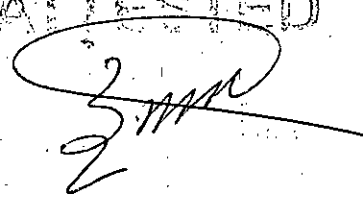
Copy forwarded to:-

1. The District Coordination Officer, Dir Lower.
2. The Secretary, Board of Revenue NWFP, Peshawar.
3. The Director, Land Records NWFP, Peshawar.
4. The District Accounts Officer, Dir Lower.
5. The officials concerned.

For information and necessary action.


District Officer,
Revenue & Estate Dir Lower.

ATTESTED


ATTESTED


Attention:- Javid Estb. Asst.

07-07-2008

1-16

OFFICE OF THE DISTRICT OFFICER REVENUE & ESTATE DIR LOWER.

No. _____ /1/Estab: Dated Timergara the 29/9/2009.

OFFICE ORDER.

On the recommendations of the Departmental Promotion Committee held its meeting on 06-07-2009, and grant of Relaxation in service for Four (4) years by the Senior Member Board of Revenue NWFP Peshawar vide his order issued under Endst: No.20427-Admn:VII/DPC, dated 25-09-2009, Mr. Gul Shehzad Patwari (BPS-5) of this office is hereby promoted as Tehsil Office Kanungo (BPS-09) with effect from 08-07-2009 as desired by the Senior Member Board of Revenue NWFP, Peshawar in his above mentioned order.

Necessary entry to this effect should be made in his Service Book.

Respondent No. 2

SD/-

District Officer,
Revenue & Estate Dir Lower.

*Promotion as
kanungo*

2963-69

Copy forwarded to the:-

1. District Coordination Officer, Dir Lower.
2. Director Land Records, NWFP, Peshawar.
3. Assistant Secretary (Estt.), Board of Revenue, NWFP, Peshawar.
4. District Accounts Officer, Dir Lower.
5. Accountant (Local Office)
6. Officials concerned.
7. Office order file.

For information and necessary action please.



District Officer,
Revenue & Estate Dir Lower.

ATTESTED

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2/11/09

**DIRECTORATE OF LAND RECORDS
NORTH WEST FRONTIER PROVINCE**

Dated Peshawar The 20 /02/2010

J-17

NOTIFICATION

No. 1824 /LR-I/DENT/2009-2010. The candidates who appeared in the Departmental Examination of Naib Tehsildars held on 14/01/2010 to 16/01/2010 in the Examination Hall of Government Higher Secondary School No.3, Khyber Bazar, Peshawar City is hereby declared to have been passed/failed in the paper (s) noted against each of their names :-

S.No	Name with parentage and designation of candidates	R.N	District	Paper I	Paper II	Paper III	Paper IV	Paper V	Paper VI	Result
1	Ghulam Dastagir s/o Ghulam Jan, Kanungo	101	Tank	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
2	Bashir Ahmad s/o Kalu Khan, Kanungo.	102	Tank	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
3	Muhammad Amin s/o Faiz Muhammad, Kanungo.	103	Tank	pass	fail	pass	abst	Abst	pass	FAIL
4	Akhtar Munir s/o Pir Khan, Kanungo	104	Tank	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
5	Haibat Khan s/o Muhammad Khan, Kanungo	105	Tank	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
6	Abid Hussain s/o Muhammad Hussain, Kanungo.	106	Tank	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
7	Naimatullah Khan s/o Hamidullah, Naib Tehsildar.	107	Tank	pass	pass	pass	pass	pass	pass	PASS
8	Saleem Jan, Special Tehsildar Rod Kobi Irrig.	108	D.I.Khan	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
9	Kashmir Khan, Settlement Tehsildar D.I.Khan	109	D.I.Khan	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
10	Khalid Qayyum, Tehsildar, Tank	110	D.I.Khan	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
11	Syed Mazhar Hussain Shah, Naib Tehsildar	111	D.I.Khan	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
12	Najeebullah, Naib Tehsildar	112	D.I.Khan	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
13	Muhammad Akram, Naib Tehsildar/DK	113	D.I.Khan	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
14	Ghulam Abbas, Kanungo	114	D.I.Khan	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
15	Gul Ghazi Khan s/o Amal Baig, Tehsildar	115	Karak	abst	Abst	Pass	Pass	Abst	Abst	FAIL
16	Mir Faraz Khan s/o Mir Zalam Khan, Kanungo	116	Bannu	Pass	Pass	Pass	Pass	Pass	Pass	PASS
17	Murad Ali Khan-I, s/o Qamar Ali Khan, Kgo:	117	Bannu	Pass	Pass	Pass	Pass	Pass	Pass	PASS
18	Muhammad Ismail s/o Ghazi Marjan Khan, Kanungo.	118	Bannu	Pass	Pass	Pass	Pass	Pass	Pass	PASS
19	Wali Ayaz s/o Amal Khan, Kanungo	119	Bannu	Pass	Pass	Pass	Pass	Pass	Pass	PASS
20	Mughal Shah s/o Mir Salah Shah, Kanungo	120	Bannu	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
21	Shafiqullah Khan-II s/o Amir	121	Bannu	Abst	Abst	Abst	Abst	Abst	Abst	FAIL

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	Noor-ul-Basar S/O Abdur Rehman, Kanungo	200	Charsadda	Pass	Pass	Pass	Pass	Pass	Pass	PASS
102	Muhammad Asghar s/o Shah Farooq, Tehsildar	201	Shangla	Pass	Pass	Pass	Pass	Pass	Pass	PASS
103	Noor Basher s/o Khan Nawab, Kanungo	202	Shangla	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
104	Mian Jaffar Shah s/o Kanungo	203	Shangla	Pass	Pass	Pass	Pass	Pass	Pass	PASS
105	Muhammad Roshan s/o Abdur Raziq, Kanungo	204	Shangla	Pass	Pass	Pass	Pass	Pass	Pass	PASS
106	Ahmad Nawaz s/o Behrooz, Kanungo.	205	Shangla	Pass	Pass	Pass	Pass	Pass	Pass	PASS
107	Younas Khan, Naib Tehsildar Mardan	206	Mardan	Pass	Pass	Pass	Pass	Pass	Pass	PASS
108	Salahuddin s/o Nasrullah Khan,	207	Peshawar	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
109	Syed Tajamul Shah s/o Syed Akbar Hussain	208	Peshawar	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
110	Muhammad Israr s/o Abdul Jabbar	209	Peshawar	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
111	Amir Hassan, Tehsildar, Matta	210	Swat	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
112	Riaz Ali S/O Muhammad Khan, Kanungo	211	Peshawar	Pass	Pass	Pass	Pass	Pass	Pass	PASS
113	Said Badshah, Office Kanungo	212	Mardan	Pass	Pass	Pass	Fail	Fail	Fail	FAIL
114	Akbar Khan, Kanungo	213	Mardan	Pass	Pass	Pass	Fail	Fail	Pass	FAIL
115	Faqir Hussain S/O Muhammad Younas, Naib Tehsildar	214	Nowshera	Pass	Pass	Pass	Pass	Pass	Pass	PASS
116	Jehan Shah S/O Said Rehman Shah, Office Knaungo.	215	Nowshera	Pass	Pass	Pass	Pass	Pass	Pass	PASS
117	Muhammad Zaman S/O Zaeef Khan, Kanungo.	216	Lakki Marwat	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
118	Muhammad Bashir S/O Badshah Khan, Kanungo.	217	Lakki Marwat	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
119	Muhammad Waheed Office Kanungo.	218	Battagram.	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
120	Irshad Ali S/O Dost Muhammad, PNT, Nawagai.	219	PA Bajaur	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
121	Fazal-e-Wadood s/o Fazal-e-Mehmood, Political Naib Tehsildar	220	PA Bajaur	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
122	Khalid Khan s/o Ifikhar Hussain, Naib Tehsildar, Ghalanai	221	PA, Mohmand Ghalanai	Pas	Pass	Pass	Pass	Pass	Pass	PASS
123	Inam Gul, Kanungo, Parachinar.	222	PA Kurram	Abst	Abst	Abst	Abst	Abst	Abst	FAIL
124	Qaiser Khan Kundi, PT, Shawal, NWA	223	North Waziristan.	Pass	Abst	Abst	Abst	Abst	Abst	FAIL
125	Saif-ul-Malook S/O Saher Gul, Office Kanungo, Nowshera	224	Nowshera	Pass	Pass	Pass	Pass	Pass	Pass	PASS
126	Sadiq Akbar s/o Ghulam Akbar, PNT, Mohmand	225	PA, Mohmand	Pass	Pass	Pass	Pass	Pass	Pass	PASS
127	Shakirullah, PNT, Mohmand Agency	226	Mohmand Agency	Pass	Pass	Pass	Pass	Pass	Pass	PASS
128	Muhammad Tariq Aziz, Naib Tehsildar, Bannu	227	Bannu	Pass	Pass	Pass	Pass	Pass	Pass	PASS
129	Imran Khan, Naib Tehsildar, S.W.A	228	PA Sout Waziristan Agency	Pass	Pass	Pass	Pass	Pass	Pass	PASS
130	Muhammad Iqbal s/o Sirbiland	229	Peshawar	Pass	Pass	Pass	Pass	Pass	Pass	PASS

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7 (19)

	Tehsildar									
159	Isiahuddin, Naib Tehsildar	258	Mardan	Pass	Pass	Pass	Pass	Pass	pass	PASS
160	Khan Zaman,	259	Lakki Marwat	Pass	Pass	Pass	Pass	Abst	Pass	FAIL
161	Ghulam Jan	260	Lakki Marwat	Pass	Pass	Pass	Pass	Abst	Pass	FAIL
162	Muhammad Zaman	261	Lakki Marwat	Pass	Pass	Pass	Pass	Pass	Pass	PASS
163	Fareedullah Shah, Kanungo	262	Bannu	Pass	Pass	Pass	Pass	Pass	Pass	PASS
164	Muhammad Jamal	263	Bannu	Pass	Pass	Pass	Pass	Pass	Pass	PASS
165	Muhammad Ilyas, Naib Tehsildar, Dargai	264	Dargai Malakand	Pass	Pass	Pass	Pass	Pass	Pass	PASS
166	Aftab Ahmad, Naib Tehsildar waiting for posting Commissioner, Peshawar.	265	Peshawar	Pass	Pass	Pass	Pass	Pass	Pass	PASS
167	Kiramattullah, PNT, Darazinada	266	Darazinda	Pass	Pass	Pass	Pass	Pass	Abst	FAIL
168	Shah Jehan, DRA.	267	Swat	Pass	Pass	Pass	Pass	Pass	Pass	PASS
169	Ibrar Ahmad, Naib Tehsildar Charbagh.	268	Swat	Pass	Pass	Pass	Pass	Pass	Pass	PASS
170	Fazal Karim S/o Faqir Taj, Kgo	269	Sawabi	Abst	abst	41	50	41	42	Fail
171	Zahid Younas S/o Muhammad Younis N.T/HCR	270	Karak	Abst	Abst	42	64	52	57	Fail

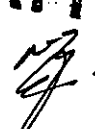
NOTE: - Regular Kanungos, District Kanungos and Naib Tehsildars are eligible to appear in the Naib Tehsildari Departmental examination and passing of the examination without eligibility will not confer any rights upon such officials.

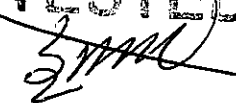

DIRECTOR LAND RECORDS,
NORTH WEST FRONTIER PROVINCE.
LAND RECORDS, NWFP

Endst: No. 1825-69 /LR-I/DENT/2009-2010.

Copy for information and necessary action is forwarded to the:-

- 1) Senior Member, Board of Revenue, NWFP, Peshawar.
- 2) Secretary-I, Board of Revenue, NWFP, Peshawar.
- 3) All Commissioners in N.W.F.P.
- 4) All Political Agents in N.W.F.P.
- 5) All District Officers (R&E)/District Collectors in N.W.F.P.
- 6) Assistant Secretary (Establishment), Board of Revenue, NWFP, Peshawar.
- 7) Manager, Government Printing Press, NWFP, Peshawar for printing in the official Gazette.
- 8) Office order file.

ATTESTED


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DIRECTOR LAND RECORDS,
NORTH WEST FRONTIER PROVINCE.

K-20



OFFICE OF THE
DIRECTOR LAND RECORDS/INSPECTOR
GENERAL OF REGISTRATION, NWFP.

Resolves dated the 27/8/2009

OFFICE ORDER.

No. 640 /DLR/Settle: With the approval of Competent Authority;
Mr. Saddiq Akbar, Kanungo (BPS-09), Tamargarah District Lower Dir is hereby promoted as
District Kanungo (BPS-14) on current charge basis against the vacant post of District Kanungo
District Chitral with immediate effect.



BY ORDER OF
SENIOR MEMBER,
BOARD OF REVENUE, NWFP.

No. 640-47 /DLR/Settle:

Copy forwarded to the:

1. PA to secretary, Board of Revenue, NWFP.
2. District Officers (R&E), Lower Dir and Chitral.
3. District Accounts Officer, Dir Lower and Chitral.
4. Settlement Officer, Chitral.
5. Official concerned with the direction to assume the charge as District Kanungo office District Chitral.
6. Office order file.

DIRECTOR,
LAND RECORDS, NWFP.

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IN THE COURT OF AHSANULLAH KHAN, SENIOR MEMBER
BOARD OF REVENUE, KHYBER PAKHTUNKHWA

Case No. 382/2009.
Date of Institution. 14/12/2009.
Date of Decision. 15/07/2010.

Sadiq Akbar District Kanungo, (Current Charge Basis), District Lower Dir
-----Appellant.

Versus

Director Land Record, Khyber Pakhtunkhwa
-----Respondent.

ORDER

This is a Departmental Appeal/Representation submitted by Sadiq Akbar District Kanungo (BPS-14) (Current Charge Basis) District Lower Dir for regularization of his services.

Brief facts of the case as mentioned in the appeal are that the appellant has passed the Patwar Training Examination in the year 2006 from Patwar Training School Revenue Academy, Karak. On 01/09/2007, he was appointed as Patwari (BPS-05) against the vacant post on contract basis for a period of three years and his services were placed at the disposal of Tehsildar Drosh. Later on he was transferred and posted as Kanungo in his (Own Pay & Scale) at District Lower Dir vide Director Land Record, Khyber Pakhtunkhwa order, bearing No. 3289/LR-I/DLR dated 26/12/2007. Subsequently in the tentative seniority list of Patwaris as stood on 31/12/2008, circulated by District Officer, (Revenue & Estate)/Collector, Lower Dir vide letter No. 650-53/S-List dated 25/02/2009, the name of the appellant was placed at S. No. 4 of the said Seniority. On occurrence of vacancies of Kanungos the appellant alongwith other Patwaris were promoted as Kanungo vide Director Land Record, Khyber Pakhtunkhwa order bearing No. 10014/LR-I/259 dated 11/04/2009 through proper Departmental Promotion Committee Meeting after completion of codal formalities. The Director Land Record vide office order bearing endost. No. 640-47/DLR/Scit. dated 27/08/2009, subsequently promoted him as District Kanungo (BPS-14) on current charge basis against the vacant post at District Chitral. The appellant has now come with the request for regularization of his services as District Kanungo.

Appellant with counsel present. Arguments heard. Comments offered by the Director Land Record, Khyber Pakhtunkhwa and file perused. Counsel for the appellant while arguing the case referred to a judgment of the Supreme Court of Pakistan dated 24/04/1996 (1996-SCMR-1185) passed in civil appeal No. 345/1987 filed by Jameed Akhtar Niazi Versus Secretary

ATTESTED

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Reader to
Senior Member,
Board of Revenue,
Khyber Pakhtunkhwa

Establishment Division Government of Pakistan Islamabad, wherein it has been held as under:-

“If the Service Tribunal or Supreme Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of civil servant, who litigated but also of others civil servants who may have not taken any legal proceedings in such a case, the dictates and rule of good governance demand that the benefit of such judgment by Service Tribunal/Supreme Court be extended to civil servant who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forms”.

The learned counsel for the appellant stressed that he is also entitled for the same benefits.

In light of the above, the appeal is accepted with the direction to the Director Land Record, Khyber Pakhtunkhwa to call for Departmental Promotion Committee Meeting and consider the case of the appellant for promotion as District Kanungo (BPS-14) on regular basis, keeping in view his seniority position/fitness, strictly in accordance with law.

ANNOUNCED.

15/07/2010

Accepted
[Signature]

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

[Signature]
(AH SANULLAH KHAN)
SENIOR MEMBER,
BOARD OF REVENUE,
KHYBER PAKHTUNKHWA.

ATTESTED

[Signature]



OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

No. 5177-84/2/16-Kanungo/Estt:
Dated 14/06/2012

M-23

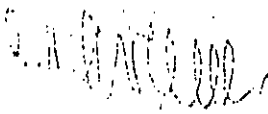
To

1. The District Officer Revenue & Estates/Collector Swat.
2. The District Officer Revenue & Estates/Collector Shangla.
3. The District Officer Revenue & Estates/Collector Chitral.
4. The District Officer Revenue & Estates/Collector Dir (Upper).
5. The District Officer Revenue & Estates/Collector Dir (Lower).
6. The District Officer Revenue & Estates/Collector Buner.
7. The District Officer Revenue & Estates/Collector Malakand.

Subject:- FINAL DIVISIONAL SENIORITY LIST OF KANUNGO (BPS-09) OF MALAKAND DIVISION AS STOOD ON 31/12/2010.

Memorandum:


A copy of the subject Seniority list notified vide this office No. 5024/2/16-Kanungo/Estt: dated 14/06/2012 is enclosed herewith for information and circulation among all concerned under intimation to this office please.


Assistant to Commissioner (Political)
Malakand Division

No. 5177-84/2/16-Kanungo/Estt:

Copy alongwith copy of the Seniority list, for information is forwarded to:-

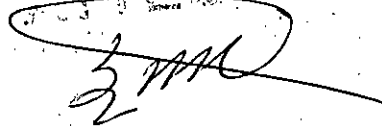
1. The Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. All District Coordination Officers in Malakand Division.


Assistant to Commissioner (Political)
Malakand Division

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14.	Mr. Zakir Rahman	F.A	05.05.1953	Swat				
15.	Mr. Hazrat Younus	F.A	10.04.1959	Swat		05.04.1981	24.05.2008	Swat
16.	Syed Zafar Ali	B.A	01.12.1961	Swat		05.04.1981	24.05.2008	Swat
17.	Mian Jafar Shah	Matric	11.03.1953	Shangla		05.04.1981	24.05.2008	Swat
18.	Muhammad Roshan	Matric	05.05.1961	Shangla		01.04.1980	13.05.2008	Shangla
19.	Mr. Ahmad Nawaz	Matric	18.03.1959	Shangla		01.04.1980	13.05.2008	Shangla
20.	Mr. Bakht Jalal	B.A	05.02.1955	Buner	07.02.1976	07.02.1976	13.05.2008	Shangla
21.	Mr. Shumozai	F.A	13.01.1954	Buner	20.05.1976	20.05.1976	19.05.2008	Buner
22.	Mr. Hazrat Hussain	F.A	16.03.1979	Mardan	31.08.2005	31.08.2005	19.05.2008	Buner
23.	Mr. Jamilul Hadi	F.A	04.06.1974	Nowshera	15.01.2007	15.01.2007	14.04.2009	Dir (L)
24.	Mr. Sahib Zada	F.A	15.04.1979	Charsadda	04.01.1995	12.05.2007	14.04.2009	Dir (L)
25.	Mr. Saadique Akbar	B.A	22.02.1984	Peshawar	01.09.2007	27.12.2007	14.04.2009	Dir (L)
26.	Mr. Habibur Rehman	B.Com	20.05.1968	Bannu	15.07.2002	12.01.2008	14.04.2009	Dir (L)
27.	Mr. Abrar Ahmad	B.A	15.04.1967	Swat	22.12.1985	22.12.1985	14.04.2009	Dir (L)
28.	Muhammad Riaz	F.A	20.11.1958	Mardan	01.02.1988	20.01.2005	10.05.2009	Dir (L)
29.	Mr. Shaikat Ali	Matric	02.07.1964	Mardan	12.05.2007	12.06.2007	10.05.2009	Dir (L)
30.	Mr. Arshad Khan	Matric	01.02.1962	Mardan	12.05.2007	12.06.2007	10.06.2009	Dir (L)
31.	Said Usman Shah	F.A	02.01.1954	Buner	13.11.1975	13.11.1975	10.06.2009	Dir (L)
32.	Mr. Fainoamand Shah	Matric	05.04.1954	Buner	12.11.1975	12.11.1975	30.07.2009	Buner
33.	Mr. Faiz Muhammad	B.A.LL.B	08.04.1980	Buner	23.01.2007	23.01.2007	30.07.2009	Buner
34.	Mr. Mahmood Shan	Matric	16.04.1952	Buner	09.05.1976	09.05.1976	10.08.2009	Malakand
35.	Mr. Bahman Noor	B.A	15.05.1951	Buner	20.05.1976	20.05.1976	28.09.2009	Buner
36.	Mr. Gul Shahzada	F.A	05.10.1988	Peshawar	07.07.2008	07.07.2008	28.09.2009	Buner
37.	Syed Sarwar Ali	Matric	01.01.1955	Swat			29.09.2009	Dir (L)
38.	Mr. Abid Raza	F.A	15.02.1958	Swat		05.04.1981	13.10.2009	Swat
39.	Mr. Abdul Kamal	BSc	20.05.1954	Swat		05.04.1981	13.10.2009	Swat
40.	Muhammad Zubair	B.A	03.01.1959	Swat		08.04.1981	13.10.2009	Swat
						07.04.1981	13.10.2009	Swat

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41. Muhammad Room	Matric	05.02.1950	Swat				
42. Mr. Fateh Khan	F.A	08.11.1959	Swat	06.04.1981	13.10.2009	Swat	
43. Mr. Dost Muhammad	Matric	25.08.1958	Swat	05.04.1981	13.10.2009	Swat	
44. Mr. Makhai Khan	Matric	01.07.1957	Swat	08.04.1981	13.10.2009	Swat	
45. Muhammad Tahir	F.A	11.09.1959	Peshawar	18.04.1981	23.04.2010	Swat	
45. Mr. Abdur Rashid	F.A	09.11.1979	Peshawar	30.04.2010	30.04.2010	Dir (L)	
47. Mr. Assad-Ullah	B.A	25.11.1983	Peshawar	12.05.2007	12.05.2007	28.09.2010	Dir (U)
48. Mr. Saif-ud-Din	F.A	13.09.1975	Charsadda	12.05.2007	12.05.2007	28.09.2010	Dir (U)
49. Syed Inayat Ali Shah	B.A	01.04.1981	Mardan	12.06.2007	12.06.2007	28.09.2010	Dir (U)
				12.08.2009	12.08.2009	21.10.2010	Chitral

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Assistant to Commissioner (Political)
Malakand Division

24



FINAL SENIORITY LIST OF KANUNGOS (BPS-09) OF MALAKAND DIVISION AS STOOD ON 31.12.2010.

NOTIFICATION:

Dated:- 14-06-2013

No. 5024 /2/16-Kanungo/Estt. In pursuance of Section 8 (1) & (5) of the Civil Servant Act, 1973, Final Seniority List of Kanungos (BPS 09), of Malakand Division, as it stood on 31.12.2010, is hereby notified for information of all concerned.

No	Name of Official	Qualification	Date of Birth	District of Domicile	Date of 1 st entry into Govt. service	Date of appointment as Patwari	Date of regular promotion to the present post	Revenue Administration to which belongs	Remarks
1.	Mr. Jehan Ali	F.A	05.03.1962	Malakand	11.08.1993	11.08.1993	04.03.2003	Malakand	
2.	Mr. Fazaal Wahid	F.A	12.03.1967	Malakand	12.03.1993	12.03.1993	04.05.2003	Malakand	
3.	Mr. Iqbal Hussain	B.A	05.02.1961	Swat		05.09.1993	30.05.2006	Swat	
4.	Mr. Amzul Haq	Matric	28.08.1952	Buner	14.03.1975	14.03.1975	19.06.2008	Buner	Seniority assigned 11.10.2006 vide Tribunal order of 16.04.2008.
5.	Mr. Ghani Gul	F.A	17.04.1955	Buner	13.08.1975	14.08.1975	11.10.2006	Buner	
6.	Mr. Abdul Wahid Khan	Matric	04.05.1955	Buner	16.08.1975	16.08.1975	23.01.2007	Buner	
7.	Mr. Dera Wadan	Matric	01.04.1955	Swat		07.04.1981	29.06.2007	Swat	
8.	Mr. Sher Hassan	Matric	26.07.1952	Buner	20.05.1976	20.05.1976	28.07.2007	Buner	
9.	Mr. Naimat Ullah	F.A	02.02.1963	Buner	22.12.1985	22.12.1985	01.10.2007	Dir (U)	
10.	Mr. Bakht Naseeb Khan	Matric	01.01.1957	Shangla		01.05.1978	07.02.2008	Shangla	
11.	Mr. Noor-ul-Bashar	Matric	01.01.1955	Shangla		01.04.1980	07.02.2008	Shangla	
12.	Mr. Akbar Badshah	F.A	11.03.1957	Swat		08.04.1981	24.05.2008	Swat	
13.	Mr. Sultan Zeb	F.A	15.04.1961	Swat		05.04.1981	24.05.2008	Swat	

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

DEPARTMENTAL APPEAL NO. _____/2012

Mr. Siddque Akbar, Kanungo (BPS_09),
Office of the DOR, Dir Lower **APPELLANT**

VERSUS


- 1- The Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
 - 2- Mr. Gul Shehzada, N.T, Board of Revenue KPK Peshawar.
 - 3- Mr. Dildar Khan, N.T, Board of Revenue KPK Peshawar.
- **RESPONDENTS**

**DEPARTMENTAL APPEAL FOR THE GRANT OF
REGULAR PROMOTION TO THE POST OF
NAIB TEHSILDAR (BPS-14) FROM THE DATE
WHEN APPELLANT JUNIOR COLLEAGUES
WERE PROMOTED WITH ALL
CONSEQUENTIAL BENEFITS AND
SENIORITY**

PRAYER: That on acceptance of this Departmental appeal the appellant may be granted regular promotion on the post of Naib Tehsildar (BPS-14) by treating him at par with respondent No.2 and 3 with all consequential benefits and seniority. Any other remedy which this august Court deems fit that may also be awarded in favor of the appellant.

R.SHEWETH:

- 1- That appellant was initially appointed as patwari in the Revenue Department in the year 2007. That then after the appellant serving the Revenue Department quite efficiently and up to the entire satisfaction of his superiors. Copies of the patwar certificate, appointment order and charge report are attached as annexure **A, B and C.**
- 2- That then after seniority list of patwaris of District Dir lower was issued due to which appellant was placed at serial No. \$ and the respondent No.2 was placed at serial NO.6 of the

ATTESTED


said seniority list issued vide dated 31.12.2008. That after passing the Kanungo examination and proper DPC along with relaxation from the competent authority the appellant was promoted to the post of Kanungo (BPS-09) on regular basis vide order dated 14.4.2009. Copies of the seniority list, certificate, minutes of DPC, relaxation order and promotion order are attached as annexure **D, E, F, G and H.**

3- That later on vide order dated 29.9.2009 the respondent No.2 was also promoted to the post of Kanungo. That appellant while working as PNT on acting charge basis the appellant appeared in the Naib Tehsildar examination and remained successful, he was thus perfectly eligible for the post of Naib Tehsildar. Copies of the order and Notification and acting charge promotion are attached as annexure **I, J and K.**

4- That later on the services of respondent No.2 and 3 have been regularized on the post of Naib Tehsildar. That feeling aggrieved appellant also filed Departmental appeal for regularization of his service as N.T but the same was turned down on no good grounds. That then after the appellant was reverted without any reason and justification though respondent No.2 and 3 being much more junior to appellant have been regularized on the posts of Naib Tehsildar (BPS-14) being blue eyed chap. Copies of the judgment and seniority list are attached as annexure **L and M.**

5- That appellant is still working as Kanungo while that of respondent No.2 and 3 being junior to appellant have been regularized on the post of Naib Tehsildar (BPS-14). That having no other remedy appellant filed this Departmental appeal on the following grounds amongst the others.

GROUND:

- A- That not granting promotion to the appellant inspite of being senior to respondent No.2 and 3 is against the law, facts, and natural justice.
- B- That appellant has been highly discriminated and not treated in accordance with law and rules. He was treated differently among his similarly placed as well as his junior colleagues.
- C- That the appellant has not been dealt in accordance with law on the point and as such Article 4 and 25 of the Constitution of Pakistan 1973 have been violated.

ATTESTED

- D- That it is evident from the record that appellant is senior to respondent No.2 and 3 but inspite of that respondent No.2 and 3 has been promoted to the post of Naib Tehsildar on regular basis while that of appellant is still working as Kanungo.
- E- That quite illegally the respondent No.2 and 3 who were also promoted on acting charge basis was regularized on the post of Naib Tehsildar while the appellant has been reverted to the post of kanungo though appellant has prior right of regularization on the post of Naib Tehsildar.
- 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 Departmental appeal of the appellant may be accepted as prayed for.

Dated: 07-12-2012

APPELLANT
[Signature]

SIDDIQUE AKBAR

THROUGH:

[Signature]

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

ATTESTED
[Signature]

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal
Peshawar OF 2013

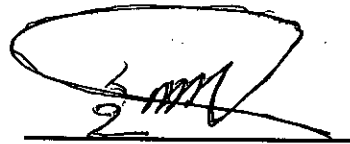
Siddique Akbar (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

SMBR & others (RESPONDENT)
(DEFENDANT)

I/We Siddique Akbar
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. ___/___/2013



CLIENT



ACCEPTED

**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazaar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141




2 $\frac{12}{14}$ 5

GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 18 /11/2009

ORDER.


No 30435 /Admn:V/PF(Gul). Mr.Gul Shehzad Kanungo
Dir Lower whose services have already been placed at the disposal of FATA
Secretariat vide order No. 27415/ Admn:V/PF(Gul), dated 24.10.2009, is
hereby promoted / appointed as Naib Tehsildar (BPS - 14) on current charge
basis with immediate effect.


Senior Member
Board of Revenue NWFP

No 30436-42 /Admn:I/PF(Gul)

Copy to:-

1. Deputy Secretary (Law & Order) FATA Secretariat Peshawar.
2. Political Agent, Khyber Agency.
3. District Officer (R&E)/Collector, Dir Lower
4. Agency Accounts Officer, Khyber Agency.
5. Official concerned.
6. Personal File.
7. Office Order File.


Senior Member
Board of Revenue NWFP

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MEMBER COURT OF AHSANULLAH KHAN, SENIOR MEMBER,
BOARD OF REVENUE, NWFP.

Case No. 97/2010.
Date of Institution. 22/03/2010.
Date of Decision. 17/04/2010.

Mr. Shehzad Naib Tehsildar, (BPS-14- Current Charge Basis) R/O Shaheen
Muslim Town Bostan Abad No. 1, District Peshawar

-----Appellant.

Versus

Board of Revenue, NWFP

-----Respondent.

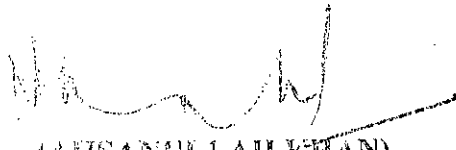
ORDER

This is a departmental appeal/representation submitted by Gul
Shehzad Kanungo (BPS-09), now Naib Tehsildar (BPS-14-Current Charge Basis)
for promotion as Naib Tehsildar (BPS-14) on regular basis.

Brief facts of the case are that the appellant was appointed as
Pauwari on 06/07/2008 in the District Lower Dir and then promoted as Kanungo
(BPS-9). Later-on, his services were placed at the disposal of FATA Secretariat
for further posting as Naib Tehsildar (Own Pay & Scale) on 24/10/2009 by the
Board of Revenue, NWFP. He was then promoted as Naib Tehsildar (BPS-14) on
current charge basis on 18/11/2009. Now the appellant requests for promotion as
Naib Tehsildar (BPS-14) on regular basis.

Appellant with Counsel present. Arguments heard. Comments
offered by the Assistant Secretary (Estt.), Board of Revenue, NWFP perused.
Perusal of the record reveals that the appellant is regular Kanungo and has passed
the Departmental examination of Naib Tehsildar and was posted as Political Naib
Tehsildar (Own Pay & Scale) Bazar Zakha Khel, Khyber Agency and was
appointed/promoted as Naib Tehsildar (BPS-14) on current charge basis on
18/11/2009. The appellant thus has gained sufficient experience in the Revenue
matters as well as Political Administration and deserves to be promoted as Naib
Tehsildar (BPS-14) on regular basis. The appeal is therefore accepted and the
appellant is promoted as Naib Tehsildar (BPS-14) on regular basis with
immediate effect.

ANNOUNCED.
17/04/2010


(AHSANULLAH KHAN)
SENIOR MEMBER,
BOARD OF REVENUE, NWFP.

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)

ATTESTED

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.

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."

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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

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.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation 4-8-10
Number of Pages 1200
Copying Fee 8
Urgent 2
Total 10
Name of Co. [Signature]
Date of Completion 4-8-10
Date of Delivery of [Signature] 4-8-10

POWER OF ATTORNEY

In the Court of Khyber Pakhtunkhwa Service Tribunal Peshawar
Siddique Akbar

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

S.M.B.R. and others

} Defendant
} Respondent No. 2
} Accused

✓
Appeal/Revision/Suit/Application/Petition/Case No. 753 of 2013

Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

and Serid Anwar Advocate, my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Peshawar
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

12.08.15

Accepted
Serid Anwar
Adv

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal. No. 753/2013

Siddique Akbar Kanungo Dir Lower.....Appellant

VERSUS

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 IS AS UNDER

PRELIMINARY OBJECTIONS.

1. The appeal is not maintainable in its present form.
2. The appeal is badly time barred.
3. That the appellant has got no cause of action.
4. That appeal is bad due to mis-joinder/ non-joinder of necessary parties.
5. That appellant has been estopped by his own conduct.
6. That appellant has not come to the Tribunal with clean hands.
7. That this Hon'ble Tribunal has got no jurisdiction to entertain the Appeal.


ON FACTS.

1. Pertains to record.
2. Pertains to record of the office of Deputy Commissioner, Dir Lower who has not been cited as party in the Appeal.
3. Pertains to record, however mere passing of Departmental Examination of Naib Tehsildar does not enable a field Kanungo out of turn promotion as Naib Tehsildar.
4. Incorrect. Respondents No. 2 & 3 were promoted as Naib Tehsildars through an Administrative order whose cases are under review in the Department.
5. Correct to the extent that the appellant is a junior most Kanungo and will be considered for promotion as Naib Tehsildar on his own turn as and when vacancy occurs.

GROUND.

- A. Incorrect. All the proceedings have been carried out according to law.
- B. Incorrect No, discrimination has been made.
- C. Incorrect. The appellant has been treated in accordance with law.
- D. Incorrect. The appellant is a junior most Kanungo at divisional level, however he will be considered for promotion on his turn.
- E. As in Para-D. The illegal promotion of respondent No. 2 & 3 is under process in the Department.
- F. Respondent will also advance additional grounds at the time of arguments.

It is prayed that appeal having no merit may be dismissed with costs.


Respondent No.1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 753/ 2013

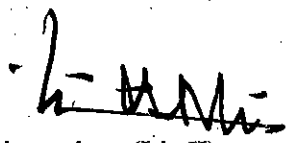
Mr. Saddique Akbar, Kanungo Dir Lower Appellant

VERSUS

Senior Member Board of Revenue, Khyber Pakhtunkhwa & 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 nothing has been deliberately concealed from this Hon'able Tribunal.


Superintendent (Lit-II)
Board of Revenue

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.753/2013

SIDDIQUE AKBAR

VS

SMBR

REJOINDER ON BEHALF OF PETITIONER IN
RESPONSE TO THE REPLY SUBMITTED BY THE
RESPONDENTS

R/SHEWETH:

(1 to 7):

All the objections raised by the respondent are in correct and baseless and not in accordance with law and rules rather the respondent is estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Incorrect and not replied accordingly hence denied.
- 2- Incorrect and not replied accordingly hence denied.
- 3- Incorrect and not replied accordingly. That while working as PNT on acting charge basis the appellant appeared in the Naib Tehsildar examination and remained successful, he was thus eligible for the post of Naib Tehsildar as the appellant is at serial No.1 on the Seniority List Kanungo.
- 4- Incorrect and not replied accordingly. That on what basis and criteria the respondents No.2 & 3 were promoted to the post of Naib Tehsildar on regular basis. That respondent No.2 & 3 are at serial No.2 & 6 of the said seniority list where as the appellant is at serial No.1 and already passed his Naib Tehsildar examination.
- 5- Incorrect and not replied accordingly. That appellant has still not promoted to the post of Naib Tasildar as his junior colleagues were promoted to the post of Naib Tasildar on regular basis. That feeling aggrieved the appellant filed Departmental appeal but no reply has been received.

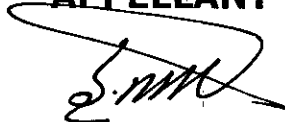
GROUND:

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That not granting regular promotion to the post of Naib Tehsildar

(BPS-14) to the appellant inspite of being senior to respondent No.2 & 3 is against the law, facts and norms of justice. That appellant has highly been discriminated and not treated in accordance with law and rules, he was treated differently amongst his similar placed colleagues as well as his junior colleagues. That it is evident from the record that appellant is senior to respondents No.2 & 3 but inspite of that respondent No.2 & 3 has been regularly promoted to the post of Naib Tehsildar (BPS-14) on regular basis while that of appellant is still working as Kanungo (9BPS-09).

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

APPELLANT



SIDDIQUE AKBAR

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.753/2013

SIDDIQUE AKBAR

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**NOOR MOHAMMAD KHATTAK
DVOCATE**