
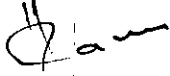


Service Appeal No. 1327/2013

18.08.2017

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 & 2 and counsel for private respondents No. 27, 29, 31, 42, 43, 121 and 123 present. To come up for arguments alongwith connected appeals No. 1326/2013 on 07.09.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

07/09/2017

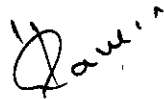
Due to general strike of the bar and bench is incomplete, the case is adjourned for arguments on 19/09/2017 before DB.

19.09.2017

Appellant with counsel present. Learned Deputy District Attorney on behalf of official respondents present. Vide separate/common judgment of today of this Tribunal placed in service appeal bearing No. 1326/2013 titled Muhammad Shoaib Versus Government of Khyber Pakhtunkhwa through Chief Secretary & others, the present appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
19.09.2017


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

28.04.2017

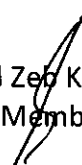
Counsel for the appellant, Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Jan, Government for official respondents present. Adjourned for final hearing to 19.07.2017 before D.B. Till then status quo be maintained with respect to DPC.


Member


Chairman

19.07.2017


Appellant in person present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 3 also present. Due to strike of the bar learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 09.08.2017 before D.B. Till then status-quo be maintained with respect to DPC.

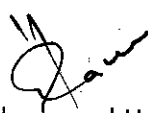

(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

09.08.2017

Appellant in person present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 1 & 2 and counsel for private respondents No. 27, 29, 31, 42, 43, 121 & 123 present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 18.08.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

1327/2013

M. Shoaib vs Govt

30.11.2016

Counsel for the appellant, Mr. Mukhtiar Ali, Superintendent alongwith Additional AG for official respondents No. 1 to 3 and Mr. Taimoor Khan, Junior to counsel for private respondents present. Junior to counsel for private respondents stated that learned senior counsel for private respondents is busy in the Hon'ble Peshawar High Court, Peshawar. He requested for adjournment. Adjournment granted. To come up for arguments on 15.2.17 before D.B. Till then status-quo, be maintained with respect to DPC.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

15.02.2017

Counsel for the appellant, Mr. Muhammad Jan, GP alongwith Mr Muhammad Ibrar, Asst: Secretary and Counsel for private respondents No. 7 and 8 present. Counsel for private respondents No. 7 and 8 requested for adjournment. Request accepted. To come up for arguments on 15.03.2017. Till then status-quo be maintained with respect to DPC.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

15.03.2017

Appellant in person and Adll: AG alongwith Mr. Muhammad Ibrar, Assistant Secretary for respondents present. Appellant requested for adjournment. Request accepted. To come up for arguments on 28.04.2017 before D.B. Till then status-quo be maintained with respect to DPC.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

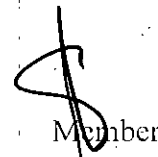
11.11.2015

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder submitted on behalf of the appellant which is placed on file. To come up for arguments on

4-4-2016



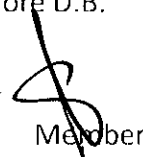
Member



Member

04.04.2016

Counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Addl: AG for official respondents No. 1 and 2 present. The learned Member (Executive) is on leave therefore, Bench is incomplete. To come up for arguments on 21-7-16 before D.B.



Member

21.07.2016

Appellant in person and Addl: AG for respondents present. Appellant requested for adjournment. Adjournment granted. To come up for arguments on 19.09.2016.



Member

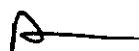


Member

19.09.2016

Counsel for the appellant, Addl. AG for official respondents and Mr. Muhammad Asif Yousafzai counsel for private respondents present. Learned Addl. AG requested for time to produce before the court notification on next date. Request accepted. To come up for further proceedings on

30-11-16




Member



Member

26.02.2015

Counsel for the appellant, Mr. Mukhtiar Ali, Supdt. for respondent No. 2 alongwith Addl: A.G for official respondents No. 1 and 2, counsel for private respondents No. 27, 29, 31, 42, 43, 121, and 123 with private respondent No.43 and counsel for private respondent No. 55 present. Requested for adjournment. Last chance granted to respondents No. 3, 52 and 55 for submission of written reply for 10.06.2015.


Chairman

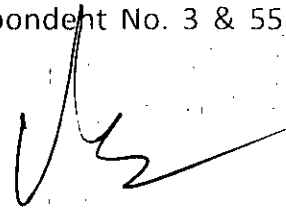
10.06.2015

Counsel for the appellant, Mr. Mukhtiar Ali, Supdt. alongwith Addl: A.G for official respondents No. 1 to 2 and counsel for private respondents No. 27, 29, 31, 42, 43, 121 and 123 present. Fresh Wakalat Name on behalf of private respondent No. 52 submitted. Counsel for private respondent No. 55 also present. Written reply on behalf of private respondent No. 55 submitted while no such reply was submitted on behalf of private respondents No. 3 and 52 despite last chance. No further adjournments are allowed for submission of written reply. The appeal is assigned to D.B for rejoinder and final hearing for 11.11.2015.


Chairman

09.09.2014

Counsel for the appellant, and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for official respondents No. 1 & 2 present, who already filed written reply. Private respondent No. 43 with Mr. Muhammad Asif Yousafzai, Advocate/counsel for private respondents No. 27, 29, 31, 42, 43, 121 & 123 present and written reply filed. Copy handed over to the learned counsel for the appellant. Junior to counsel for private respondent No. 3 and private respondent No. 55 with counsel present and requested for time. To come up for written reply of respondent No. 3 & 55 on 30.10.2014.



MEMBER

30.10.2014

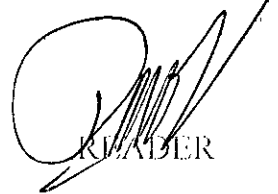
Counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for official respondents No. 1 and 2 and Mr. Muhammad Asif Yousafzai, Advocate for private respondents No. 27, 29, 31, 42, 43, 121 and 123 with private respondent No. 43 present, who already filed written reply, Junior to counsel for private respondent No. 3 and Arbab Saiful Kamal Advocate for respondent No. 55 present and requested for time. To come up for written reply of private respondents No. 3 and 55 on 22.12.2014.



MEMBER

22.12.2014

Counsel for the appellant and Mr Muhammad Jan, GP with Mukhtiar Ali Supdt. for the official respondents present. The Tribunal is incomplete. To come up for the same on 26.02.2015.



MEMBER

1327/2013

6.05.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for official respondents No. 1 & 2 present and reply filed. Private respondent No.3 with Syed Shahid Shah, Advocate/counsel present and Wakalatnama placed on file, Mr. Muhammad Asif Yousafzai Advocate for respondents No. 27, 29, 31, 42, 43, 121, & 123 present and Wakalatnama placed on file, Mr. Saadullah Khan, Advocate, counsel for private respondent No. 55 present and Wakalatnama placed on file, Son/attorney of private respondent No. 32, respondents No. 18, 19, 20, 39, 50, 52, 62, 117, 126, in person present and requested for further time. None is available on behalf of other private respondents, despite proper service through proclamation in Daily Aaj dated 8.4.2014, hence they are placed ex-parte. To come up for written reply on 23.6.2013.


MEMBER


MEMBER

23.6.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for official respondents No. 1 & 2 present who already filed written reply. Reply of respondent No. 117 received by post. Syed Shahid Shah, Advocate/counsel for respondent No. 3, Mr. Muhammad Asif Yousafzai, Advocate/counsel for private respondents No. 27, 29, 31, 42, 43, 121 & 123, Mr. Saadullah Khan, Marwat Advocate/counsel for private respondent No. 55 present and requested for further time. None is available on behalf of other private respondents, hence placed ex-parte. To come up for written reply on 09.09.2014.


MEMBER

Appeal No 1327/2013
Mr. Muhammad Adeel Butt

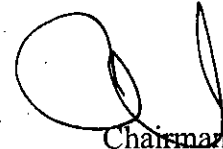
3. 04.12.2013

Appellant with counsel present. Preliminary arguments heard and record perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. The impugned rejection order dated 02.08.2013 has been issued in violation of Rule-5 of the Civil Servants (appeal) Rules 1986. He further contended that the seniority list as stood on 31.12.2013 was issued arbitrarily without issuing any prior notice to the appellant. 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 20.02.2014.


Member

4. 04.12.2013

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


Chairman

20.2.2014



Counsel for the appellant, and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the official respondents present and needs time. Private respondents No. 3, 5, 27, 29, 30, 31, 32, 36, 37, 39, 40, 41, 42, 43, 50, 56, 69, 85, 86, 99, 114 and 117 in person present and need time. None is available on behalf of other respondents. Since number of respondents is large, counsel for the appellant requested for proclamation in a newspaper. Request is accepted and respondents be served through a leading newspaper of the province. To come up for written reply of all the respondents on 6.5.2014.


MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1327 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/09/2013	<p>The appeal of Mr. Muhammad Shoaib resubmitted today by Mr. Muhammad Zafar Tahirkheli 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> <p>17-9-2013. This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>4-12-2013.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Shouaib Naib Tehsildar Kohat received today i.e. on 04/09/2013 is incomplete on the following scores which is returned to the counsel-for the appellant for completion and resubmission within 15 days.

- 1- Addresses of respondents Nos. 8, 21, 26, 27, 28, 37, 38, 39, 42, 45, 46, 48, 50, 59, 74, 75, 77, 78, 84, 87, 89, 92, 95, 107, 110, 122, 128 to 131 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Heading of the appeal is incomplete which may be completed.
- 3- 136 more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

48 sets

No. 1251 /S.T,
Dt. 4/9 /2013.

Logo
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M. Zaffar Tahirkheli Adv. Pesh.

The appeal has been completed and re-submitted. 49 sets of spare copies have been filed/submitted. The remaining would be submitted after preliminary hearing. w. J. J. 10-9-13

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1327 /2013

Muhammad Shoaib

VERSUS

Govt of K.P etc

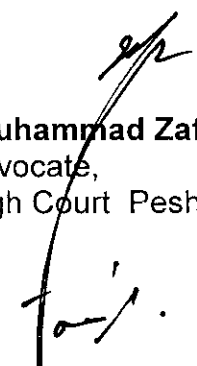
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S.No	Particulars	Annexure	Dates	Pages
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4	Seniority list	"C"	31-12-2009	17-18
5	Appellant's Representation	"D"	13-06-2013	19-20
6	SMBR order	"E"	11-11-2009	21-22
7	Notification	"F"	18-06-1989 02-06-2010,	23
8	Orders	"G" to "G2"	02-04-2009, 09-09-2009	24-28
9	Vakalatnama			29

Date:-2nd Sep, 2013


(Muhammad Zafar Tahirkheli)
Advocate,
High Court Peshawar

①

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1327/2013

Muhammad Shoaib,
Naib Tehsildar (BPS-14),
Kohat.

..... Appellant

VERSUS

13/3
04/9/13

- ① Government of Khyber Pakhtunkhwa, through
Chief Secretary, Peshawar
- ② Senior Member Board of Revenue, Peshawar
- ③ Bashir Ahmad, Tehsildar Swabi
4. Mian Sami Ullah Jan, Tehsildar Chitral
5. Ghulam Farooq, Tehsildar FR Kohat
6. Naz Amin Khan, Tehsildar Kalkot,
7. S. Asghar Shah, Recovery Officer, NHA Abbottabad
8. Ali Sher Khan, Tehsildar Takht Bai **distt Mardan**
9. Tariq Saleem, Tehsildar Domail, Bannu
10. Abdul Ghaffar, Stamp Inspector D.I.Khan
11. Said Rehman, Tehsildar, Anti Corruption Directorate Peshawar
12. Kiramat Ullah Kundi, Tehsildar Bari Kot, Swat
13. Akbar Iftikhar Ahmad, Political Tehsildar Ali Zai Kurram Agency Parachinar
14. Qaisar Khan, Political Tehsildar FR Bannu
15. Najib Ullah, Special Tehsildar, Irrigation, D.I.Khan
16. Muhammad Ayub Khan, Tehsildar Bannu
17. Abdul Rehman Shah, Tehsildar Daggar, Buner
- ⑱ Sarir Ahmad, Tehsildar Nowshera
- ⑲ Muhammad Riaz, Tehsildar Pabb, Nowshera
- ⑳ Atta Ullah, Recovery Officer WAPDA House Shami Road Peshawar
21. Musadiq Hussain, Tehsildar Thall **distt Hangu**
22. Abdul Qayyum, Tehsildar Kohat
23. Muhammad Nawaz, Tehsildar Batagram
24. Mir Laiq, Tehsildar Mardan
25. Nauman Ali Shah, Tehsildar Karak
26. Muhammad Bashir, Tehsildar Ghazi, **distt Haripur**
- ⑳ Hadayat Ullah, Tehsildar Khwaza Khela **distt Swat**
28. Iftikhar Ahmad, Tehsildar Bala Kot **distt Mansehra**
- ⑳ Ghulam Sarwar, Tehsildar Alpuri, Swat
30. Farzand Ali, Tehsildar Mandar, Malakand Division
- ⑳ Said Rehman, Tehsildar Taimargarah
- ⑳ Fazole Raziq, waiting for posting Board of Revenue Peshawar
33. Shah Nawaz, Tehsildar D.I. Khan
34. Asmat Ullah, Tehsildar Laki Marwat
35. S. Mazhar Hussain Shah, Head Clerk, D.C Office D.I.Khan
- ⑳ Hussain Bakhsh, Tehsildar Nourang, Bannu
37. Abdur Rashid, Tehsildar Kulachi **tehsil, distt D.I.Khan**
38. Fateh Ullah, Political Tehsildar Dossali **c/o P.A Meranshah**
- ⑳ Muhammad Akram, Tehsildar Babozai, **distt Swat**
40. Mulazim Hussain, Tehsildar Tank
- ⑳ Muhammad Israr, Recovery Officer PESCO Bannu
- ⑳ Afzal Khan, Tehsildar Khandu Khel **distt Buner**
- ⑳ Anwar Ul Haq, Tehsildar Bahrain
44. Khizar Hayat, Political Tehsildar FR Tank
45. Muhammad Farooq Anwar, N.T settlement Panyala **tehsil & distt D.I Khan**
46. Kutab Khan, Tehsildar Hawaliyan **distt Haripur**
47. Ghulam Qasim, Tehsildar Irrigation D.I.Khan

Re-submitted to
and filed.

4/9/13

11/9/13

48. Qudrat Ullah, DT D.I.Khan **DC office distt qanoongoh D.I.Khan**
49. Aftab Hussain Shah, Head Clerck D.C Office, D.I.Khan
50. Sikandar Hayat Shah, Naib Tehsildar Domail **distt Bannu**
51. Ghulam Abbas, Naib Tehsildar LA Lakki Marwat
52. Saleem Asmat, Naib Tehsildar Irrigation Gomal D.I.Khan
53. Raqibas Khan, c/o Commissioner Bannu
54. Habib Ahmad, Naib Tehsildar Rev: Swat
55. Himnayat Ullah Qureshi, Sub Registrar Tank
56. Abdullah Jan, Naib Tehsildar Shabqadar
57. Miraj Muhammad, Naib Tehsildar c/o Commissioner Peshawar
58. Nazir Ahmad, Naib Tehsildar Mansehra
59. Muhammad Ziafat, Tehsildar Pattan, Hazara Division **distt Kohistan**
60. Abdur Rasheed, HVC Commissioner Office, D.I.Khan
61. Niamat Ullah Khan, Political Naib Tehsildar, FR Kohat
62. Naik Muhammad, PNT, Bara Khyber Agency
63. Aman Ullah, Naib Tehsildar Land Acquisition Tank
64. Shah Zaman, Naib Tehsildar Irrigation Tank
65. Abdur Rashid, Commissioner Officer D.I.Khan
66. Muhammad Ayub, Commissioner Officer D.I.Khan
67. Amir Muhammad, Head Clerk Revenue Swabi
68. Maqbool Ur Rehman, Naib Tehsildar c/o Commissioner Bannu
69. Shakir Ullah, Awaiting for posting in Commissioner Office Peshawar
70. Munir Ahmad, Naib Tehsildar, c/o Commissioner Bannu
71. Rehmat Ullah Khan, Naib Tehsildar c/o D.C Lakki
72. Imtiaz Ali Shah, Political Naib Tehsildar Central Kurram Agency
73. Khalid Khan, Political Naib Tehsildar Bajour
74. Fazle Wadood, Political Naib Tehsildar Mohmand **PNT Shwa c/o P.A Meranshah**
75. Irshad Ali, Political Naib Tehsildar Mohmand **PNT Haleem Zai c/o P.A Monand Agen**
76. Amir Nawaz, Naib Tehsildar, c/o Commissioner Office D.I.Khan
77. Shah Wazir, PNT South Waziristan Agency **c/o P.A south waziristan agency**
78. Sikandar Khan, N.T Khwaza Khela **distt swat**
79. Ishtiaq Ahmad Khan, N.T Darosh Chitral
80. Shamsul Islam, N.T c/o Commissioner MALakand
81. Allah Noor, N.T c/o Commissioner D.I.Khan
82. Muhammad Ilyas, N.T Matta Swat
83. Yasir Salman Kundi, N.T c/o Commissioner Bannu
84. Yadullah Khan Khattak, Tehsildar Katlang **distt mardan**
85. Ahmed Hashmi, Naib Tehsildar c/o Commissioner Malakand
86. Amin Ullah Khan, Political Naib Tehsildar D.I.Khan (FR)
87. Islah Uddin N.T Takht Bai **distt mardan**
88. Zahid Younas, Political Tehsildar Mahal Kurram Agency
89. Naimat Ullah, Naib Tehsildar Mastuj **distt chitrah**
90. Muhammad Riaz, N.T Dir Lower
91. Sher Ali Khan, Reader to Commissioner Malakand
92. Munawar Shah, Tehsildar Balambat **distt batagram**
93. Iftikhar Ud Din, Naib Tehsildar c/o DC Charsadda
94. Younis Khan, Tehsildar Lal Qilla Malakand
95. Mujahid Ali, FATA Secretariat Peshawar **PT upper nonand c/o P.A nonand agen**
96. Syed Abdul Akbar Shah, Tehsildar Rajar, Charsadda
97. Syed Sultan Haider Shah, HVC Commissioner Office Peshawar
98. Aftab Ahmad, Naib Tehsildar Mardan
99. Dil Nawaz Khan, Naib Tehsildar Topi, Swabi
100. Kifayat Ullah, Naib Tehsildar Mohmand Circle Peshawar
101. Faqir Hussain, Naib Tehsildar Charsadda
102. Zulfiqar Khan, D.C Office Peshawar
103. Waqar Ahmad, Naib Tehsildar Batagram
104. Muhammad Faraz, Naib Tehsildar Land Acquisition Abbotabad
105. Fazal Ur Rehman, Naib Tehsildar Commissioner Office Hazara, Abbotabad
106. Farrukh Jadoon, Naib Tehsildar Commissioner Office Hazara, Abbotabad
107. Fayyaz Ahmad, Tehsildar Pallas **distt haripur**
108. Bilal Ahmad, N.T, D.C Office Haripur
109. Tanveer Shehzad, N.T, D.C Office Mansehra

- 110. Ejaz Ahmad, Naib Tehsildar Allai ~~diatt batagron~~
- 111. Muhammad Salim, Commissioner Office Hazara
- 112. Muhammad Sohail, Naib Tehsildar Commissioner Office Hazara
- 113. Sajid Saleem, Naib Tehsildar Parowa D.I.Khan
- 114. Adil Waseem, N.T Qasba Peshawar
- 115. Tanzil Ur Rehman, Political Tehsildar Orakzai Agency
- 116. Qazi Muhammad Aslam, Tehsildar Consolidation D.I.Khan
- 117. Abdul Qayyum, D.C Office Kohistan
- 118. Rooh Ul Amin, Tehsildar B.D Shah District Karak
- 119. Qainoos Khan, Political Naib Tehsildar FR Kohat
- 120. Khurshid Ali, District Revenue Accountant BATkhela
- 121. Latif Ur Rehman, Naib Tehsildar D.C Office Shangla
- 122. Jehan Ali, Naib Tehsildar Makhuzai ~~distt shangla~~
- 123. Amir Zarin, Naib Tehsildar Chakeser
- 124. Shah Wazir, N.T Judicial Swat
- 125. Sher Bahadur, Political Tehsildar Lower Orakzai
- 126. Shaukat Iqbal, Sub-Registrar D.I.Khan
- 127. Abdur Rashid, Commissioner Office, Mardan
- 128. Ahmad Ali, Political Naib Tehsildar Bajaur c/o P.A bajour agency
- 129. Faramosh Khan, Political Naib Tehsildar Bajour c/o P.A bajour agency
- 130. Abdul Haseeb, Political Tehsildar Bajour c/o P.A bajour agency
- 131. Shakeel Ahmad, Political Tehsildar Bara camp at khyber house peshawar ~~camp~~
- 132. Gohar Ali, Naib Tehsildar Sarai, Bannu
- 133. Mehmood Shah, HCR D.C Office Peshawar
- 134. Sher Dil, Tehsildar Ogi Mansehra

.....Respondents

=====

SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974
Against Impugned Seniority List dated 31.12.2012 & order dated

"Prayer" 02.08.2013

- (a) By accepting this appeal and setting aside the impugned seniority list dated 31-12-2012(annex "A") and rejection order dated 02-08-2013(annex "B") where by the departmental appeal of the appellatant was refused,
- (b) and directing the respondent department to place the appellatant at his proper place of seniority of Naib Tehsildars (BPS-14) above respondents No. 3 to 135.

Respectfully Sheweth,

1. The appellatant is serving as Naib Tehsildar (BPS-14) under the Revenue and Estate Department, Govt. of Khyber Pakhtunkhwa, Peshawar.

The petitioner was initially inducted into service on 09-12-1990 and his services were regularized Naib Tehsildar (BPS-14) on 10-04-2001. The appellatant was thus placed at S.No: 06 of the Final Seniority List of Naib Tehsildars (BPS-14) Khyber Pakhtunkhwa as it stood on 31-12-2009. (copy annexed hereto **marked "C"**).
2. That the respondent department issued the impugned seniority list of Naib Tehsildars (BPS-14) in Khyber Pakhtunkhwa as it stood on 31-12-2012 vide notification dated 26-04-2013. The appellatant was arbitrarily placed at S. No: ~~132~~, in-stead of his actual place of seniority at S.No: 06, by placing respondents No. 3 to 134 above the appellatant without issuing any prior notice or showing any valid cause. (copy annexed hereto **marked "A"**).
3. The appellatant submitted his departmental representation against the impugned seniority list on 13-06-2013. (copy annexed hereto **marked "D"**)

The departmental representation was rejected vide impugned order dated 02-08-2013, communicated to the appellant on 05-08-2013. (copy annexed hereto marked "B")

- 4. Feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Services Tribunal, respectively, maintaining that the impugned seniority list as it stood on 31-12-2012 and impugned rejection order dated 02-08-2013, is arbitrary, malafide and as such without justification, without lawful authority and subject to correction, inter-alia on the following:

Grounds

- (a) The respondent department has acted in a surreptitious manner to issue the impugned seniority list dated 31-12-2012, in complete disregard to the earlier seniority list 31-12-2009 and the rules regulating the service.
- (b) The appellant was selected as Naib Tehsildar on ad-hoc basis on 10-04-2001 amongst the Ministerial Staff Quota and had served the department w.e.f 10-04-2001 to 01-06-2009 on various posts in the province.

The appellant filed a departmental appeal No. 271/2009, before the Senior Member Board of Revenue, requesting for counting of his ad-hoc service for the purpose of his seniority etc w.e.f 10-04-2001 to 01-06-2009. His departmental appeal was accepted vide order dated 11-11-2009. (copy annexed hereto marked "E")

- (c) The appellant's departmental appeal was accepted in view of Government's notification No. SORII(S&GAD) 1(27)/86 dated 18th June 1989. (copy annexed hereto marked "F").

That on the basis of said notification and order dated 11-11-2009 the appellant was placed at S.No. 06 of the seniority list of Naib Tehsildar (BPS-14) as it stood on 31-12-2009. (annex "C").

- (d) The impugned seniority list dated 31-12-2012 was issued arbitrarily without issuing prior notice upon the appellant. (Reference 1992 SCMR 1420 & 1993 PLC (CS) 195).

The Hon'ble Service Tribunal vide its recent judgment dated 17-04-2013 in service appeal No. 456/2012, "Mian Karim Shah Vs Govt. etc" has also laid down the dictum that seniority once granted can not be withdrawn without issuing prior notice.

- (e) The appellant's ad-hoc service w.e.f 10-04-2001 to 01-06-2009 was counted towards regular service as well as for the purpose of seniority by the competent authority vide order dated 11-11-2009. Resultantly his services were regularized as Naib Tehsildar w.e.f 10-04-2001 and he was placed at S. No. 06 of the seniority list 31-12-2009 of Naib Tehsildars. Non of these orders were challenged by any of the respondents and are thus still in force.

The Respondent Department was required by law to act in accordance with the well established principles of equity and justice. Their impugned action justifies interference by the Hon'ble Service Tribunal.

(f)

In a similar manner the departmental appeal No. 131/2010 of Ghulam Mehmood Naib Tehsildar was accepted vide order dated 02-06-2010, Said Rehman Naib Tehsildar's appeal No. 09/2009 was accepted vide order dated 02-04-2009 and Mr. Naik Muhammad Political Naib Tehsildar, appeal No. 92/2009 was also accepted vide order dated 09-09-2009 and their ad-hoc services were counted towards regular service and for the purpose of seniority. (copy annexed hereto marked "G" to "G2")


Non of these official's seniority was disturbed by the impugned seniority list and only the appellatant has been awarded the discriminatory treatment.

(g) The impugned action is thus arbitrary, discriminatory, against the principles of equity, justice, law and proprietary, subject to correction by this Hon'ble Tribunal.

Appellant seeks permission to take several other grounds at the time of arguments.


In view of the above, it is most humbly requested that by accepting this appeal the impugned seniority list dated 31-12-2012 and rejection order dated 02-08-2013 may kindly be set aside and the respondent department may be directed to place the appellatant at his proper place of seniority above respondents No. 3 to 134.


Any other relief deemed appropriate may also be granted


Appellant

Through,


Peshawar, dated
2nd Sep, 2013


(Muhammad Zafar Tahirkheli)
Advocate


(Ansar Ullah Khan)
Advocate

Affidavit

I, the appellatant, do hereby stat on Oath that the contents of the above application are true and correct and nothing has been concealed or withheld from this Hon'ble Tribunal.


DEPONENT

ANNEXURE

'A'
⑥

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 26/04/2013

OFFICE ORDER

No.Estt:V/S.I/ 9276

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 Naib Tehsildars (BPS 14) in Khyber Pakhtunkhwa, as stood on 31.12.2012, is hereby published for information of all concerned.

By Order of,
Senior Member

No.Estt:V/S.I/ 9271-79

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

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

TRUE COPY

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

Assistant Secretary (Estt)

CONFIDENTIAL

A³
②

FINAL SENIORITY LIST OF NAIB TESHILDAR (BPS - 14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2012

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government 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 (BPS - 16) 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	17.10.1955 Charsadda	19.03.1982	12.10.2002	--do--	--do--
4	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	--do--	--do--
5	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	--do--	Naib Tehsildar
6	Mr. S.Asgar Shah (Matric)	25.12.1959 Haripur	25.05.1981	30.06.2003	--do--	--do--
7	Mr. Ali Sher Khan B.A LLB	15.02.1978 Peshawar	14.02.2004	14.02.2004	Direct	--do--
8	Mr. Tariq Saleem B.A	14.08.1971 Tank	14.02.2004	14.02.2004	--do--	Naib Tehsildar
9	Mr. Abdul Ghaffar B.A	15.12.1974 Tank	14.02.2004	14.02.2004	--do--	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
10	Mr. Said Rehman (Matric)	30.10.1958 Mardan	01.10.1980	22.11.2004	Promotee	--do--
11	Mr. Kiramat Ullah Kundi B.A	03.03.1974 Tank	29.11.2004	29.11.2004	Direct	--do--
12	Mr. Akbar Ifikhar Ahmad (B.A) LLB	29.03.1977 Hangu	24.11.2005	24.11.2005	--do--	--do--
13	Mr. Qaisar Khan (B.A)	09.04.1975 DIKhan	19.12.2005	19.12.2005	--do--	--do--
14	Mr. Najib Ullah (BA)	15.02.1969 DIKhan	27.02.2006	27.02.2006	--do--	--do--
15	Mr. Muhammad Ayub Khan. (B.A)	01.03.1964 Bannu	12.06.2006	12.06.2006	--do--	--do--
16	Mr. Abdur Rehman Shah (BA)	15.02.1985 Bannu	23.01.2007	23.01.2007	--do--	--do--
17	Mr. Sarir Ahamd (Matric)	13.05.1955 Peshawar	28.02.1977	31.05.2007	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
18	Muhammad Riaz (Matric)	22.05.1958 Nowshera	06.08.1978	31.05.2007	--do--	--do--
19	Mr. Atta Ullah (Matric)	1.04.1956 Charsadda	06.11.1978	31.05.2007	--do--	--do--
20	Mr. Musadiq Hussain (Matric)	21.08.1955 Hangu	12.05.1973	31.05.2007	--do--	--do--

TRUE COPY

ANNEXURE

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
21	Mr. Abdul Qayyum (Matric)	03.01.1954 Kohat	23.06.1970	31.05.2007	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
22	Muhammad Nawaz (F.A)	30.03.1957 Mardan	20.05.1976	31.05.2007	--do--	--do--
23	Mr. Mir Laiq (F.A)	27.04.1963 Mardan	08.03.1983	31.05.2007	--do--	--do--
24	Mr. Nouman Ali Shah BCS(Hons)	17.09.1984 Bannu	06.07.2007	06.07.2007	Direct	--do--
25	Muhammad Bashir (F.A)	10.12.1956 Haripur	01.11.1976	20.07.2007	Promotee	--do--
26	Mr. Hidayat Ullah (BA)	28.04.1962 Malakand	13.03.1991	20.07.2007	--do--	Naib Tehsildar
27	Mr. Ifikhar Ahmad (Matric)	02.04.1954 Mansehra	15.07.1979	20.07.2007	--do--	--do--
28	Mr. Ghulam Sarwar (Matric)	01.03.1955 Shangla	01.03.1978	20.07.2007	--do--	--do--
29	Mr. Farzand Ali (Matric)	03.05.1954 Swat	19.05.1976	20.07.2007	--do--	--do--
30	Mr. Said Rahim (Matric)	15.04.1957 Swat	04.09.1976	20.07.2007	--do--	--do--
31	Mr. Fazli Raziq (B.Com)	01.05.1955 Swat	06.04.1981	20.07.2007	--do--	--do--
32	Mr. Shah Nawaz (B.A)	01.10.1959 Lakki Marwat	11.11.1998	26.07.2007	--do--	--do--
33	Mr. Asmat Ullah (Matric)	13.03.1959 Lakki Marwat	28.04.1982	26.07.2007	--do--	--do--
34	S. Mazhar Hussain Shah (F.A)	07.07.1956 DIKhan	10.05.1976	26.07.2007	--do--	--do--
35	Mr. Hussian Bakhsh (Matric)	13.04.1956 DIKhan	01.09.1976	26.07.2007	--do--	--do--
36	Mr. Abdur Rashid (F.A)	01.09.1955 Tank	01.07.1984	26.07.2007	--do--	--do--
37	Mr. Fateh Ullah (F.A)	10.10.1958 Tank	01.07.1984	26.07.2007	--do--	--do--
38	Muhammad Akram (Matric)	03.10.1959 Tank	01.12.1983	26.07.2007	--do--	--do--
39	Mr. Mulazim Hussain (Matric)	01.01.1957 Tank	05.07.1984	26.07.2007	--do--	--do--
40	Muhammad Israr (B.A)	19.05.1959 Bannu	18.07.1985	26.07.2007	--do--	--do--
41	Mr. Afzal Khan (F.A)	15.03.1959 Swat	05.04.1981	01.09.2007	--do--	--do--
42	Mr. Anwar ul Haq (B.A)	01.02.1959 Swat	05.04.1981	31.12.2007	--do--	--do--
43	Muhammad Farooq Anwar (Matric)	10.09.1958 Tank	23.12.1985	01.01.2008	--do--	--do--
44	Mr. Kutab Khan (F.A)	22.05.1956 Tank	02.07.1986	01.01.2008	--do--	--do--
45	Mr. Ghulam Qasim (FA)	28.08.1958 DIKhan		01.01.2008	--do--	--do--

TRUE COPY

ANNEXURE

(9)

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
46	Mr. Qudratullah (Matric)	20.02.1959 DIKhan	01.09.1977	01.01.2008	Promotee	Naib Tehsildar
47	Mr. Aftab Hussain Shah (B.A)	04.05.1958 DIKhan	13.09.1980	01.01.2008	--do--	--do--
48	Mr. Sikandar Hayat Shah (Matric)	20.01.1958 Bannu	18.02.1981	05.01.2008	--do--	--do--
49	Mr. Ghulam Abbas (Matric)	15.02.1958 Lakki Marwat	11.11.1982	05.01.2008	--do--	--do--
50	Mr. Saleem Asmat (BA)	03.01.1959 DIKhan	27.03.1984	31.03.2008	--do--	Promoted through Administative order of SMBR
51	Mr. Raqibas Khan (FA)	01.09.1956 Bannu	05.03.1982	02.04.2008	--do--	Naib Tehsildar
52	Mr. Habib Ahmad B.A	04.04.1955 Swat	06.04.1981	02.04.2008	--do--	--do--
53	Mr. Himayat Ullah Qureshi (B.A)	06.11.1958 Tank	10.01.1978	02.04.2008	--do--	--do--
54	Mr. Abdullah Jan (FA)	17.10.1958 Charsadda.	01.09.1977	08.05.2008	--do--	--do--
55	Mr. Miraj Muhammad (F.A)	30.09.1958 Charsadda	31.05.1975	12.05.2008	--do--	--do--
56	Mr. Nazir Ahmad (Matric)	12.03.1954 Mansehra	18.08.1979	08.05.2008	--do--	--do--
57	Mr. Muhammad Ziafat (F.A)	12.02.1955 Abbottabad.	06.10.1976	08.05.2008	--do--	--do--
58	Mr. Naimat Ullah Khan (BA)	11.08.1967 Tank	16.06.1990	08.05.2008	--do--	--do--
59	Mr. Naik Muhammad (B.A)	04.04.1971 Kohat	26.07.1995	10.05.2008	--do--	--do--
60	Mr. Amanullah (Matric)	09.06.1956 Tank	-	29.05.2008	--do--	Promoted through Administative order of SMBR
61	Mr. Shah Zaman (F.A)	16.07.1958 Tank	03.07.1984	29.05.2008	--do--	--do--
62	Mr. Abdur Rashid (Matric)	1958 DIKhan	1987	29.05.2008	--do--	--do--
63	Muhammad Ayub (Matric)	04.11.1960 Tank	18.12.1986	29.05.2008	--do--	--do--
64	Mr. Amir Muhammad (B.A)	06.04.1961 Swabi	28.08.1988	11.08.2008	--do--	Naib Tehsildar
65	Mr. Maqbool-ur- Rehman (F.A)	02.05.1959 Bannu	07.04.1980	13.01.2009	Promotee	Promoted through Administative order of SMBR
66	Mr. Shakir Ullah S/O Khan Mir (MA. MBA)	15.01.1978 Khyber Agency	02.02.2009	02.02.2009	Direct	Naib Tehsildar

TRUE COPY

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
67	Mr. Munir Ahmad S/O Jhangi Khan (MSc)	20.03.1979 SWA	02.02.2009	02.02.2009	Direct	Naib Tehsildar
68	Mr. Rahamd Ullah Khan S/O Ahmad Khan (MSc. Chem)	18.04.1978 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
69	Mr. Imtiaz Ali Shah S/O Muhammad Ali Shah (MSc)	14.04.1980 Karak	02.02.2009	02.02.2009	--do--	--do--
70	Mr. Khalid Khan S/O Ifitikhar Hussain (MA)	23.03.1978 Bajuar	02.02.2009	02.02.2009	--do--	--do--
71	Mr. Fazli Wadood S/O Fazli Mahmood (BA)	04.04.1982 Mohmand Agency	02.02.2009	02.02.2009	--do--	--do--
72	Mr. Irshad Ali S/O Dost Muhamamd (MA)	15.03.1978 Mohmand Agency	02.02.2009	02.02.2009	--do--	--do--
73	Mr. Amir Nawaz S/O Gul Daraz (BSc/MBA)	22.04.1975 DIKhan	02.02.2009	02.02.2009	--do--	--do--
74	Mr. Shah Wazir S/O Abdul Khan (MSc)	30.03.1980 SWA	02.02.2009	02.02.2009	--do--	--do--
75	Mr. Sikandar Khan S/O Sar Zamin Khan (M.A)	10.12.1976 Swat	02.02.2009	02.02.2009	--do--	--do--
76	Mr. Ishtiaq Ahmad Khan S/O Allauddin (M.A)	30.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
77	Mr. Shamsul Islam S/O Faqir Gul (MA)	10.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
78	Mr. Allah Noor S/O Hazrat Noor (MA)	11.04.1983 (FR) DIKhan	02.02.2009	02.02.2009	--do--	--do--
79	Muhammad Ilyas S/O Shah Nasim Khan (MSc)	03.03.1975 Swat	02.02.2009	02.02.2009	--do--	--do--
80	Mr. Yasir Salman Kundi S/O Hamid Khan Kundi (MBA)	03.08.1979 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
81	Mr. Yadullah Khan Khattak S/O Mohibullah Khattak (MA)	23.05.1979 Mardan	02.02.2009	02.02.2009	--do--	--do--
82	Mr. Ahmad Hashmi S/O Fazli Rabbi (B.A)	2.04.1983 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
83	Mr. Amin Ullah Khan S/O Dost Muhammad Khan (BA)	07.06.1977 DIKhan	02.02.2009	02.02.2009	--do--	--do--
84	Mr. Islahuddin S/O Syed Badshah (BA.LLB)	15.04.1982 Mardan	02.02.2009	02.02.2009	--do--	--do--
85	Mr. Zahid Younis S/O Muhamamd Younis (M.A)	20.01.1978 Karak	02.02.2009	02.02.2009	--do--	--do--

ANNEXURE

(11)

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
86	Mr. Naimat Ullah S/O Khanim Ullah (Double M.A)	26.04.1973 Dir	02.02.2009	02.02.2009	Direct	Naib Tehsildar
87	Muhammad Riaz S/O Fazal Aziz (LLB)	02.02.1980 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
88	Muhammad Yar S/O Faqir Gul (MA)	02.02.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
89	Mr. Sher Ali Khan S/O Sahibzar Gul (M.A)	13.11.1974 Swat	02.02.2009	02.02.2009	--do--	--do--
90	Mr. Munawar Shah S/O Abdur Rashid (M.A)	12.02.1973 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
91	Mr. Iftikhar uddin S/O Zewar Din (MSc)	05.08.1973 Charsadda	02.02.2009	02.02.2009	--do--	--do--
92	Mr. Younis Khan S/O Waqif Khan (M.A)	15.06.1981 Upper Dir	02.02.2009	02.02.2009	--do--	--do--
93	Mr. Mujahid Ali S/O Khalil-ur-Rehman (M.A)	19.04.1974 Nowshera	02.02.2009	02.02.2009	--do--	--do--
94	Syed Abdul Akbar Shah S/O Syed Gul Chaman (MSc/M.A)	11.04.1981 Mardan	02.02.2009	02.02.2009	--do--	--do--
95	Syed Sultan Haider Shah S/O Syed Guizar Hussain Shah (BA. LLB)	08.12.1972 Peshawar	02.02.2009	02.02.2009	--do--	--do--
96	Mr. Aftab Ahmad S/O Javed Muhammad (MSc)	08.12.1982 Peshawar	02.02.2009	02.02.2009	--do--	--do--
97	Mr. Dil Nawaz Khan S/O Alam Zeb (LLB)	22.03.1979 Swabi	02.02.2009	02.02.2009	--do--	--do--
98	Mr. Kifayat Ullah S/O Haji Akbar (M.A)	09.01.1977 Peshawar	02.02.2009	02.02.2009	--do--	--do--
99	Mr. Faqir Hussain S/o Muhammad Younis (BA)	10.10.1983 Nowshera	02.02.2009	02.02.2009	--do--	--do--
100	Mr. Zulfiqar Khan S/O Arsala Khan (M.Com)	15.04.1983 Peshawar	02.02.2009	02.02.2009	--do--	--do--
101	Mr. Waqar Ahmad S/O Muhammad Irfan (M.A)	24.04.1980 Mansehra	02.02.2009	02.02.2009	--do--	--do--
102	Muhammad Faraz Qurashi S/O Muhammad Riaz Qureshi (MBA)	17.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
103	Mr. Fazal ur Rehman S/O Habib-ur-Rehman (M.A)	10.07.1975 Haripur	02.02.2009	02.02.2009	--do--	--do--
104	Mr. Farukh Jadoon S/O Anwar Ahmad Khan (BSc)	04.05.1984 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
105	Mr. Fayaz Ahmad S/O Pir Khan (M.A)	10.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
106	Bilal Ahmad S/O Farid-ud-Din (BA. B.Ed)	10.10.1978 Haripur	02.02.2009	02.02.2009	--do--	--do--
107	Mr. Tanveer Shahzad S/O Muhammad Sahif (M.A)	30.12.1977 Mansehra	02.02.2009	02.02.2009	--do--	--do--
108	Mr. Ejaz Ahmad S/O Muhammad Riaz (3 - M.A)	15.04.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
109	Muhammad Salim S/O Muhammad Saddiq (BSc)	03.05.1978 Abbottabad	02.02.2009	02.02.2009	--do--	--do--

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ANNEXURE

(12)

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
110	Mr. Sajid Saleem (BA)	01.04.1978 DIKhan	06.11.1996	10.02.2009	Promotee	Promoted through Adminstrative order of SMBR
111	Mr. Adil Waseem (BA)	25.12.1988 Nowshera	27.02.2009	27.02.2009	Direct	Naib Tehsildar
112	Mr. Tanzil-ur-Rehman	13.02.1988 NWA	14.04.2009	14.04.2009	--do--	--do--
113	Qazi Muhammad Aslam (Matric)	25.11.1953 Abbottabad	05.07.1980	02.05.2009	Promotee	--do--
114	Mr. Abdul Qayum (BA)	24.04.1984 Kohistan	27.12.1993	02.05.2009	--do--	--do--
115	Mr. Roohul Amin (Matric)	25.10.1966 Kohat	01.04.1985	02.05.2009	--do--	--do--
116	Mr. Qanoos Khan (BA)	14.02.1962 Kohat	01.07.1991	02.05.2009	--do--	--do--
117	Mr. Khurshid Ali (Matric)	19.01.1959 Malakand	05.12.1991	02.05.2009	--do--	--do--
118	Mr. Latif-ur-Rehman (Matric)	01.07.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
119	Mr. Jehan Wali (Matric)	01.02.1957 Shangla	01.03.1978	02.05.2009	--do--	--do--
120	Mr. Amir Zarin (Matric)	06.08.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
121	Mr. Shah Wazir (Matric)	02.02.1960 Swat	05.04.1981	02.05.2009	--do--	--do--
122	Mr. Sher Bahadar (BA)	07.04.1965 Tank	10.10.1992	02.05.2009	--do--	--do--
123	Mr. Shaukat Iqbal (M.A)	2/11/1973 DIKhan	19.10.1992	02.05.2009	--do--	--do--
124	Mr. Abdur Rashid (MSC)	05.01.1962 Swabi	28.08.1988	02.05.2009	--do--	--do--
125	Mr. Ahmad Ali M.A (B.ed)	17.04.1962 Swabi	28.08.1988	02.05.2009	--do--	--do--
126	Mr. Faramosh Khan (BA)	01.12.1957 Bajaur	26.11.1975	12.05.2009	--do--	Promoted through Adminstrative order of SMBR,
127	Mr. Abdul Haseeb (Matric)	01.09.1959 Bajaur	18.02.1977	12.05.2009	--do--	--do--
128	Mr. Shakeel Ahmad (MA)	03.07.1971 Charsadda	13.09.1992	12.05.2009	--do--	--do--
129	Mr. Gohar Ali (B.A)	31.03.1980 Bannu	29.05.2009	29.05.2009	Direct	Naib Tehsildar
130	Mr. Mehmood Shah (Matric)	01.02.1959 Peshawar	04.10.1977	02.06.2009	Promotee	--do--
131	Mr. Sher Dil (BA)	24.01.1974 Kohistan	10.04.1995	02.06.2009	--do--	--do--
132	Muhammad Shoaib (BA)	01.01.1968 Kohat	09.12.1990	02.06.2009	--do--	--do--
133	Mr. Muhammad Arshad (BA)	20.01.1967 Kohat	02.09.1984	26.06.2009	--do--	--do--
134	Mr. Zafar Iqbal (B.A. L.L.B)	25.02.1963 Kohat	02.04.1987	02.07.2009	--do--	Naib Tehsildar

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ANNEXURE

13

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
135	Mr. Nawab Gul (M.A)	15.11.1966 Kohat	01.01.1995	02.07.2009	Promotee	Naib Tehsildar
136	Mr. Umbaras Khan (B.A)	30.06.1960 Mardan	30.08.1988	07.07.2009	--do--	--do--
137	Mr. Shakeel-ul-Rehman	10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	--do--
138	Mr. Shiekh Muhammad Jamil (M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	--do--
139	Muhammad Aslam Khan (Matric)	08.01.1953 DIKhan	16.07.1983	18.07.2009	--do--	--do--
140	Mr. Bashir Ahmad (F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	--do--	--do--
141	Mr. Shehryar Khan (Matric)	01.10.1961 Mohmand Agency	13.09.1983	25.07.2009	--do--	Promoted through Administrative order of SMBR,
142	Mr. Hazrat Khan (Matric)	02.02.1956 Mohmand Agency	08.10.1986	10.09.2009	--do--	--do--
143	Sardar Yousaf (BA)	15.03.1969 Bajaur	22.02.1978	17.09.2009	--do--	--do--
144	Mr. Saz Muhammad (BA)	01.02.1963 Bajaur	25.11.1981	17.09.2009	--do--	--do--
145	Mr. Ghulam Saeedullah (FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
146	Mr. Abdul Malik (FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
147	Mr. Muhammd Saeed	Peshawar		30.09.209	--do--	--do--
148	Mr. Riaz-ul-Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
149	Muhammad Iqbal (BA)	05.10.1953 Lakki	01.11.1975	22.10.2009	--do--	--do--
150	Mr. Umar Said (BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
151	Mr. Jehanzeb Khan (BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
152	Mr. Asmatullah (BA)	25.05.1973 NWA	01.06.1996	22.01.2010	--do--	--do--
153	Mr. Gul Shehzad	15.01.1986 Peshawar		21.04.2010	--do--	--do--
154	Mr. Muhammad Alam (FA)	FR (Lakki)		03.06.2010	--do--	--do--
155	Mr. Abbas Ali Shah (FA)	06.08.1957 Battagram	14.05.1979	24.06.2010	--do--	--do--
156	Mr. Dildar Khan (BA)	15.05.1975 Haripur	01.09.2003	25.06.2010	--do--	--do--
157	Mr. Sardar Ghulam Murtaza FA	01.11.1965 Abbottabad	04.06.1988	30.06.2010	--do--	--do--
158	Mr. Fazl-e-Hakeem (Matric)	02.09.1953 Swabi	09.05.1979	14.07.2010	--do--	--do--
159	Mr. Musadiq Hussain (BA)	27.10.1962 Hanug	15.03.1980	23.07.2010	--do--	--do--
160	Mr. Fazle-Rehman (Matric)	10.06.1958 DIKhan		02.09.2010	--do--	--do--

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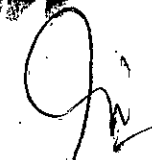
GROUP OFFICER *[Handwritten signature]*

ANNEXURE

(14)

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
161	Mr. Haq Nawaz (Matric)	03.07.1960 DIKhan		02.09.2010	Promotee	Promoted through Administrative order of S.M.B.R.
162	Mr. Gohar Zaman (FA)	20.04.1965 DIKhan		02.09.2010	--do--	--do--
163	Mr. Anwar Hussain (FA)	23.03.1972 Kohat		15.10.2010	--do--	--do--
164	Mr. Ghuncha Gul (C.com)	24.04.1967 Mohmand	22.12.1998	20.11.2010	--do--	--do--
165	Mr. Abdul Jalil (MA)	15.01.1964 SWA		04.11.2010	--do--	--do--
166	Mr. Muhammad Amin (Matric)	19.06.1957 Swat	06.04.1981	08.11.2010	--do--	--do--
167	Mr. Kamalstan (Matric)	01.04.1958 Swat	06.04.1981	08.11.2010	--do--	--do--
168	Mr. Hazrat Yousaf (MA)	06.04.1959 Battagram	01.01.1977	11.11.2010	--do--	--do--

Assistant Secretary (Estt)
Board of Revenue

TRUE COPY

(TS) ANNEXURE B
GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT


No. Estt: V.M/Shahid/ 14225
Peshawar dated 02/08/2013

To

Mr. Muhammad Shoaib,
Naib Tehsildar, Kohat.

Subject:- DEPARTMENTAL APPEAL/REPRESENTATION FOR
CORRECTION OF TENTATIVE SENIORITY LIST OF NAIB
TEHSILDAR (BPS-14) FOR THE YEAR 2011 & 2012.

I am directed to refer to your application dated 08.07.2013, on the subject noted above and to say that your applications/representations were examined and filed by the Competent Authority in terms of Section 8 (4) of Khyber Pakhtunkhwa Civil Servant Act, 1973, under which seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post.


Assistant Secretary (Estt.)

TRUE COPY



Mahammad Shoaib
Naib Tehsilदार Kohat

TRUE COPY



Deputy
Revenue & Estate
Officer Kohat District

5 AUG 13
10.34 AM

REVENUE & ESTATE
KOHAT DISTRICT

ALTERNATIVE

17

GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 30/06/2010

OFFICE ORDER

No. 12700 /Admn:V/S.L. In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of regular Naib Tehsildars (BPS - 14) in Khyber Pakhtunkhwa, as stood on 31.12.2009, is hereby published for information of all concerned.

By Order of,
Senior Member
Board of Revenue Khyber Pakhtunkhwa

No. 12701-90 /Admn:VS.L.

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

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

Kohat Div 8200

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

Assistant Secretary (Istt)
Board of Revenue Khyber Pakhtunkhwa

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Enpelt
Send it to PAs, DCos and DOR.
9/7 Gh

FINAL SENIORITY LIST OF NAIB TEHSILDARS (BS-14) IN Khyber Pakhtunkhwa AS STOOD ON 31.12.2009.

ANNEXURE

18

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
1.	Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Promoted as Tehsildar on Acting Charge Basis
2.	Mr. Muhammad Naib Din M.A	30.09.1959 NW Agency	24.11.1980	17.01.1996	Ditto	---
3.	Mr. Abdul Nabi F.A	05.04.1957 Kohat	12.12.1976	10.04.2001	Ditto	---
4.	Mr. Hameed Khan Afirdi (MA/B.Ed)	15.02.1962 (FR Kohat)	14.03.1984	10.04.2001	Ditto	---
5.	Mr. Abdul Samad (MA)	30.11.1960 Karak	03.05.1979	10.04.2001	Ditto	---
6.	Mr. Muhammad Shoaib (BA)	01.01.1968 Kohat	09.12.1990	10.04.2001	Ditto	---
7.	Mr. Muhammad Umar (M.A)	10.03.1966 Mardan	16.07.2002	16.07.2002	Ditto	---
8.	Mr. Javed Anwar Kamal (F.A)	15.05.1958 Charsadda	01.11.1976	12.10.2002	Ditto	Promoted as Tehsildar (BPS - 16) on Acting Charge basis
9.	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	Ditto	Ditto
10.	Mr. Mian Samiullah Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002	Ditto	Ditto
11.	Mr. Ghani Khan B.A	02.02.1952 Charsadda	1979	12.10.2002	Ditto	Ditto
12.	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	Ditto	Ditto
13.	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	Ditto	---
14.	Mr. Muhammad Riaz Khan (B.A LLB)	08.05.1970 Bannu	02.06.1994	24.03.2003	Direct	Promoted as Tehsildar (BPS - 16) on Acting Charge basis
15.	Mr. Shamas Gul B.A	1952 NW Agency	1973	09.05.2003	Promotee	---
16.	Mr. Sikandar Hayat Shah (Matric)	20.01.1958 Bannu	18.02.1981	09.05.2003	Promotee	---
17.	Mr. Javed Hussain (Matric)	13.06.1952 Haripur	27.05.1977	30.06.2003	Promotee	---
18.	Mr. S.Asghar Shah (Matric)	13.12.1959 Haripur	25.05.1981	30.06.2003	Ditto	---

(19)

~~ANNEXURE~~

'D'
C. Say

The Chief Secretary,
Khyber Pakhtunkhwa, Peshawar:

SUBJECT:

DEPARTMENTAL APPEAL/REPRESENTATION FOR CORRECTION OF FINAL SENIORITY LIST OF NAIB TEHSILDAR (BPS-14) AS STOOD ON 31-12-2012.

Sir,

Dairy No
7085
1.7.2013

The petitioner would like to submit the following:-

1. The Govt: of Khyber Pakhtunkhwa, Board of Revenue has circulated Final Seniority List of Naib Tehsildar (BPS-14) as stood on 31-12-2012 vide letter No. 9271-79 dated 26-04-2013. The appellant has been placed incorrectly at S. No.132 instead of S.No.02 contrary to the prescribed Service Rules and the terms & condition of seniority/rules . The Seniority list has been received on 06-06-2013,as is evident from the Dairy No1497 dated 06-06-2013 in the office of Commissioner Kohat Division, Kohat.
2. That the petitioner/appellant has already filed appeal/representation before the Chief Secretary KPK Peshawar on 26-04-2013 against the final seniority list on 31-12-2011. The result of the said appeal has not been communicated to the petitioner who is awaiting for the same.
3. In light of above the it would be in fitness of things to assign correct seniority position and place the Name of appellant at S.No.2 of the instant impugned seniority list issued on 26-04-2013. The case of appellant needs to be looked into and concentration be given in the light of Civil Servant Act 1973 and Seniority Rules, laid down criteria of seniority framed for the purpose. If the correct position is not brought on surface, the petitioner would face numerous complications in the long run as on one side he will be deprived from his due right, while on the other side their will be great loss towards his pensionery/monatory benefits.
4. That the Seniority Position of the appellant has already been decided by the learned Court of Senior Member Board of Revenue Khyber Pakhtunkhwa vide Case No. 271/2009 dated 11-11-2009.It is added that the case has been decided alongwith others and due right of seniority has been awarded on the basis of Services and Administration Regulation Wing KPK Peshawar Circular letter bearing No. SOR-II into (S&GAD) 1 (27)/86 dated 18-06-1989 (copies enclosed).
5. According to decision of the Court of Senior Member Board of Revenue, the seniority position has been reckoned for the appointment as Naib Tehsildar (BPS-14) on Adhoc basis i,e 10-04-2001. The same is in accordance with the laid down criteria and the relevant provision of service laws.
6. It is also submitted that the Court of Senior Member Board of Revenue Khyber Pakhtunkhwa has decided such like appeals/requests and has fixed seniority position to the aggrieved incumbents on the basis of date(s) of adhoc appointment as per detail appended below and also for your honour perusal:-

Continued at page-2

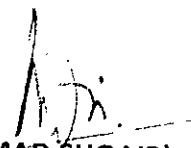
S No.	Name of Naib Tehsildar	Reference of case	Remarks
1	Gulshan Mehmood	Case No. 131/2010_date of decision 02-06-2010	Now promoted as PMS Officers (BPS-17)
2	Abdul Nabi	Vide order No. 2540-43/Admn:1 PF/A/SL dated 10-02-2010	-Do-
3	Said Rehman	Vide case No. 09/2009 date of decision 02-04-2009	Promoted as Tehsildar BPS-16 on acting charge basis
4	Naik Muhammad	Case No. 92/2009 date of decision 09-09-2009	Naib Tehsildar

It is well prima facie established seniority position of officials concerned as per table mentioned above, so it is a kind of token before your honour so as to arrive correct conclusion of the instant representation while disposing the case of petitioner in hand (copies of the above mentioned decision are enclosed).

In view of above, it is humbly prayed that on acceptance of this appeal/representation, the SMBR Khyber Pakhtunkhwa may be urged upon that correct seniority position assigned to the appellant on the basis of date of appointment i.e 10-04-2001 at par of those officials who have been granted correct seniority position on the basis of Court order of SMBR Khyber Pakhtunkhwa Peshawar. It is worth mentioning here that the officials who have been granted positions in seniority have promoted to BPS-17 that is PMS Officers and some of them are also working against the post of Tehsildar BPS-16 and Naib Tehsildar. Further prayed that any relief deem appropriate to the circumstances of the case, may also be extended in favour of the appellant/petitioner for ends of justice please.

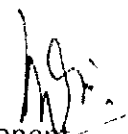
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Petitioner/appellant


 (MUHAMMAD SHOAIB) 12/6/13
 Naib Tehsildar Working as
 Reader to Commissioner Kohat.

Affidavite

I do hereby solemnly affirm and declare that the contents of the instant representation/appeal are correct to the best of my knowledge and belief and nothing has been concealed from this esteemed authority.


 Deponent

(21)

ADMITTED

E'

IN THE COURT OF AHISANULLAH KHAN, SENIOR MEMBER,
BOARD OF REVENUE, NWFP.

Case No. 271/2009.
Date of Institution. 23/10/2009.
Date of Decision. 11/11/2009.

Muhammad Shoaib, Naib Tehsildar (Head Clerk Revenue) District
Karak
-----Appellant

ORDER

This is a petition filed by Muhammad Shoaib Naib Tehsildar, presently working as Head Clerk (Revenue), District Karak requesting for counting of his Adhoc service for the purpose of seniority etc with effect from 10-04-2001 to 01-06-2009.

Petitioner with counsel present. Arguments heard and comments offered by the department perused.

Facts leading to the case are that the appellant was selected as Naib Tehsildar on Adhoc basis on 10/04/2001 amongst the Ministerial Staff quota and has served with effect from 10/04/2001 to 01/06/2009 on various posts in the Province. On 02/06/2009, he was selected as Naib Tehsildar on regular basis. He has now come with prayer for counting of Adhoc service for the purpose of seniority etc.

The Department preferred NWFP Civil Servant Act, 1973 as well as Civil Servant Appointment, Promotion and Transfer Rules, 1989 wherein it has been mentioned that the seniority will be given to an official from the date of his regular appointment.

The learned counsel for the appellant while arguing the case, presented a circular letter bearing No. SOR-II(S&GAD) 102786 dated 18/06/1989 issued by the Services and General Administration Department (Regulation Wing) NWFP, which provides as under:-

The mater has been examined in consultation with Establishment Division, Finance Division as well as Finance Department. It has now been clarified that there is no bar on the Adhoc service for the purpose of calculation of minimum length of service

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promotion and move-over both provided that there has been no break between the Adhoc and regular appointment."

The learned counsel for the appellant further argued and pointed out that the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 was issued vide No. SRO-I (S&GAD) /4-1/80 dated 31/01/1989 while the circular was issued on 18/06/1989, which shows that the said circular was issued after the issuance of the Rules *ibid*, therefore action shall be taken on the said circular.

In view of the above, the petition is accepted and the service rendered on Adhoc basis with effect from 10/04/2001 to 01/06/2009 is to be counted towards regular service as well as for the purpose of seniority.

ANNOUNCED.

11/11/2009

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

11/11/2009
04-12-09

TRUE COPY

23

ANNEXURE

"F"

GOVERNMENT OF NWFP
S&GAD
(REGULATION WING)

NO: SORII(S&GAD)1(27)/86

Dated Peshawar, the June 13 1989.

To

1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. All Commissioners in NWFP.
4. All Heads of Attached Departments in NWFP.
5. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
6. All Deputy Commissioners/Political Agents in NWFP.
7. All District and Sessions Judges in NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Secretary, NWFP Public Service Commission, Peshawar.
10. The Secretary, Board of Revenue, NWFP, Peshawar.
11. The Registrar, NWFP Service Tribunal, Peshawar.

SUBJECT:- COUNTING OF ADHOC SERVICE FOR THE PURPOSE OF PROMOTION

Sir,

I am directed to refer to this Department circular letter No. SOR-I(S&GAD)1-29/75, dated 27.11.1988 and 6.2.1989, on the subject noted above and to say that the "ad hoc appointment" has not been defined in the Fundamental Rules. However, according to the definition given in the NWFP Civil Servants Act, 1973, an "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method. The "ad hoc appointment" has always been treated as a temporary appointment and under proviso to F.R.22, the services rendered against temporary post in the identical pay scale is counted towards increments.

2- The matter has been examined in consultation with the Establishment Division, Finance Division as well as Finance Department, NWFP. It has now been clarified that there is no bar on the ad hoc service being counted for the purpose of calculation of minimum length of service prescribed for promotion and move-over both provided there has been no break between ad hoc and regular appointment.

~~CONFIDENTIAL~~

Ji

(H) (S) **ATTENDANCE** 5

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

Case No. 1311/2010.
Date of Institution. 07/05/2010.
Date of Decision. 02/06/2010.

Gulshan Mehmood Naib Tehsildar/DRA, Hangu

-----Appellant.

Versus

Board of Revenue, NWFP

-----Respondent.

ORDER

This is a departmental appeal/representation filed by Gulshan Mehmood Naib Tehsildar/DRA, Hangu against the tentative joint seniority list of Naib Tehsildar (BPS-14) as stood on 31/12/1999 whereby the appellant has been shown junior to the other Naib Tehsildars.

[Handwritten signature]
Brief facts of the case are that the appellant Gulshan Mehmood was appointed as Patwari (BPS-05) in the Revenue Department on 01/10/1978. Later on he was promoted as Kanungo on regular basis with effect from 09/07/1989. He was promoted as Naib Tehsildar (BPS-14) vide Commissioner, Kohat Division Kohat letter No. 6032/AG-I dated 14/12/1995 on temporary basis and this order was confirmed on 10/04/2001 in pursuance of Departmental Promotion Committee Meeting held on 07/04/2001 under the Chairmanship of Commissioner, Kohat Division Kohat. Subsequently he was promoted through proper Departmental Promotion Committee Meeting held on 08/03/2004 under the Chairmanship of Senior Member, Board of Revenue, Khyber Pakhtunkhwa and was recommended for regular promotion as Naib Tehsildar in the same pay scale i.e (BPS-14) and the promotion order was issued on 03/04/2004 accordingly. Hence there is no break in the service of appellant between the adhoc and regular appointment.

[Handwritten notes: A. K. Khan, 14/12/1995]

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Appellant present and heard. Comments offered by the Assistant Secretary (Estt.), Board of Revenue, Khyber Pakhtunkhwa as well as record of the case file perused which shows that the appellant is enjoying the benefits of higher pay scale since his promotion as Naib Tehsildar (BPS-14) on adhoc basis vide Commissioner, Kohat Division Kohat, dated 14/12/1995. According to the instructions contained in Services and General Administration Department (Regulation Wing) circular letter No. SOR-I/(SG:GAD)1-2004 dated 14/12/1995, "the service rendered on adhoc basis in a post under the [] followed by regular appointment to a post in the same []".

(25)

ATTENDURE

towards length of service prescribed for promotion to a higher post, provided there is a no break between adhoc and regular appointments to the post concerned".

In light of the above discussion the present departmental appeal is accepted and the services rendered with effect from 10/04/2001 to 03/04/2004 is to be counted towards regular service and seniority at proper place.

ANNOUNCED.
02/06/2010



(AHSANULLAH KHAN)
SENIOR MEMBER,
BOARD OF REVENUE,
KHYBER PAKHTUNKHWA.

Ahsan

Atk

14/6/2010



ATTENDURE

ANNEXURE

91
26

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

Case No. 09/2009.
Date of Institution. 19/01/2007.
Date of Decision. 02/04/2009.

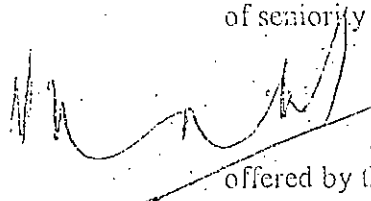
Said Rehman Naib Tehsildar Qasba District Peshawar

Petitioner.

ORDER

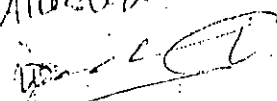
This is an appeal filed by Said Rehman Naib Tehsildar presently working as Naib Tehsildar Qasba District Peshawar requesting for counting of his Adhoc Service for the purpose of seniority etc with effect from 22/11/2004 to 30/05/2007.

Facts leading to the case are that the appellant was promoted as Naib Tehsildar on Adhoc basis on 22/11/2004 amongst Kanungo Quota and has served with effect from 22/11/2004 to 30/05/2007 on various posts in the Province. On 31/05/2007, he was promoted as Naib Tehsildar on regular basis. He has now come up with prayer for counting of Adhoc Service for the purpose of seniority etc.

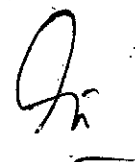
 Appellant with counsel present. Arguments heard and comments offered by the Department perused.

The learned counsel for the appellant while arguing the case, presented a circular letter bearing No. SOR-II(S&GAD) I(27)86 dated 18/06/1989 issued by defunct Services and General Administration Department (Regulation Wing) NWFP, which provides as under:-

"The matter has been examined in consultation with the Establishment Division, Finance Division as well as Finance Department NWFP. It has now been clarified that there is no bar on the Adhoc Service being counted for the purpose of calculation of minimum length of service prescribed for promotion and move-over both provided that there has been no break between the Adhoc and regular appointment".

Allocated

Refer to
Senior Member
Board of Revenue, NWFP.

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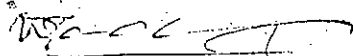


The learned counsel for the appellant further argued and pointed out that the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 was issued vide No. SOR-I(S&GAG)/4-1/8, dated 31/10/1989 while the above said circular was issued on 18/06/1989, which shows that the said circular was issued after the issuance of the Rules ibid, therefore action shall be taken in light of the said circular.

In view of the above, the appeal is accepted and the service rendered by the appellant on Adhoc basis with effect from 22/11/2004 to 31/05/2007 is to be counted towards regular service as well as for the purpose of seniority.

ANNOUNCED.
02/04/2009

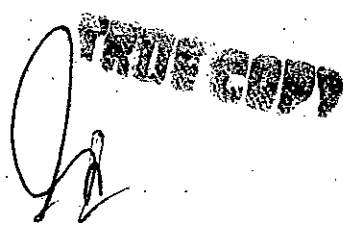
Attested:



Reader to
Senior Member



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



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

Case No. 92/2009

Date of Institution 30.05.2009

Date of Decision 09.09.2009

Appeal against order No.11155-64/Admn-V/DPC/NT, dated 10.05.2008/Admn-V/Naik Muhammad.

ORDER

This is a an appeal filed by Mr. Naik Muhammad Political Naib Tehsildar Bazar Zakha Khel challenging therein this Department order bearing Endorstement No. 11155-64/Admn-V/DPC/NT, dated 10.05.2008/Admn-V/Naik Muhammad..

Facts leading to the case are that the appellant was initially appointed as Patwari on 26.07.1995 in the office of the then Deputy Commissioner, Kohat and remained posted in various Halqas. He was later on promoted as Kanungo (BPS - 09) on Regular basis and was thereafter posted as District Revenue Accountant in his (Own Pay & Scale) on 08.02.2005. As a result of his satisfactory performance he was posted as Political Naib Tehsildar Central Orakzai Agency on 04.05.2005 he also remained posted as Political Naib Tehsildar Bara Khyber Agency as well as Mulagori Khyber Agency and Political Naib Tehsildar Passpor Torkham Khyber Agency. Later-on he was promoted as Naib Tehsildar (BPS - 14 on Acting Charge basis on 10.05.2008.

Under the circumstances and his excellent service available on recor his case seems to be genuine. As such, the appeal is hereby accepted and th services of the appellant are hereby regularized as Naib Tehsildar w.e.f 10.05.200

ANNOUNCED
09.09.2009

Attested
15-9-2009

Ahsanullah Khan
(AHSANULLAH KHAN)
SENIOR MEMBER
BOARD OF REVENUE NWFP.

[Signature]
Senior Member
Board of Revenue, NWFP.

[Signature]

92
28

6/5/14
OFFICE OF THE
COMMISSIONER
BANNU DIVISION

P.O. Box. 12, Postal Code 28100, Bannu.
Phone: 0928-9270044 & 621144
Fax: 0928-9270041
E-mail: commissioner-bannu@hotmail.com

No. 532/AG-I/F-105
Dated: 03/03/2014

✓ Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Subject: APEAL NO. 1326,1327 OF 2013 CASE TITLED MR. SHOIB & OTHER VS
THROUGH CHIEF SECRETARY PESHAWAR

I am directed to refer to your notice mentioned above and to state as per report received from Assistant Political Agent, FR Bannu vide his letter bearing No. 240-41/APA/HC/Court/F-13 dated 20/02/2014, the Respondent No. 68, (Mr. Maqbool-ur-Réhman, Naib Tehsildar) was shot martyred by unknown miscreants on 25/03/2013. (Copy enclosed).

4415210
Assistant to Commissioner (Revenue/GA)
Bannu Division

*Put up to the Court
with relevant appeal
Reader
concerned*

*6/5/14
5/3/14*

OFFICE OF THE
ASSISTANT POLITICAL AGENT, FR B A N N U

Phone # 0928 - 9270067
0928 - 9270211

No. 240-41 / APA/HC/Court/F-13

Dated Bannu the 20 / 02 / 2014

To

The Assistant to Commissioner (Revenue)
Bannu

Subject: Notice to Maqbool-ur-Rehman NT c/o Commissioner Bannu

Memo:

Please refer to your verbal direction today on 18/02/2014 regarding the subject noted above (notice attached).

On 25/03/2013, after "Mugharab" prayer Mr. Maqbool Rehman, Political Tehsildar, FR Bannu was shot martyred by unknown miscreants while he was on the way back to home at his village Hinjal Amir Khan, Police Station Mandan. Soon after the incident Mr. Maqbool Rehman was taken to DHQ Teaching Hospital Bannu for proper treatment/operation. However, the deceased succumbed to his injuries at night by 02:00 AM.

Submitted for further necessary action please

Supdl
4 / 4
20/2
ACR

Assistant Political Agent
FR Bannu

Even number & date
Copy forwarded to the:

1. Deputy Commissioner, Bannu

Assistant Political Agent
FR Bannu

FILED
Sl. No. <u>1023</u>
Date <u>20-02-14</u>
Rel. to <u>FR Bannu</u>
Comp. by <u>_____</u>

“B”

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

No.

12/13/11

Appeal No. 1326, 1327 of 2013

M. Shicab & others Appellant/Petitioner

Versus

Through Chief Secy, Pesh. Respondent

Respondent No. 68

Notice to:

Magistrate-in-Chief, Peshawar
Commissioner, Bannu

WHEREAS an appeal/petition under the provisions of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 20-2-2014 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 11/12/2013

Day of Dec. 2013.

[Signature]



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

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

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1327 /2013

Muhammad Shoaib

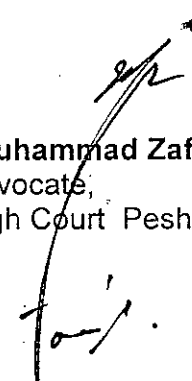
VERSUS

Govt of K.P etc

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Date:-2nd Sep, 2013


(Muhammad Zafar Tahirkheli)
Advocate,
High Court Peshawar

①

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2013

Muhammad Shoaib,
Naib Tehsildar (BPS-14),
Kohat.

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa, through
Chief Secretary, Peshawar
2. Senior Member Board of Revenue, Peshawar
3. Bashir Ahmad, Tehsildar Swabi
4. Mian Sami Ullah Jan, Tehsildar Chitral
5. Ghulam Farooq, Tehsildar FR Kohat
6. Naz Amin Khan, Tehsildar Kalkot,
7. S. Asghar Shah, Recovery Officer, NHA Abbottabad
8. Ali Sher Khan, Tehsildar Takht Bai
9. Tariq Saleem, Tehsildar Domail, Bannu
10. Abdul Ghaffar, Stamp Inspector D.I.Khan
11. Said Rehman, Tehsildar, Anti Corruption Directorate Peshawar
12. Kiramat Ullah Kundi, Tehsildar Bari Kot, Swat
13. Akbar Iftikhar Ahmad, Political Tehsildar Ali Zai Kurrarn Agency Parachinar
14. Qaisar Khan, Political Tehsildar FR Bannu
15. Najib Ullah, Special Tehsildar, Irrigation, D.I.Khan
16. Muhammad Ayub Khan, Tehsildar Bannu
17. Abdul Rehman Shah, Tehsildar Daggar, Buner
18. Sarir Ahmad, Tehsildar Nowshera
19. Muhammad Riaz, Tehsildar Pabb, Nowshera
20. Atta Ullah, Recovery Officer WAPDA House Shami Road Peshawar
21. Musadiq Hussain, Tehsildar Thall
22. Abdul Qayyum, Tehsildar Kohat
23. Muhammad Nawaz, Tehsildar Batagram
24. Mir Laiq, Tehsildar Mardan
25. Nauman Ali Shah, Tehsildar Karak
26. Muhammad Bashir, Tehsildar Ghazi
27. Hadayat Ullah, Tehsildar Khwaza Kheia
28. Iftikhar Ahmad, Tehsildar Bala Kot
29. Ghulam Sarwar, Tehsildar Alpuri, Swat
30. Farzand Ali, Tehsildar Mandar, Malakand Division
31. Said Rehman, Tehsildar Taimargarah
32. Fazle Raziq, waiting for posting Board of Revenue Peshawar
33. Shah Nawaz, Tehsildar D.I. Khan
34. Asmat Ullah, Tehsildar Laki Marwat
35. S. Mazhar Hussain Shah, Head Clerk, D.C Office D.I.Khan
36. Hussain Bakhsh, Tehsildar Nourang, Bannu
37. Abdur Rashid, Tehsildar Kulachi
38. Fateh Ullah, Political Tehsildar Dossali
39. Muhammad Akram, Tehsildar Babozai,
40. Mulazim Hussain, Tehsildar Tank
41. Muhammad Israr, Recovery Officer PESCO Bannu
42. Afzal Khan, Tehsildar Khandu Khel
43. Anwar Ul Haq, Tehsildar Bahrain
44. Khizar Hayat, Political Tehsildar FR Tank
45. Muhammad Farooq Anwar, N.T settlement Panyala
46. Kutab Khan, Tehsildar Hawaliyan
47. Ghulam Qasim, Tehsildar Irrigation D.I.Khan

- 48. Qudrat Ullah, DT D.I.Khan
- 49. Aftab Hussain Shah, Head Clerck D.C Office, D.I.Khan
- 50. Sikandar Hayat Shah, Naib Tehsildar Domail
- 51. Ghulam Abbas, Naib Tehsildar LA Lakki Marwat
- 52. Saleem Asmat, Naib Tehsildar Irrigation Gomal D.I.Khan
- 53. Raqibas Khan, c/o Commissioner Bannu
- 54. Habib Ahmad, Naib Tehsildar Rev: Swat
- 55. Himnayat Ullah Qureshi, Sub Registrar Tank
- 56. Abdullah Jan, Naib Tehsildar Shabqadar
- 57. Miraj Muhammad, Naib Tehsildar c/o Commissioner Peshawar
- 58. Nazir Ahmad, Naib Tehsildar Mansehra
- 59. Muhammad Ziafat, Tehsildar Pattan, Hazara Division
- 60. Abdur Rasheed, HVC Commissioner Office, D.I.Khan
- 61. Niamat Ullah Khan, Political Naib Tehsildar, FR Kohat
- 62. Naik Muhammad, PNT, Bara Khyber Agency
- 63. Aman Ullah, Naib Tehsildar Land Acquisition Tank
- 64. Shah Zaman, Naib Tehsildar Irrigation Tank
- 65. Abdur Rashid, Commissioner Officer D.I.Khan
- 66. Muhammad Ayub, Commissioner Officer D.I.Khan
- 67. Amir Muhammad, Head Clerk Revenue Swabi
- 68. Maqbool Ur Rehman, Naib Tehsildar c/o Commissioner Bannu
- 69. Shakir Ullah, Awaiting for posting in Commissioner Office Peshawar
- 70. Munir Ahmad, Naib Tehsildar, c/o Commissioner Bannu
- 71. Rehmat Ullah Khan, Naib Tehsildar c/o D.C Lakki
- 72. Imtiaz Ali Shah, Political Naib Tehsildar Central Kurram Agency
- 73. Khalid Khan, Political Naib Tehsildar Bajour
- 74. Fazle Wadood, Political Naib Tehsildar Mohmand
- 75. Irshad Ali, Political Naib Tehsildar Mohmand
- 76. Amir Nawaz, Naib Tehsildar, c/o Commissioner Office D.I.Khan
- 77. Shah Wazir, PNT South Waziristan Agency
- 78. Sikandar Khan, N.T Khwaza Khela
- 79. Ishtiaq Ahmad Khan, N.T Darosh Chitral
- 80. Shamsul Islam, N.T c/o Commissioner MALakand
- 81. Allah Noor, N.T c/o Commissioner D.I.Khan
- 82. Muhammad Ilyas, N.T Matta Swat
- 83. Yasir Salman Kundi, N.T c/o Commissioner Bannu
- 84. Yadullah Khan Khattak, Tehsildar Katlang
- 85. Ahmed Hashmi, Naib Tehsildar c/o Commissioner Malakand
- 86. Amin Ullah Khan, Political Naib Tehsildar D.I.Khan (FR)
- 87. Islah Uddin N.T Takht Bai
- 88. Zahid Younas, Political Tehsildar Mahal Kurram Agency
- 89. Naimat Ullah, Naib Tehsildar Mastuj
- 90. Muhammad Riaz, N.T Dir Lower
- 91. Sher Ali Khan, Reader to Commissioner Malakand
- 92. Munawar Shah, Tehsildar Balambat
- 93. Iftikhar Ud Din, Naib Tehsildar c/o DC Charsadda
- 94. Younis Khan, Tehsildar Lal Qilla Malakand
- 95. Mujahid Ali, FATA Secretariat Peshawar
- 96. Syed Abdul Akbar Shah, Tehsildar Rajar, Charsadda
- 97. Syed Sultan Haider Shah, HVC Commissioner Office Peshawar
- 98. Aftab Ahmad, Naib Tehsildar Mardan
- 99. Dil Nawaz Khan, Naib Tehsildar Topi, Swabi
- 100. Kifayat Ullah, Naib Tehsildar Mohmand Circle Peshawar
- 101. Faqir Hussain, Naib Tehsildar Charsadda
- 102. Zulfiqar Khan, D.C Office Peshawar
- 103. Waqar Ahmad, Naib Tehsildar Batagram
- 104. Muhammad Faraz, Naib Tehsildar Land Acquisition Abbotabad
- 105. Fazal Ur Rehman, Naib Tehsildar Commissioner Office Hazara, Abbotabad
- 106. Farrukh Jadoon, Naib Tehsildar Commissioner Office Hazara, Abbotabad
- 107. Fayyaz Ahmad, Tehsildar Pallas
- 108. Bilal Ahmad, N.T, D.C Office Haripur

- 110. Ejaz Ahmad, Naib Tehsildar Allai
- 111. Muhammad Salim, Commissioner Office Hazara
- 112. Muhammad Sohail, Naib Tehsildar Commissioner Office Hazara
- 113. Sajid Saleem, Naib Tehsildar Parowa D.I.Khan
- 114. Adil Waseem, N.T Qasba Peshawar
- 115. Tanzil Ur Rehman, Political Tehsildar Orakzai Agency
- 116. Qazi Muhammad Aslam, Tehsildar Consolidation D.I.Khan
- 117. Abdul Qayyum, D.C Office Kohistan
- 118. Rooh Ul Amin, Tehsildar B.D Shah District Karak
- 119. Qainoos Khan, Political Naib Tehsildar FR Kohat
- 120. Khurshid Ali, District Revenue Accountant BATkhela
- 121. Latif Ur Rehman, Naib Tehsildar D.C Office Shangla
- 122. Jehan Ali, Naib Tehsildar Makhuzai
- 123. Amir Zarin, Naib Tehsildar Chakeser
- 124. Shah Wazir, N.T Judicial Swat
- 125. Sher Bahadur, Political Tehsildar Lower Orakzai
- 126. Shaukat Iqbal, Sub-Registrar D.I.Khan
- 127. Abdur Rashid, Commissioner Office, Mardan
- 128. Ahmad Ali, Political Naib Tehsildar Bajaur
- 129. Faramosh Khan, Political Naib Tehsildar Bajour
- 130. Abdul Haseeb, Political Tehsildar Bajour
- 131. Shakeel Ahmad, Political Tehsildar Bara
- 132. Gohar Ali, Naib Tehsildar Sarai, Bannu
- 133. Mehmoos Shah, HCR D.C Office Peshawar
- 134. Sher Dil, Tehsildar Ogi Mansehra

.....Respondents

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SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974

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"Prayer"

- (a) By accepting this appeal and setting aside the impugned seniority list dated 31-12-2012(annex "A") and rejection order dated 02-08-2013(annex "B") where by the departmental appeal of the appellatant was refused,
- (b) and directing the respondent department to place the appellatant at his proper place of seniority of Naib Tehsildars (BPS-14) above respondents No. 3 to 135.

Respectfully Sheweth,

1. The appellatant is serving as Naib Tehsildar (BPS-14) under the Revenue and Estate Department, Govt. of Khyber Pakhtunkhwa, Peshawar.

The petitioner was initially inducted into service on 09-12-1990 and his services were regularized Naib Tehsildar (BPS-14) on 10-04-2001. The appellatant was thus placed at S.No: 06 of the Final Seniority List of Naib Tehsildars (BPS-14) Khyber Pakhtunkhwa as it stood on 31-12-2009. (copy annexed hereto **marked "C"**).
2. That the respondent department issued the impugned seniority list of Naib Tehsildars (BPS-14) in Khyber Pakhtunkhwa as it stood on 31-12-2012 vide notification dated 26-04-2013. The appellatant was arbitrarily placed at S. No: ~~132~~, in-stead of his actual place of seniority at S.No: 06, by placing respondents No. 3 to 134 above the appellatant without issuing any prior notice or showing any valid cause. (copy annexed hereto **marked "A"**).
3. The appellatant submitted his departmental representation against the impugned seniority list on 13-06-2013. (copy annexed hereto **marked "D"**)

The departmental representation was rejected vide impugned order dated 02-08-2013, communicated to the appellant on 05-08-2013. (copy annexed hereto marked "B")

- 4. Feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Services Tribunal, respectively, maintaining that the impugned seniority list as it stood on 31-12-2012 and impugned rejection order dated 02-08-2013, is arbitrary, malafide and as such without justification, without lawful authority and subject to correction, inter-alia on the following:

Grounds

- (a) The respondent department has acted in a surreptitious manner to issue the impugned seniority list dated 31-12-2012, in complete disregard to the earlier seniority list 31-12-2009 and the rules regulating the service.
- (b) The appellant was selected as Naib Tehsildar on ad-hoc basis on 10-04-2001 amongst the Ministerial Staff Quota and had served the department w.e.f 10-04-2001 to 01-06-2009 on various posts in the province.

The appellant filed a departmental appeal No. 271/2009, before the Senior Member Board of Revenue, requesting for counting of his ad-hoc service for the purpose of his seniority etc w.e.f 10-04-2001 to 01-06-2009. His departmental appeal was accepted vide order dated 11-11-2009. (copy annexed hereto marked "E")

- (c) The appellant's departmental appeal was accepted in view of Government's notification No. SORII(S&GAD) 1(27)/86 dated 13th June 1989. (copy annexed hereto marked "F").

That on the basis of said notification and order dated 11-11-2009 the appellant was placed at S.No. 06 of the seniority list of Naib Tehsildar (BPS-14) as it stood on 31-12-2009. (annex "C").

- (d) The impugned seniority list dated 31-12-2012 was issued arbitrarily without issuing prior notice upon the appellant. (Reference 1992 SCMR 1420 & 1993 PLC (CS) 195).

The Hon'ble Service Tribunal vide its recent judgment dated 17-04-2013 in service appeal No. 456/2012, "Mian Karim Shah Vs Govt. etc" has also laid down the dictum that seniority once granted can not be withdrawn without issuing prior notice.

- (e) The appellant's ad-hoc service w.e.f 10-04-2001 to 01-06-2009 was counted towards regular service as well as for the purpose of seniority by the competent authority vide order dated 11-11-2009. Resultantly his services were regularized as Naib Tehsildar w.e.f 10-04-2001 and he was placed at S. No. 06 of the seniority list 31-12-2009 of Naib Tehsildars. Non of these orders were challenged by any of the respondents and are thus still in force.

The Respondent Department was required by law to act in accordance with the well established principles of equity and justice. Their impugned action justifies interference by the Hon'ble Service Tribunal.

(f) In a similar manner the departmental appeal No. 131/2010 of Ghulam Mehmood Naib Tehsildar was accepted vide order dated 02-06-2010, Said Rehman Naib Tehsildar's appeal No. 09/2009 was accepted vide order dated 02-04-2009 and Mr. Naik Muhammad Political Naib Tehsildar, appeal No. 92/2009 was also accepted vide order dated 09-09-2009 and their ad-hoc services were counted towards regular service and for the purpose of seniority. (copy annexed hereto marked "G" to "G2")


Non of these official's seniority was disturbed by the impugned seniority list and only the appellatant has been awarded the discriminatory treatment.

(g) The impugned action is thus arbitrary, discriminatory, against the principles of equity, justice, law and proprietary, subject to correction by this Hon'ble Tribunal.

Appellant seeks permission to take several other grounds at the time of arguments.

In view of the above, it is most humbly requested that by accepting this appeal the impugned seniority list dated 31-12-2012 and rejection order dated 02-08-2013 may kindly be set aside and the respondent department may be directed to place the appellatant at his proper place of seniority above respondents No. 3 to 134.


Any other relief deemed appropriate may also be granted


Appellant

Through,


Peshawar, dated
2nd Sep, 2013

(Muhammad Zafar Tahirkheli)
Advocate


(Ansar Ullah Khan)
Advocate

Affidavit

I, the appellatant, do hereby stat on Oath that the contents of the above application are true and correct and nothing has been concealed or withheld from this Hon'ble Tribunal.


DEPONENT

ANNEXURE

'A'
6

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 26/04/2013

OFFICE ORDER

No. Estt: V/S.I./ 9276

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 Naib Tehsildars (BPS 14) in Khyber Pakhtunkhwa, as stood on 31.12.2012, is hereby published for information of all concerned.

By Order of,
Senior Member

No. Estt: V/S.I./ 9271-79

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

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

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

TRUE COPY

Assistant Secretary (Estt)

APPENDIX

A
B

FINAL SENIORITY LIST OF NAIB TESHILDAR (BPS - 14) IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2012

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government 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 (BPS - 16) 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	17.10.1955 Charsadda	19.03.1982	12.10.2002	--do--	--do--
4	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	--do--	--do--
5	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	--do--	Naib Tehsildar
6	Mr. S.Asghar Shah (Matric)	25.12.1959 Haripur	25.05.1981	30.06.2003	--do--	--do--
7	Mr. Ali Sher Khan B.A LLB	15.02.1978 Peshawar	14.02.2004	14.02.2004	Direct	--do--
8	Mr. Tariq Saleem B.A	14.08.1971 Tank	14.02.2004	14.02.2004	--do--	Naib Tehsildar
9	Mr. Abdul Ghaffar B.A	15.12.1974 Tank	14.02.2004	14.02.2004	--do--	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
10	Mr. Saïd Rehman (Matric)	30.10.1958 Mardan	01.10.1980	22.11.2004	Promotee	--do--
11	Mr. Kiramat Ullah Kundi B.A	03.03.1974 Tank	29.11.2004	29.11.2004	Direct	--do--
12	Mr. Akbar Iftikhar Ahmad (B.A) LLB	29.03.1977 Hangu	24.11.2005	24.11.2005	--do--	--do--
13	Mr. Qaisar Khan (B.A)	09.04.1975 DIKhan	19.12.2005	19.12.2005	--do--	--do--
14	Mr. Najib Ullah (BA)	15.02.1969 DIKhan	27.02.2006	27.02.2006	--do--	--do--
15	Mr. Muhammad Ayub Khan. (B.A)	01.03.1964 Bannu	12.06.2006	12.06.2006	--do--	--do--
16	Mr. Abdur Rehman Shah (BA)	15.02.1985 Bannu	23.01.2007	23.01.2007	--do--	--do--
17	Mr. Sarir Ahamd (Matric)	13.05.1955 Peshawar	28.02.1977	31.05.2007	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
18	Muhammad Riaz (Matric)	22.05.1958 Nowshera	06.08.1978	31.05.2007	--do--	--do--
19	Mr. Atta Ullah (Matric)	1.04.1956 Charsadda	06.11.1978	31.05.2007	--do--	--do--
20	Mr. Musadiq Hussain (Matric)	21.08.1955 Hangu	12.05.1973	31.05.2007	--do--	--do--

ANNEXURE

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
21	Mr. Abdul Qayyum (Matric)	03.01.1954 Kohat	23.06.1970	31.05.2007	Promotee	Appointed as Tehsildar (BPS - 16) on Acting Charge Basis
22	Muhammad Nawaz (F.A)	30.03.1957 Mardan	20.05.1976	31.05.2007	--do--	--do--
23	Mr. Mir Laiq (F.A)	27.04.1963 Mardan	08.03.1983	31.05.2007	--do--	--do--
24	Mr. Nouman Ali Shah BCS(Hons)	17.09.1984 Bannu	06.07.2007	06.07.2007	Direct	--do--
25	Muhammad Bashir (F.A)	10.12.1956 Haripur	01.11.1976	20.07.2007	Promotee	--do--
26	Mr. Hidayat Ullah (BA)	28.04.1962 Malakand	13.03.1991	20.07.2007	--do--	Naib Tehsildar
27	Mr. Ifikhar Ahmad (Matric)	02.04.1954 Mansehra	15.07.1979	20.07.2007	--do--	--do--
28	Mr. Ghulam Sarwar (Matric)	01.03.1955 Shangla	01.03.1978	20.07.2007	--do--	--do--
29	Mr. Farzand Ali (Matric)	03.05.1954 Swat	19.05.1976	20.07.2007	--do--	--do--
30	Mr. Said Rahim (Matric)	15.04.1957 Swat	04.09.1976	20.07.2007	--do--	--do--
31	Mr. Fazli Raziq (B.Com)	01.05.1955 Swat	06.04.1981	20.07.2007	--do--	--do--
32	Mr. Shah Nawaz (B.A)	01.10.1959 Lakki Marwat	11.11.1998	26.07.2007	--do--	--do--
33	Mr. Asmat Ullah (Matric)	13.03.1959 Lakki Marwat	28.04.1982	26.07.2007	--do--	--do--
34	S. Mazhar Hussain Shah (F.A)	07.07.1956 DIKhan	10.05.1976	26.07.2007	--do--	--do--
35	Mr. Hussian Bakhsh (Matric)	13.04.1956 DIKhan	01.09.1976	26.07.2007	--do--	--do--
36	Mr. Abdur Rashid (F.A)	01.09.1955 Tank	01.07.1984	26.07.2007	--do--	--do--
37	Mr. Fateh Ullah (F.A)	10.10.1958 Tank	01.07.1984	26.07.2007	--do--	--do--
38	Muhammad Akram (Matric)	03.10.1959 Tank	01.12.1983	26.07.2007	--do--	--do--
39	Mr. Mulazim Hussain (Matric)	01.01.1957 Tank	05.07.1984	26.07.2007	--do--	--do--
40	Muhammad Israr (B.A)	19.05.1959 Bannu	18.07.1985	26.07.2007	--do--	--do--
41	Mr. Afzal Khan (F.A)	15.03.1959 Swat	05.04.1981	01.09.2007	--do--	--do--
42	Mr. Anwar ul Haq (B.A)	01.02.1959 Swat	05.04.1981	31.12.2007	--do--	--do--
43	Muhammad Farooq Anwar (Matric)	10.09.1958 Tank	23.12.1985	01.01.2008	--do--	--do--
44	Mr. Kutab Khan (F.A)	22.05.1956 Tank	02.07.1986	01.01.2008	--do--	--do--
45	Mr. Ghulam Qasim (FA)	28.08.1958 DIKhan		01.01.2008	--do--	--do--

ANNEXURE

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S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
46	Mr. Qudratullah (Matric)	20.02.1959 DIKhan	01.09.1977	01.01.2008	Promotee	Naib Tehsildar
47	Mr. Aftab Hussain Shah (B.A)	04.05.1958 DIKhan	13.09.1980	01.01.2008	--do--	--do--
48	Mr. Sikandar Hayat Shah (Matric)	20.01.1958 Bannu	18.02.1981	05.01.2008	--do--	--do--
49	Mr. Ghulam Abbas (Matric)	15.02.1958 Lakki Marwat	11.11.1982	05.01.2008	--do--	--do--
50	Mr. Saleem Asmat (BA)	03.01.1959 DIKhan	27.03.1984	31.03.2008	--do--	Promoted through Administative order of SMBR
51	Mr. Raqibas Khan (F.A)	01.09.1956 Bannu	05.03.1982	02.04.2008	--do--	Naib Tehsildar
52	Mr. Habib Ahmad (B.A)	04.04.1955 Swat	06.04.1981	02.04.2008	--do--	--do--
53	Mr. Himayat Ullah Qureshi (B.A)	06.11.1958 Tank	10.01.1978	02.04.2008	--do--	--do--
54	Mr. Abdullah Jan (FA)	17.10.1958 Charsadda	01.09.1977	08.05.2008	--do--	--do--
55	Mr. Miraj Muhammad (F.A)	30.09.1958 Charsadda	31.05.1975	12.05.2008	--do--	--do--
56	Mr. Nazir Ahmad (Matric)	12.03.1954 Mansehra	18.08.1979	08.05.2008	--do--	--do--
57	Mr. Muhammad Ziafat (F.A)	12.02.1955 Abbottabad	06.10.1976	08.05.2008	--do--	--do--
58	Mr. Naimat Ullah Khan (BA)	11.08.1967 Tank	16.06.1990	08.05.2008	--do--	--do--
59	Mr. Naik Muhammad (B.A)	04.04.1971 Kohat	26.07.1995	10.05.2008	--do--	--do--
60	Mr. Amanullah (Matric)	09.06.1956 Tank	-	29.05.2008	--do--	Promoted through Administative order of SMBR
61	Mr. Shah Zaman (F.A)	16.07.1958 Tank	03.07.1984	29.05.2008	--do--	--do--
62	Mr. Abdur Rashid (Matric)	1958 DIKhan	1987	29.05.2008	--do--	--do--
63	Muhammad Ayub (Matric)	04.11.1960 Tank	18.12.1986	29.05.2008	--do--	--do--
64	Mr. Amir Muhammad (B.A)	06.04.1961 Swabi	28.08.1988	11.08.2008	--do--	Naib Tehsildar
65	Mr. Maqbool-ur- Rehman (F.A)	02.05.1959 Bannu	07.04.1980	13.01.2009	Promotee	Promoted through Administative order of SMBR
66	Mr. Shakir Ullah S/O Khan Mir (MA, MBA)	15.01.1978 Khyber Agency	02.02.2009	02.02.2009	Direct	Naib Tehsildar

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S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
67	Mr. Munir Ahmad S/O Jhangi Khan (MSc)	20.03.1979 SWA	02.02.2009	02.02.2009	Direct	Naib Tehsildar
68	Mr. Rahamã Ullah khan S.O Ahmad Khan (MSc. Chem)	18.04.1978 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
69	Mr. Imtiaz Ali Shah S/O Muhammad Ali Shah (MSc)	14.04.1980 Karak	02.02.2009	02.02.2009	--do--	--do--
70	Mr. Khalid Khan S/O Ifitikhhar Hussain (MA)	23.03.1978 Bajuar	02.02.2009	02.02.2009	--do--	--do--
71	Mr. Fazli Wadood S/O Fazli Mahmood (BA)	04.04.1982 Mohmand Agency	02.02.2009	02.02.2009	--do--	--do--
72	Mr. Irshad Ali S/O Dost Muhamamd (MA)	15.03.1978 Mohmand Agency	02.02.2009	02.02.2009	--do--	--do--
73	Mr. Amir Nawaz S/O Gul Daraz (BSc/MBA)	22.04.1975 DIKhan	02.02.2009	02.02.2009	--do--	--do--
74	Mr. Shah Wazir S/O Abdul Khan (MSc)	30.03.1980 SWA	02.02.2009	02.02.2009	--do--	--do--
75	Mr. Sikander Khan S/O Sar Zamin Khan (M.A)	10.12.1976 Swat	02.02.2009	02.02.2009	--do--	--do--
76	Mr. Ishtiaq Ahmad Khan S/O Allauddin (M.A)	30.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
77	Mr. Shamsul Islam S/O Faqir Gul (MA)	10.04.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
78	Mr. Allah Noor S/O Hazrat Noor (MA)	11.04.1983 (FR) DIKhan	02.02.2009	02.02.2009	--do--	--do--
79	Muhammad Iiyas S/O Shah Nasim Khan (MSc)	03.03.1975 Swat	02.02.2009	02.02.2009	--do--	--do--
80	Mr. Yasir Salman Kundi S/O Hamid Khan Kundi (MBA)	03.08.1979 Lakki Marwat	02.02.2009	02.02.2009	--do--	--do--
81	Mr. Yadullah Khan Khattak S/O Mohibullah Khattak (MA)	23.05.1979 Mardan	02.02.2009	02.02.2009	--do--	--do--
82	Mr. Ahmad Hashmi S/O Fazli Rabbi (B.A)	2.04.1983 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
83	Mr. Amin Ullah Khan S/O Dost Muhammad Khan (BA)	07.06.1977 DIKhan	02.02.2009	02.02.2009	--do--	--do--
84	Mr. Islahuddin S/O Syed Badshah (BA.LLB)	15.04.1982 Mardan	02.02.2009	02.02.2009	--do--	--do--
85	Mr. Zahid Younis S/O Muhamamd Younis (M.A)	20.01.1978 Karak	02.02.2009	02.02.2009	--do--	--do--

ANNEXURE

(11)

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
86	Mr. Naima: Ullah S/O Khanim Ullah (Double M.A)	26.04.1973 Dir	02.02.2009	02.02.2009	Direct	Naib Tehsildar
87	Muhammad Riaz S/O Fazal Aziz (LLB)	02.02.1980 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
88	Muhammad Yar S/O Faqir Gul (MA)	02.02.1979 Malakand	02.02.2009	02.02.2009	--do--	--do--
89	Mr. Sher Ali Khan S/O Sahibzar Gul (M.A)	13.11.1974 Swat	02.02.2009	02.02.2009	--do--	--do--
90	Mr. Munawar Shah S/O Abdur Rashid (M.A)	12.02.1973 Dir Lower	02.02.2009	02.02.2009	--do--	--do--
91	Mr. Iftikhar uddin S/O Zewar Din (MSc)	05.08.1973 Charsadda	02.02.2009	02.02.2009	--do--	--do--
92	Mr. Younis Khan S/O Waqif Khan (M.A)	15.06.1981 Upper Dir	02.02.2009	02.02.2009	--do--	--do--
93	Mr. Mujahid Ali S/O Khalil-ur-Rehman (M.A)	19.04.1974 Nowshera	02.02.2009	02.02.2009	--do--	--do--
94	Syed Abdul Akbar Shah S.O Syed-Gul Chaman (MSc/M.A)	11.04.1981 Mardan	02.02.2009	02.02.2009	--do--	--do--
95	Syed Sultan Haider Shah S/O Syed Guizar Hussain Shah (BA, LLB)	08.12.1972 Peshawar	02.02.2009	02.02.2009	--do--	--do--
96	Mr. Aftab Ahmad S/O Javed Muhammad (MSc)	08.12.1982 Peshawar	02.02.2009	02.02.2009	--do--	--do--
97	Mr. Dil Nawaz Khan S/O Alam Zeb (LLB)	22.03.1979 Swabi	02.02.2009	02.02.2009	--do--	--do--
98	Mr. Kifayat Ullah S/O Haji Akbar (M.A)	09.01.1977 Peshawar	02.02.2009	02.02.2009	--do--	--do--
99	Mr. Faqir Hussain S/o Muhammad Younis (BA)	10.10.1983 Nowshera	02.02.2009	02.02.2009	--do--	--do--
100	Mr. Zulfiqar Khan S/O Arsala Khan (M.Com)	15.04.1983 Peshawar	02.02.2009	02.02.2009	--do--	--do--
101	Mr. Waqar Ahmad S/O Muhammad Irfan (M.A)	24.04.1980 Mansehra	02.02.2009	02.02.2009	--do--	--do--
102	Muhammad Faraz Qurashi S/O Muhammad Riaz Qureshi (MBA)	17.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
103	Mr. Fazal ur Rehman S/O Habib-ur-Reluman (M.A)	10.07.1975 Haripur	02.02.2009	02.02.2009	--do--	--do--
104	Mr. Farukh Jadoon S/O Anwar Ahmad Khan (BSc)	04.05.1984 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
105	Mr. Fayaz Ahmad S/O Pir Khan (M.A)	10.03.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
106	Bilal Ahmad S/O Farid-ud-Din (BA, B.Ed)	10.10.1978 Haripur	02.02.2009	02.02.2009	--do--	--do--
107	Mr. Tanveer Shahzad S/O Muhammad Sahif (M.A)	30.12.1977 Mansehra	02.02.2009	02.02.2009	--do--	--do--
108	Mr. Ejaz Ahmad S/O Muhammad Riaz (3 - M.A)	15.04.1982 Abbottabad	02.02.2009	02.02.2009	--do--	--do--
109	Muhammad Salim S/O Muhammad Sadiq (BSC)	03.05.1978 Abbottabad	02.02.2009	02.02.2009	--do--	--do--

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ANNEXURE

(12)

S.No	Name of Naib Tehsildar Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
110	Mr. Sajid Saleem (BA)	01.04.1978 DIKhan	06.11.1996	10.02.2009	Promotee	Promoted through Administrative order of SMBR
111	Mr. Adil Waseem (BA)	25.12.1988 Nowshera	27.02.2009	27.02.2009	Direct	Naib Tehsildar
112	Mr. Tanzil-ur-Rehman	13.02.1988 NWA	14.04.2009	14.04.2009	--do--	--do--
113	Qazi Muhammad Aslam (Matric)	25.11.1953 Abbottabad	05.07.1980	02.05.2009	Promotee	--do--
114	Mr. Abdul Qayum (BA)	24.04.1984 Kohistan	27.12.1993	02.05.2009	--do--	--do--
115	Mr. Roohul Amin (Matric)	25.10.1966 Kohat	01.04.1985	02.05.2009	--do--	--do--
116	Mr. Qanoos Khan (BA)	14.02.1962 Kohat	01.07.1991	02.05.2009	--do--	--do--
117	Mr. Khurshid Ali (Matric)	19.01.1959 Malakand	05.12.1991	02.05.2009	--do--	--do--
118	Mr. Latif-ur-Rehman (Matric)	01.07.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
119	Mr. Jehan Wali (Matric)	01.02.1957 Shangla	01.03.1978	02.05.2009	--do--	--do--
120	Mr. Amir Zarin (Matric)	06.08.1959 Shangla	01.03.1978	02.05.2009	--do--	--do--
121	Mr. Shah Wazir (Matric)	02.02.1960 Swat	05.04.1981	02.05.2009	--do--	--do--
122	Mr. Sher Bahadar (BA)	07.04.1965 Tank	10.10.1992	02.05.2009	--do--	--do--
123	Mr. Shaukat Iqbal (M.A)	2/11/1973 DIKhan	19.10.1992	02.05.2009	--do--	--do--
124	Mr. Abdur Rashid (MSC)	05.01.1962 Swabi	28.08.1988	02.05.2009	--do--	--do--
125	Mr. Ahmad Ali M.A (B.ed)	17.04.1962 Swabi	28.08.1988	02.05.2009	--do--	--do--
126	Mr. Faramosh Khan (BA)	01.12.1957 Bajaur	26.11.1975	12.05.2009	--do--	Promoted through Administrative order of SMBR,
127	Mr. Abdul Haseeb (Matric)	01.09.1959 Bajaur	18.02.1977	12.05.2009	--do--	--do--
128	Mr. Shakeel Ahmad (MA)	03.07.1971 Charsadda	13.09.1992	12.05.2009	--do--	--do--
129	Mr. Gohar Ali (B.A)	31.03.1980 Bannu	29.05.2009	29.05.2009	Direct	Naib Tehsildar
130	Mr. Mehmood Shah (Matric)	01.02.1959 Peshawar	04.10.1977	02.06.2009	Promotee	--do--
131	Mr. Sher Dil (BA)	24.01.1974 Kohistan	10.04.1995	02.06.2009	--do--	--do--
132	Muhammad Shoaib (BA)	01.01.1968 Kohat	09.12.1990	02.06.2009	--do--	--do--
133	Mr. Muhammad Arshad (BA)	20.01.1967 Kohat	02.09.1984	26.06.2009	--do--	--do--
134	Mr. Zafar Iqbal (B.A. L.L.B)	25.02.1963 Kohat	02.04.1987	02.07.2009	--do--	Naib Tehsildar

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ANNEXURE

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S.No	Name of Naib Tehsildar	Qualification	Date of Birth / Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
135	Mr. Nawab Gul	(M.A)	15.11.1966 Kohat	01.01.1995	02.07.2009	Promotee	Naib Tehsildar
136	Mr. Umbaras Khan	(B.A)	30.06.1960 Mardan	30.08.1988	07.07.2009	--do--	--do--
137	Mr. Shakeel-ul-Rehman		10.02.1978 Bannu	06.01.2009	11.07.2009	Direct	--do--
138	Mr. Shiekh Muhammad Jamil	(M.A)	15.02.1964 DIKhan	21.10.1992	18.07.2009	Promotee	--do--
139	Muhammad Aslam Khan	(Metric)	08.01.1953 DIKhan	16.07.1983	18.07.2009	--do--	--do--
140	Mr. Bashir Ahmad	(F.A)	01.01.1957 DIKhan	10.12.1983	18.07.2009	--do--	--do--
141	Mr. Shehryar Khan	(Metric)	01.10.1961 Mohmand Agency	13.09.1983	25.07.2009	--do--	Promoted through Administrative order of SMBR.
142	Mr. Hazrat Khan	(Metric)	02.02.1956 Mohmand Agency	08.10.1986	10.09.2009	--do--	--do--
143	Sardar Yousof	(BA)	15.03.1969 Bajaur	22.02.1978	17.09.2009	--do--	--do--
144	Mr. Saz Muhammad	(BA)	01.02.1963 Bajaur	25.11.1981	17.09.2009	--do--	--do--
145	Mr. Ghulam Saeedullah	(FA)	01.01.1957 Bajaur	24.11.1975	18.09.2009	--do--	--do--
146	Mr. Abdul Malik	(FA)	01.08.1955 Bajaur	24.11.1975	26.09.2009	--do--	--do--
147	Mr. Muhammad Saeed		Peshawar		30.09.2009	--do--	--do--
148	Mr. Riaz-ul-Haq	(BA)	11.01.1969 Bajaur	04.07.1987	22.10.2009	--do--	--do--
149	Muhammad Iqbal	(BA)	05.10.1953 Lakki	01.11.1975	22.10.2009	--do--	--do--
150	Mr. Umar Said	(BA)	16.10.1960 Mardan	05.09.1988	07.01.2010	--do--	--do--
151	Mr. Jehanzeb Khan	(BA)	01.04.1965 Malakand	13.12.1982	08.01.2010	--do--	--do--
152	Mr. Asmatullah	(BA)	25.05.1973 NWA	01.06.1996	22.01.2010	--do--	--do--
153	Mr. Gul Shehzad		15.01.1986 Peshawar		21.04.2010	--do--	--do--
154	Mr. Muhammad Alam	(FA)	FR (Lakki)		03.06.2010	--do--	--do--
155	Mr. Abbas Ali Shah	(FA)	06.08.1957 Battagram	14.05.1979	24.06.2010	--do--	--do--
156	Mr. Dildar Khan	(BA)	15.05.1975 Haripur	01.09.2003	25.06.2010	--do--	--do--
157	Mr. Sardar Ghulam Murtaza	FA	01.11.1965 Abbottabad	04.06.1988	30.06.2010	--do--	--do--
158	Mr. Fazl-e-Hakeem	(Metric)	02.09.1953 Swabi	09.05.1979	14.07.2010	--do--	--do--
159	Mr. Musadiq Hussain	(BA)	27.10.1962 Hanug	15.03.1980	23.07.2010	--do--	--do--
160	Mr. Fazle-Rehman	(Metric)	10.06.1958 DIKhan		02.09.2010	--do--	--do--

ANNEXURE

(14)

S.No	Name of Naib Tehsildar Qualification	Date of Birth Domicile	Date of First entry into Government Service	Date of appointment as Naib Tehsildar on regular basis	Method of Recruitment	Remarks
161	Mr. Haq Nawaz (Matric)	03.07.1962 DIKhan		02.09.2010	Promotee	Promoted through Administrative order of SMBR.
162	Mr. Gohar Zaman (FA)	20.04.1965 DIKhan		02.09.2010	--do--	--do--
163	Mr. Anwar Hussain (FA)	23.03.1972 Kohat		15.10.2010	--do--	--do--
164	Mr. Ghuncha Gul (C.com)	24.04.1967 Mohmand	22.12.1998	20.11.2010	--do--	--do--
165	Mr. Abdul Jalil (MA)	15.01.1964 SWA		04.11.2010	--do--	--do--
166	Mr. Muhammad Amin (Matric)	19.06.1957 Swat	06.04.1981	08.11.2010	--do--	--do--
167	Mr. Kamalistan (Matric)	01.04.1958 Swat	06.04.1981	08.11.2010	--do--	--do--
168	Mr. Hazrat Yousaf (MA)	06.04.1959 Bastagram	01.01.1977	11.11.2010	--do--	--do--

Assistant Secretary (Estt)
Board of Revenue

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(15) ANNEXURE B
GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. EST/VM/Shaib/ 11/213
Peshawar dated 02/08/2013

Mr. Muhammad Shoib,
Naib Tehsildar, Kohat.

Subject:- DEPARTMENTAL APPEAL REPRESENTATION FOR
CORRECTION OF TENTATIVE SENIORITY LIST OF NAIB
TEHSILDAR (BPS-14) FOR THE YEAR 2011 & 2012.

I am directed to refer to your application dated 08.07.2013, on the subject noted above and to say that your applications/representations were examined and filed by the Competent Authority in terms of Section 8 (4) of Khyber Pakhtunkhwa Civil Servant Act, 1973, under which seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post.


Assistant Secretary (Estt.)

ANNEXURE

(16)

GOVERNMENT OF PAKISTAN STATE SERVICES

Muhammad Shoaib

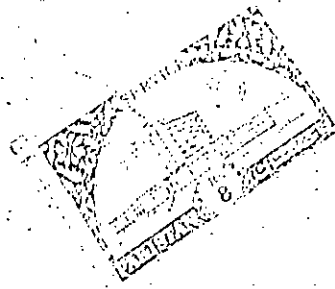
Naib Tehsildar Kohat

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Deputy Secretary
Revenue & Estate
Kohat, District Kohat

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ANNEXURE

17

GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 30/06/2010

OFFICE ORDER

No. 12700 /Admn:V/S.L. In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of regular Naib Tehsildars (BPS - 14) in Khyber Pakhtunkhwa, as stood on 31.12.2009, is hereby published for information of all concerned.

By Order of,
Senior Member
Board of Revenue Khyber Pakhtunkhwa

No. 12701-90/Admn:V.S.L.

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

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

Kohat Division

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

Assistant Secretary (I)
Board of Revenue Khyber Pakhtunkhwa

17

*Enclt -
Send it to PAs, DCos and DOR.*

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FINAL SENIORITY LIST OF NAIB TEHSILDARS (BS-14) IN Khyber Pakhtunkhwa AS STOOD ON 31.12.2009.

ANNEXURE

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19

S.No.	NAME OF NAIB TEHSILDAR QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOINTMENT AS NAIB TEHSILDAR On Regular Basis	METHOD OF RECRUITMENT.	REMARKS.
1.	Mr. Abdul Qadeer (MSc)	15.8.1962 DIKhan	28.08.1995	28.08.1995	Promotee	Promoted as Tehsildar on Acting Charge Basis
2.	Mr. Muhammad Naib Din M.A	30.09.1959 NW Agency	24.11.1980	17.01.1996	Ditto	---
3.	Mr. Abdul Nabi F.A	05.04.1957 Kohat	12.12.1976	10.04.2001	Ditto	---
4.	Mr. Hameed Khan Afirdi (MA/B.Ed)	15.02.1962 (FR Kohat)	14.03.1984	10.04.2001	Ditto	---
5.	Mr. Abdul Samad (MA)	30.11.1960 Karak	03.05.1979	10.04.2001	Ditto	---
6.	Mr. Muhammad Shoaib (BA)	01.01.1968 Kohat	09.12.1990	10.04.2001	Ditto	---
7.	Mr. Muhammad Umar (M.A)	10.03.1966 Mardan	16.07.2002	16.07.2002	Ditto	---
8.	Mr. Javed Anwar Kamal (F A)	15.05.1958 Charsadda	01.11.1976	12.10.2002	Ditto	Promoted as Tehsildar (BPS - 16) on Acting Charge basis
9.	Mr. Bashir Ahmad (FA)	10.04.1955 Nowshera	28.07.1973	12.10.2002	Ditto	Ditto
10.	Mr. Mian Samiullah Jan BA	17.10.1955 Charsadda	19.03.1982	12.10.2002	Ditto	Ditto
11.	Mr. Ghani Khan B.A	02.02.1952 Charsadda	1979	12.10.2002	Ditto	Ditto
12.	Mr. Ghulam Farooq (B.A)	01.01.1957 Bajuar	23.02.1978	13.01.2003	Ditto	Ditto
13.	Mr. Naz Amin Khan (Matric)	12.05.1960 Bajuar	25.11.1981	13.01.2003	Ditto	---
14.	Mr. Muhammad Riaz Khan (B.A LLB)	08.05.1970 Bannu	02.06.1994	24.03.2003	Direct	Promoted as Tehsildar (BPS - 16) on Acting Charge basis
15.	Mr. Shamas Gul B.A	1952 NW Agency	1973	09.05.2003	Promote	---
16.	Mr. Sikandar Hayat Shah (Matric)	20.01.1958 Bannu	18.02.1981	09.05.2003	Promote	---
17.	Mr. Javed Hussain (Matric)	18.06.1952 Haripur	27.05.1977	30.06.2003	Promote	---
18.	Mr. S. Asghar Shah (Matric)	18.12.1959 Haripur	25.05.1981	30.06.2003	Ditto	---

(19)

D
C. Sy

The Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL/REPRESENTATION FOR CORRECTION OF FINAL SENIORITY LIST OF NAIB TEHSILDAR (BPS-14) AS STOOD ON 31-12-2012.

Sir,

The petitioner would like to submit the following:-

- Dairy No
7085
1.7.2013
1. The Govt: of Khyber Pakhtunkhwa, Board of Revenue has circulated Final Seniority List of Naib Tehsildar (BPS-14) as stood on 31-12-2012 vide letter No. 9271-79 dated 26-04-2013. The appellatant has been placed incorrectly at S. No.132 instead of S.No.02 contrary to the prescribed Service Rules and the terms & condition of seniority/rules . The Seniority list has been received on 06-06-2013,as is evident from the Dairy No1497 dated 06-06-2013 in the office of Commissioner Kohat Division, Kohat.
 2. That the petitioner/appellant has already filed appeal/representation before the Chief Secretary KPK Peshawar on 26-04-2013 against the final seniority list on 31-12-2011. The result of the said appeal has not been communicated to the petitioner who is awaiting for the same.
 3. In light of above the it would be in fitness of things to assign correct seniority position and place the Name of appellatant at S.No.2 of the instant impugned seniority list Issued on 26-04-2013. The case of appellatant needs to be looked into and concentration be given in the light of Civil Servant Act 1973 and Seniority Rules, laid down criteria of seniority framed for the purpose. If the correct position is not brought on surface, the petitioner would face numerous complications in the long run as on one side he will be deprived from his due.right, while on the other side their will be great loss towards his pensionery/monatory benefits.
 4. That the Seniority Position of the appellatant has already been decided by the learned Court of Senior Member Board of Revenue Khyber Pakhtunkhwa vide Case No. 271/2009 dated 11-11-2009.It is added that the case has been decided alongwith others and due right of seniority has been awarded on the basis of Services and Administration Regulation Wing KPK Peshawar Circular letter bearing No. SOR-II into (S&GAD) 1 (27)/86 dated 18-06-1989 (copies enclosed).
 5. According to decision of the Court of Senior Member Board of Revenue, the seniority position has been reckoned for the appointment as Naib Tehsildar (BPS-14) on Adhoc basis i,e 10-04-2001. The same is in accordance with the laid down criteria and the relevant provision of service laws.
 6. It is also submitted that the Court of Senior Member Board of Revenue Khyber Pakhtunkhwa has decided such like appeals/requests and has fixed seniority position to the aggrieved incumbents on the basis of date(s) of adhoc appointment as per detail appended below and also for your honour perusal:-

S No.	Name of Naib Tehsildar	Reference of case	Remarks
1	Gulshan Mehmood	Case No. 131/2010_date of decision 02-06-2010	Now promoted as PMS Officers (BPS-17)
2	Abdul Nabi	Vide order No. 2540-43/Admn:1 PF/A/SL dated 10-02-2010	-Do-
3	Said Rehman	Vide case No. 09/2009 date of decision 02-04-2009	Promoted as Tehsildar BPS-16 on acting charge basis
4	Naik Muhammad	Case No. 92/2009 date of decision 09-09-2009	Naib Tehsildar

It is well prima facie established seniority position of officials concerned as per table mentioned above, so it is a kind of token before your honour so as to arrive correct conclusion of the instant representation while disposing the case of petitioner in hand (copies of the above mentioned decision are enclosed).

In view of above, it is humbly prayed that on acceptance of this appeal/representation, the SMBR Khyber Pakhtunkhwa may be urged upon that correct seniority position assigned to the appellant on the basis of date of appointment i.e 10-04-2001 at par of those officials who have been granted correct seniority position on the basis of Court order of SMBR Khyber Pakhtunkhwa Peshawar. It is worth mentioning here that the officials who have been granted positions in seniority have promoted to BPS-17 that is PMS Officers and some of them are also working against the post of Tehsildar BPS-16 and Naib Tehsildar. Further prayed that any relief deem appropriate to the circumstances of the case, may also be extended in favour of the appellant/petitioner for ends of justice please.

Petitioner/appellant




(MUHAMMAD SHOAIB)
Naib Tehsildar Working as
Reader to Commissioner Kohat.

Affidavite

I do hereby solemnly affirm and declare that the contents of the instant representation/appeal are correct to the best of my knowledge and belief and nothing has been concealed from this esteemed authority.

Deponent



(21) ~~SECRET~~ E

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

Case No. 271/2009.
Date of Institution. 23/10/2009.
Date of Decision. 11/11/2009.

Muhammad Shoaib, Naib Tehsildar (Head Clerk Revenue) District
Karak

-----Appellant

ORDER

This is a petition filed by Muhammad Shoaib Naib Tehsildar, presently working as Head Clerk (Revenue), District Karak requesting for counting of his Adhoc service for the purpose of seniority etc with effect from 10-04-2001 to 01-06-2009.

Petitioner with counsel present. Arguments heard and comments offered by the department perused.

Facts leading to the case are that the appellant was selected as Naib Tehsildar on Adhoc basis on 10/04/2001 amongst the Ministerial Staff quota and has served with effect from 10/04/2001 to 01/06/2009 on various posts in the Province. On 02/06/2009, he was selected as Naib Tehsildar on regular basis. He has now come with prayer for counting of Adhoc service for the purpose of seniority etc.

The Department preferred NWFP Civil Servant Act, 1973 as well as Civil Servant Appointment, Promotion and Transfer Rules, 1989 wherein it has been mentioned that the seniority will be given to an official from the date of his regular appointment.

The learned counsel for the appellant while arguing the case, presented a circular letter bearing No. SOR-H(S&GAD) 1027-86 dated 18/06/1989 issued by the Services and General Administration Department (Regulation Wing) NWFP, which provides as under:-

"The matter has been examined in consultation with Establishment Division, Finance Division as well as Finance Department. It has now been clarified that there is no bar on the Adhoc service for the purpose of calculation of minimum length of service

promotion and move-over both provided that there has been no break between the Adhoc and regular appointment."

The learned counsel for the appellant further argued and pointed out that the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 was issued vide No. SRO-I (S&GAD) /4-1/80 dated 31/01/1989 while the circular was issued on 18/06/1989, which shows that the said circular was issued after the issuance of the Rules, ibid, therefore action shall be taken on the said circular.

In view of the above, the petition is accepted and the service rendered on Adhoc basis with effect from 10/04/2001 to 01/06/2009 is to be counted towards regular service as well as for the purpose of seniority:

ANNOUNCED.
11/11/2009

(Signature)
(AHISANULLAH KHAN)
SENIOR MEMBER,
BOARD OF REVENUE, NWFP.

11/11/09
5/11/09
12/11/09

(Signature)

TRUE COPY

23 ~~ANNEXURE~~ "F"
GOVERNMENT OF NWFP
S&GAD
(REGULATION WING)

NO: SORII(S&GAD)1(27)/86

Dated Peshawar, the June 18 1989.

To

1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. All Commissioners in NWFP.
4. All Heads of Attached Departments in NWFP.
5. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
6. All Deputy Commissioners/Political Agents in NWFP.
7. All District and Sessions Judges in NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Secretary, NWFP Public Service Commission, Peshawar.
10. The Secretary, Board of Revenue, NWFP, Peshawar.
11. The Registrar, NWFP Service Tribunal, Peshawar.

SUBJECT:- COUNTING OF ADHOC SERVICE FOR THE PURPOSE OF PROMOTION

Sir,

I am directed to refer to this Department circular letter No. SOR-I(S&GAD)1-29/75, dated 27.11.1988 and 6.2.1989, on the subject noted above and to say that the "ad hoc appointment" has not been defined in the Fundamental Rules. However, according to the definition given in the NWFP Civil Servants Act, 1973, an "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method. The "ad hoc appointment" has always been treated as a temporary appointment and under proviso to F.R.22, the services rendered against temporary post in the identical pay scale is counted towards increments.

2- The matter has been examined in consultation with the Establishment Division, Finance Division as well as Finance Department, NWFP. It has now been clarified that there is no bar on the ad hoc service being counted for the purpose of calculation of minimum length of service prescribed for promotion and move-over both provided there has been no break between ad hoc and regular appointment.

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(J)

(EG)

ANNEXURE

5

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

Case No. 1311/2010.
Date of Institution. 07/05/2010.
Date of Decision. 02/06/2010.

Gulshan Mehmood Naib Tehsildar/DRA, Hangu

-----Appellant.

Versus

Board of Revenue, NWFP

-----Respondent.

ORDER

This is a departmental appeal/representation filed by Gulshan Mehmood Naib Tehsildar/DRA, Hangu against the tentative joint seniority list of Naib Tehsildar (BPS-14) as stood on 31/12/1999 whereby the appellant has been shown junior to the other Naib Tehsildars.

[Handwritten signature]

Brief facts of the case are that the appellant Gulshan Mehmood was appointed as Patwari (BPS-05) in the Revenue Department on 01/10/1978. Later on he was promoted as Kanungo on regular basis with effect from 09/07/1989. He was promoted as Naib Tehsildar (BPS-14) vide Commissioner, Kohat Division Kohat letter No. 6032/AG-1 dated 14/12/1995 on temporary basis and this order was confirmed on 10/04/2001 in pursuance of Departmental Promotion Committee Meeting held on 07/04/2001 under the Chairmanship of Commissioner, Kohat Division Kohat. Subsequently he was promoted through proper Departmental Promotion Committee Meeting held on 08/03/2004 under the Chairmanship of Senior Member, Board of Revenue, Khyber Pakhtunkhwa and was recommended for regular promotion as Naib Tehsildar in the same pay scale i.e (BPS-14) and the promotion order was issued on 03/04/2004 accordingly. Hence there is no break in the service of appellant between the adhoc and regular appointment.

[Handwritten notes: "Altogether", "14/12/1995"]

TRIP COPY

[Handwritten signature]

Appellant present and heard. Comments offered by the Assistant Secretary (Estt.), Board of Revenue, Khyber Pakhtunkhwa as well as record of the case file perused which shows that the appellant is enjoying the benefits of higher pay scale since his promotion as Naib Tehsildar (BPS-14) on adhoc basis vide Commissioner, Kohat Division Kohat, dated 14/12/1995. According to the instructions contained in Services and General Administration Department (Regulation Wing) circular letter No. SOR-1(S&GAD) dated 14/12/1995, "the service rendered on adhoc basis in a post under the provisions of the Act followed by regular appointment to a post in the same grade shall be treated as continuous service for the purpose of seniority."

[Handwritten signature]


25

ANNEXURE 2


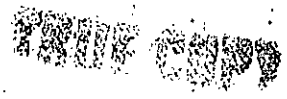
towards length of service prescribed for promotion to a higher post, provided there is a no break between adhoc and regular appointments to the post concerned".

In light of the above discussion the present departmental appeal is accepted and the services rendered with effect from 10/04/2001 to 03/04/2004 is to be counted towards regular service and seniority at proper place.

ANNOUNCED.
02/06/2010


(AHSANULLAH KHAN)
SENIOR MEMBER,
BOARD OF REVENUE,
KHYBER PAKHTUNKHWA.

Ahsan
Ahsan
14/6/2010

ANNEXURE

91
26

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

Case No. 09/2009.
Date of Institution. 19/01/2007.
Date of Decision. 02/04/2009.

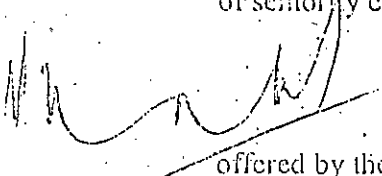
Said Rehman Naib Tehsildar Qasba District Peshawar

Petitioner.

ORDER

This is an appeal filed by Said Rehman Naib Tehsildar presently working as Naib Tehsildar Qasba District Peshawar requesting for counting of his Adhoc Service for the purpose of seniority etc with effect from 22/11/2004 to 30/05/2007.

Facts leading to the case are that the appellant was promoted as Naib Tehsildar on Adhoc basis on 22/11/2004 amongst Kanungo Quota and has served with effect from 22/11/2004 to 30/05/2007 on various posts in the Province. On 31/05/2007, he was promoted as Naib Tehsildar on regular basis. He has now come up with prayer for counting of Adhoc Service for the purpose of seniority etc.

 Appellant with counsel present. Arguments heard and comments offered by the Department perused.

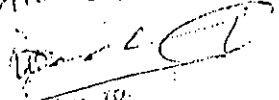
The learned counsel for the appellant while arguing the case, presented a circular letter bearing No. SOR-II(S&GAD) 1(27)86 dated 18/06/1989 issued by defunct Services and General Administration Department (Regulation Wing) NWFP, which provides as under:-

"The matter has been examined in consultation with the Establishment Division, Finance Division as well as Finance Department NWFP. It has now been clarified that there is no bar on the Adhoc Service being counted for the purpose of calculation of minimum length of service prescribed for promotion and more-over both provided that there has been no break between the Adhoc and regular appointment".

ANNEXURE



Attested


Senior Member
Board of Revenue, NWFP.

The learned counsel for the appellant further argued and pointed out that the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1939 was issued vide No. SOR-I(S&GAG)/4-1/8, dated 31/10/1989 while the above said circular was issued on 18/06/1989, which shows that the said circular was issued after the issuance of the Rules *ibid*, therefore action shall be taken in light of the said circular.

In view of the above, the appeal is accepted and the service rendered by the appellant on Adhoc basis with effect from 22/11/2004 to 31/05/2007 is to be counted towards regular service as well as for the purpose of seniority.

ANNOUNCED.
02/04/2009

Ahsanullah Khan
[Signature]
Reader to
Senior Member
[Stamp]

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

[Signature]
TRUE COPY

IN THE COURT OF AHISANULLAH KHAN SENIOR MEMBER BOARD
OF REVENUE NWFP.

Case No. 92/2009

Date of Institution 30.05.2009

Date of Decision 09.09.2009

Appeal against order No.11155-64/Admn-V/DPC/NT, dated 10.05.2008/Admn-V/Naik Muhammad.

ORDER

This is a an appeal filed by Mr. Naik Muhammad Political Naib Tehsildar Bazar Zakha Khel challenging therein this Department order bearing Endorstement No. 11155-64/Admn-V/DPC/NT, dated 10.05.2008/Admn-V/Naik Muhammad..

Facts leading to the case are that the appellant was initially appointed as Patwari on 26.07.1995 in the office of the then Deputy Commissioner, Kohat and remained posted in various Halqas. He was later on promoted as Kanungo (BPS - 09) on Regular basis and was thereafter posted as District Revenue Accountant in his (Own Pay & Scale) on 08.02.2005. As a result of his satisfactory performance he was posted as Political Naib Tehsildar Central Orakzai Agency on 04.05.2005 he also remained posted as Political Naib Tehsildar Bara Khyber Agency as well as Mulagori Khyber Agency and Political Naib Tehsildar Passpor Torkham Khyber Agency.. Later-on he was promoted as Naib Tehsildar (BPS - 14 on Acting Charge basis on 10.05.2008.

Under the circumstances and his excellent service available on recor his case seems to be genuine. As such, the appeal is hereby accepted and th services of the appellant are hereby regularized as Naib Tehsildar w.e.f 10.05.200

ANNOUNCED
09.09.2009.

Attested
15-9-2009

Muhammad Khan
(AHISANULLAH KHAN)
SENIOR MEMBER
BOARD OF REVENUE NWFP.

[Signature]
Secretary
Board of Revenue, NWFP.

[Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeals No: 1327 of 2013

Muhammad Shoaib, Naib Tehsildar Petitioner

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary and others.... Respondents

COMMENTS ON BEHALF OF RESPONDENTS NO.1&2

PRELIMINARY OBJECTIONS.

1. Appellant has no cause of action.
2. The appellant has no locus standi to bring the present Service Appeal to claim seniority on the basis of adhoc appointment.
3. The appellant is estopped by his own conduct to bring the present Service Appeal.
4. The appeal is badly time barred.
5. The appellant has not come to this Hon'able Tribunal with clear hands.
6. The Appeal is not maintainable due to non joinder and mis-joinder of necessary parties.

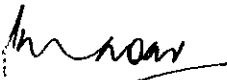
ON FACTS

1. Incorrect. The appellant was a junior clerk and was appointed as Naib Tehsildar on adhoc basis. His services were regularized on 02.06.2009 with immediate effect through Departmental Promotion Committee (Annexure-A). The then Senior Member, Board of Revenue through an administrative order had given him seniority w.e.f. 10.04.2001 (from the date of his posting on adhoc basis behind the back of officials senior to him at that time. According to rule 8(4) of the Civil Servant Act, 1973 seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post. Since the appellant has been given seniority w.e.f. the date of regular promotion as Naib Tehsildar 02.06.2009. His request for seniority w.e.f the date from which he was appointed/ posted as Naib Tehsildar on adhoc basis i.e. w.e.f. 10.04.2001 to 1.06.2009 is not cover the rules.
2. Incorrect. the services of the appellant was regularized as Naib Tehsildar on 02.06.2009 and he was rightly placed at S.No.140 i.e. the date of his regular promotion as Naib Tehsildar.
3. Correct. Posting as Naib Tehsildar in OPS / adhoc cannot be counted towards seniority; therefore, his request for seniority w.e.f. date of his posting in OPS/adhoc basis was rightly rejected.
4. The appellant has no locus standi to claim a relief not provided by law, therefore the appeal in hand is non maintainable.

GROUNDS.

- a. Incorrect. The name of the appellant was placed at proper place in seniority list of 2012 in accordance with law.
- b. Correct to the extent that the appellant served in the department as Naib Tehsildar from 10.04.2001 till 01.06.2009 on adhoc basis/OPS. The administrative order of the then Senior Member, Board of Revenue was not implemented being violative of rules, as seniority in post or cadre is to be counted from the date of regular promotion.
- c. As in preceding para. A void order carries no authority or benefits.
- d. Incorrect. No prior notice was required under the rules to be issued to the appellant before issuance of tentative seniority list. The judgment of the Service Tribunal is not applicable in case of the appellant.
- e. Incorrect. Detail reply has been given in para a and b above.
- f. Correct to the extent that the then Senior Member, Board of Revenue has given seniority to the officials through administrative order against the rules. The unwarranted judgment/order of a person cannot be considered as precedent.
- g. No discrimination has been done with the appellant. However, the respondent seeks permission to advance further grounds at the time of arguments.

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


Respondent No.1&2



(43)

GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT

Peshawar Dated 22/06/2009

ORDER

No. 16740 /Admn:V/DPC/NT In pursuance of decision of Departmental Promotion Committee the Competent Authority is pleased to promote Mr. Muhammad Shoaib of Kohat Division presently working as Naib Tehsildar (BPS - 14) on (temporary basis) as Naib Tehsildar (BPS - 14) on Regular basis with immediate effect.


On promotion he will remain posted as Head Clerk (Revenue) Karak.

By order of
Senior Member,
Board of Revenue NWFP

No. 16741-35 /Admn:V/DPC/NT

Copy forwarded to the: -

1. District Officer (Revenue & Estate)/Collector, Kohat / Karak
2. District Accounts Officer Kohat / Karak.
3. Officer concerned.
4. Personal File.
5. Office Order File.


Assistant Secretary (Admn)
Board of Revenue NWFP

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

Service Appeal No. 1327/2013

Muhammad Shaoib

VS

Revenue Deptt:

**REPLY ON BEHALF OF RESPONDENTS
NO.27,29,31,42,43,121,123**

RESPECTFULLY SHEWETH:

Preliminary Objections:

1. The appellant has no locus standi and cause of action.
2. The appellant has not come with clean hands.
3. The appeal is time barred.
4. The appeal is not maintainable.
5. The appeal is bad for non-joinder and misjoinder of parties.
6. The appeal is estopped by his own conduct to file the present appeal.

FACTS:

1. Pertain to record.
2. Incorrect and misconceived. The appellant was rightly placed at serial No. 132 according to his right in the seniority list vide notification dated 31.12.2011.
3. Pertain to record, however the departmental representation was rejected on sound reason.
4. Incorrect the seniority list of 31.12.2011 and rejection order dated 2.8.2013 is according with law and rules.

GROUNDS:


- A. Incorrect and misconceived. The seniority list dated 31.12.2011 is according to rules and law.
- B. Denied due want of knowledge.
- C. Denied due want of knowledge.
- D. Incorrect. The appellant should aware himself every thing about his service record including seniority list.
- E. Incorrect. The seniority list dated 31. 12 2013 is final seniority list and the appellant is rightly placed at S.No. 132 according to his right.
- F. Incorrect and misconceived. The cases of Gulshan Mehood, Said Rehman and Naik Muhammad are different from the appellant.
- G. Incorrect. The action of respondent department is according the principles of equity, justices and law.


Respondents 27,29,31,42,43,121,123 also seek Permission to take several other grounds at the time of arguments.

It is, therefore, most humbly prayed that the appeal in hand may be dismissed with cost through out merit less and devoid of any legal footing.

Replying respondents
27,29,31,42,43,121,123

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

& 
(TAIMUR ALI KHAN)
ADVOCATE PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of reply are true and correct to the best of my knowledge and belief.

[Signature]
DEPONENT



[Signature]
9/9/14

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1327/2013

Muhammad Shoaib

Versus

SMBR & others

REPLY ON BEHALF OF RESPONDENT NO. 55.

Respectfully Sheweth:

1. In response to para No. 1 of the appeal, it is submitted that respondent No. 55 was posted as N.T on 26.03.2005 and was regularized as such in B-14 on 02.04.2008 whereas appellant was promoted to the post of N.T B-14 on 02.06.2009, so replying respondent was senior to appellant.
2. Para No. 2 does not pertain to replying respondent.
3. As above.
4. As above

G R O U N D S:

All the grounds does not relate to replying respondent while the position has been cleared in para No. 1 above.

It is, therefore, most humbly requested that the appeal be decoded on merit.

R. No. 55

Through

Saadullah Khan Marwat


Arbab Saif-ul-Kamal

&

Robina Naz,

Advocates,

Dated: .10.2014

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1327/2013

Muhammad Shoaib

Versus

SMBR & others

COUNTER AFFIDAVIT

I, Himayat Ullah Qureshi, Naib Tehsildar & Respondent No. 55, do hereby solemnly affirm and declare that the contents of Reply are true and correct to the best of my knowledge and belief while that of the appeal are illegal and incorrect.

I, reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1327/2013

Muhammad Shoaib

Versus

SMBR & others

REPLY ON BEHALF OF RESPONDENT NO. 55.

Respectfully Sheweth:

- 10.06.15
1. In response to para No. 1 of the appeal, it is submitted that respondent No. 55 was posted as N.T on 26.03.2005 and was regularized as such in B-14 on 02.04.2008 whereas appellant was promoted to the post of N.T B-14 on 02.06.2009, so replying respondent was senior to appellant.
 2. Para No. 2 does not pertain to replying respondent.
 3. As above.
 4. As above

GROUND S:

All the grounds does not relate to replying respondent while the position has been cleared in para No. 1 above.

It is, therefore, most humbly requested that the appeal be decoded on merit.

R. No. 55

Through

Saadullah Khan Marwat

Arbab Saif-ul-Kamal

&

Robina Naz,

Advocates,

Dated: .10.2014

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1327/2013

Muhammad Shoaib

Versus

SMBR & others

COUNTER AFFIDAVIT

I, Himayat Ullah Qureshi, Naib Tehsildar & Respondent No. 55, do hereby solemnly affirm and declare that the contents of Reply are true and correct to the best of my knowledge and belief while that of the appeal are illegal and incorrect.

I, reaffirm the same on oath, once again to be true and correct as per the available record.

DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1327/2013

Muhammad Shoaib

Versus

SMBR & others

REPLY ON BEHALF OF RESPONDENT NO. 55.

Respectfully Sheweth:

1. In response to para No. 1 of the appeal, it is submitted that respondent No. 55 was posted as N.T on 26.03.2005 and was regularized as such in B-14 on 02.04.2008 whereas appellant was promoted to the post of N.T B-14 on 02.06.2009, so replying respondent was senior to appellant.
2. Para No. 2 does not pertain to replying respondent.
3. As above.
4. As above

GROUNDS:

All the grounds does not relate to replying respondent while the position has been cleared in para No. 1 above.

It is, therefore, most humbly requested that the appeal be decoded on merit.

R. No. 55

Through

Saadullah Khan Marwat


Arbab Saif-ul-Kamal

&

Robina Naz,

Advocates,

Dated: 10.2014

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1327/2013

Muhammad Shoaib

Versus

SMBR & others

COUNTER AFFIDAVIT

I, Himayat Ullah Qureshi, Naib Tehsildar & Respondent No. 55, do hereby solemnly affirm and declare that the contents of Reply are true and correct to the best of my knowledge and belief while that of the appeal are illegal and incorrect.

I, reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1327/2013

Muhammad Shoaib

Versus

SMBR & others

REPLY ON BEHALF OF RESPONDENT NO. 55.

Respectfully Sheweth:

1. In response to para No. 1 of the appeal, it is submitted that respondent No. 55 was posted as N.T on 26.03.2005 and was regularized as such in B-14 on 02.04.2008 whereas appellant was promoted to the post of N.T B-14 on 02.06.2009, so replying respondent was senior to appellant.
2. Para No. 2 does not pertain to replying respondent.
3. As above.
4. As above

GROUNDS:


All the grounds does not relate to replying respondent while the position has been cleared in para No. 1 above.

It is, therefore, most humbly requested that the appeal be decoded on merit.

R. No. 55

Through

Saadullah Khan Marwat


Arbab Saif-ul-Kamal

&

Robina Naz,

Advocates,

Dated: .10.2014

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1327/2013

Muhammad Shoaib

Versus

SMBR & others

COUNTER AFFIDAVIT

I, Himayat Ullah Qureshi, Naib Tehsildar & Respondent No. 55, do hereby solemnly affirm and declare that the contents of Reply are true and correct to the best of my knowledge and belief while that of the appeal are illegal and incorrect.

I, reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1327/2013

Muhammad Shoaib

Versus

SMBR & others

REPLY ON BEHALF OF RESPONDENT NO. 55.

Respectfully Sheweth:

1. In response to para No. 1 of the appeal, it is submitted that respondent No. 55 was posted as N.T on 26.03.2005 and was regularized as such in B-14 on 02.04.2008 whereas appellant was promoted to the post of N.T B-14 on 02.06.2009, so replying respondent was senior to appellant.
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