

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	20.03.2015	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</u></p> <p style="text-align: center;">Amended Service Appeal No. 752/2013 Habibullah Wazir Versus Government of KPK, through Chief Secretary, Civil Sectt. Peshawar etc.</p> <p style="text-align: center;"><u>PIR BAKHSH SHAH.</u>- Appellant with counsel (Mr. Ziaur Rahman, Advocate), Addl. A.G Muhammad Adeel Butt, Addl. AG with Mukhtiar Ali, Supdt. for the official respondents and Mr. Amjad Ali, Advocate, as counsel for private respondents No. 4 to 15 present.</p> <p>2. Arguments heard. Record perused.</p> <p>3. As the story starts from the Tahsildari/Naib Tehsildari Service Rules, 1962, undergone through various amendments in the years 2001, 2008, and 2011, as mentioned in the amended memo: of appeal, it will therefore, be very proper for the purpose of facilitation to reproduce here below prayer of the appellant, Habibullah who was appointed as Assistant BPS-14 in the Revenue & Estate Department/Board of Revenue, Khyber Pakhtunkhwa vide order dated 24.4.2006:-</p> <p>“On acceptance of this appeal the impugned orders dated 17.4.2013 passed by respondent No. 2 may be set aside and the amendments</p>

made in the Tehsildari/Naib Tehsildari Service Rules, 1962 through notification dated 02.12.2011 and which were notified on 29.09.2012 may please be declared inapplicable to appellant and he may please be promoted on the vacant post of Tehsildar lying in 20% ministerial quota from the date when vacant posts were available with all back benefits.”

The appeal has been brought against the Chief Secretary, Senior Member Board of Revenue, and Secretary Establishment Department, Government of Khyber Pakhtunkhwa respectively (respondents No. 1 to 3) and as many as private respondents from Serial No. 4 to 15. The record shows that parawise comments on amended memo: of appeal have been jointly filed by respondents No. 1 & 2, astonishingly signed by only one of the respondents. Respondent No. 3 has been placed ex-parte and private respondents No. 4 to 15 have submitted their joint written reply available on record in which it has been stated that they would have no objection, if the appellant is considered for promotion to the post of Tehsildar as per Tehsildari/Naib Tehsildari Service Rules dated 30.3.2011 and if the vires of Tehsildari/Naib Tehsildari Service Rules dated 29.09.2012 come in the way, then those respondents reserve the right to defend the same.

4. The appellant has stated in the memo: of appeal that as per Tehsildari/Naib Tehsildari Service Rules 1962, office Assistant (BPS-14) of the Board of Revenue/DLR (Director Land Record) was in the feeding cadre for promotion to the post of Tehsildar (BPS-16). That in the years 2001 and 2002 the rules were amended under which the quota of 30% was reserved for ministerial employees of the Board of Revenue/DLR for promotion to the post of Tehsildar (BPS-16). That in the year, 2008 another amendment was made under which 20% quota for the said promotion was reserved for the ministerial staff (Graduate Assistants, Senior Scale Stenographers of Board of Revenue/DLR, Assistants of Revenue Appellate Courts and Sub Registrars). According to appellant, a joint seniority list was issued on 31.12.2008 under which the appellant's seniority stood at Serial No. 27 further improved to Serial No. 10 in the seniority list dated 31.12.2009. That the rules were further amended on 30.3.2011 under which Senior Scale Stenographers of the offices of Commissioners, Additional Commissioners and Political Agents were included in the feeding cadre and resultantly appellant was pushed downward in the

joint seniority list maintained for the purpose of promotion to the post of Tehsildar, in which the appellant stood at Serial No. 12 per seniority list dated 30.3.2009. That on 17.10.2011, a Departmental Promotion Committee meeting was held under the Rules of 30.3.2011 and in that panel, the appellant stood at S.No. 10. For a proper context of the matter para-10 of the memo: of appeal is also reproduced here below:-

“That on 17.10.2011 a DPC meeting was held under Tehsildari/Naib Tehsildari Service Rules 30.3.2011 wherein a panel of 26 Assistants, SSS of the offices of BOR/DLR and SSS of the offices of Commissioners, Additional Commissioners and Political Agents and the Sub Registrar was prepared and finalized and placed before the DPC meeting (8 posts on regular basis and 8 posts on acting charge basis). In the said meeting one SSS and 5 Assistants of BOR and 2 SSS of Commissioner and Political Agents offices were promoted to the post of Tehildar. Copy of the promotion notification is attached as annexure-J. In the panel/seniority the appellant stood at serial No. 10. It may be noted here that the appellant was included and was found fit for promotion to the post of Tehsildar on acting charge basis as the appellant stood in Serial No. 2. Minutes of the meeting are attached as annexure-K.”

As a bolt from the blue for the appellant the rules of 30.3.2011 were further amended on 02.12.2011. Just after 45 days under which office Assistants of Board of Revenue (appellant) were altogether deleted to be considered for promotion to the post of Tehsildar BPS-16. Contrarily they were to be considered for the post of Naib Tehsildar BPS-14. Feeling aggrieved from the amendment dated 02.12.2011, the appellant filed Writ Petition No. 3304/2012 before the Hon'ble Peshawar High Court, Peshawar which vide its order dated 12.3.2013, was converted into departmental appeal/representation and remitted to the respondents for decision thereon as early as possible. It appears from the record that this appeal/representation was also decided and rejected by respondent No. 2 vide his order dated 17.04.2013.

5. In the joint written reply of respondents No. 1 & 2, they have defended the impugned amendment by stating that the same is just fair, reasonable, based on equality/equal treatment, the result of due deliberation and consultation with the Competent Authority actualized through Standing Service Rules Committee; that since no final order exists as provided under Section 4 of the Khyber Pakhtunkhwa Service Tribunal

Act, 1974 hence, the appeal is neither maintainable nor competent on this count besides being time barred.

6. The appellant's rejoinder is available on record according to which respondent No. 2 should have forwarded his departmental appeal to the appellate authority instead of recording his own (biased) order; and that the appeal was within time as well as competent.

7. We have heard Mr. Ziaur Rahman, Advocate, the learned counsel for the appellant assisted by Mr. Nasir Mahmood, Advocate, Addl. A.G Mr. Muhammad Adeel Butt for the official and Mr. Amjad Ali, Advocate/counsel for private respondents No. 4 to 15, at length and perused the record with their assistance.

8. It was contended by learned counsel for the appellant that the post of the appellant i.e. Assistant (BPS-14) was in the feeding cadre for the purpose of promotion to the post of Tehsildar BPS-16 right from 1962 but through the impugned amendment, without consultation or information of the affectees much-less any feedback from them, the right of promotion to Tehsildar (BPS-16) was taken away, detrimental for the appellant. It was further submitted that promotion of

the Assistant from BPS-14 to Naib Tehsildar (BPS-14) is no promotion in the real sense but simply a change of nomenclature on which ground also the impugned change in the rules was not justified. It was further submitted that seniority list prepared under the rules dated 30.3.2011, as a result of which DPC was also held on 17.10.2011, the seniority position of the appellant was at reasonable step of the seniority list which position was pushed downward affecting the appellant. That at the relevant time posts of Tehsildar BPS-16 were available and on the request of the appellant one of the posts is still reserved. The learned counsel for the appellant contended that the appellant has been discriminated and that the amendment is against the norms of justice which may be struck down by this Tribunal.

9. The learned Addl. A.G in rebuttal submitted that striking down of the rules or law does not fall within the ambit of jurisdiction of this Tribunal, hence any such order by this Tribunal would be illegal and unlawful and beyond its jurisdiction. It was further submitted that the appellant has not been discriminated against and the amendment was made by the competent authority after due deliberation and consideration keeping in view

service position of all the employees. It was also submitted that striking down of the rules would result into injustice with so many other employees, therefore, the appeal may be dismissed.

10. It is evident from perusal of record that the appellant is aggrieved with amendment in rules according to which Assistants BPS-14 of Board of Revenue can be promoted to the post of Naib Tehsildar BPS-14. This is a departure from practice in the past, according to which Assistants of Board of Revenue provided a feeding cadre for promotion to the post of Tehsildar BPS-16. There can not be two opinions that the appellant has badly suffered. While placing reliance on 2009-SCMR-980 and 2006-SCMR 1427, the learned Government Pleader, strongly argued that this Tribunal has no jurisdiction to interfere in the government discretion of framing rules. Despite that this being so, the Tribunal is constrained to observe that promotion of an Assistant (BPS-14) to Naib Tehsildar (again in BPS-14) would not be but only change in nomenclature. The situation for appellant created by the impugned amendment, we realize, is more shocking when on the strength of the rules in the past, name of the appellant was included in the list prepared for

promotion to the post of Tehsildar (BPS-16) and placed before the Departmental Promotion Committee dated 17.10.2011 as stated in para-10 ibid. In this state of affairs it is evident that the appellant and many others like him might have been put to high stakes in this scenario. So it was demand of natural justice that before the impugned change in the rules, the authority at the helm of affairs should have arranged a feedback from the appellant and other affectees.

11. Admittedly the appellant served as Assistant in the Board of Revenue under the command of respondent No.2. The record shows that the Hon'ble Peshawar High Court referred the matter for decision of the government by converting the appellant's Writ Petition No. 3304/2012 into departmental appeal/representation. The record reveals that since the appellant was directly under the command and control of respondent No.2 therefore, norms of justice required that appeal should have been heard and decided by the appellate authority who might naturally have been a step above in the hierarchy to respondent No. 2. The appellant has shown his grievance in his rejoinder by stating that his departmental appeal should have been decided by the appellate authority and not by respondent No.2. The

Tribunal, while deciding this appeal is also mindful of the fact that ordinarily all the relevant departments have an input at the time of framing of rules and framing of rules is not a child's play. In the situation aforesaid, the Tribunal is of the considered opinion to remit the case to the appellate authority to treat the case of appellant as departmental appeal and in case of genuine grievances of all the stake holders, if it is decided that the impugned amendments also smack inadequacy and would require further amendment/adjustment, may pass appropriate orders accordingly. The appeal is decided in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

20.03.2015.

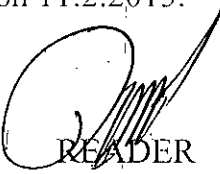

(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

752/13

3.12.2014

Appellant in person and Mr. Mukhtiar Ali Supdt. With Mr. Usman Ghani, Sr.GP for the official respondents and junior to counsel for private respondents present. The Tribunal is incomplete. To come up for the same on 11.2.2015.



READER

11.2.2015

Appellant with Mr. Ziaur Rahman, Advocate present and Wakalatnama placed on file. Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the official respondents present and arguments on their behalf heard. None is available on behalf of private respondents, notices be issued to them and their counsel for arguments on 27.2.2015.



MEMBER



MEMBER

27.2.2015

Appellant with counsel, Addl. AG with Mukhtiar Ali, Supdt. for the official respondents present who already argued the case. Counsel for private respondents present and relied on the written reply already submitted by him. To come up for order on 20.3.2015.



MEMBER



MEMBER

1.4.2014.

Appellant with counsel and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for respondents No. 1 and 2 present and reply filed. Copy handed over to counsel for the appellant. Junior to counsel for private respondents No. 4 to 15 present, who already filed their written reply. None is available on behalf of respondent No. 3 nor his written reply received, hence placed ex-parte. To come up for rejoinder on 25.4.2014.

MEMBER

MEMBER

25.4.2014

Appellant in person and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for official respondents present and clerk to counsel for private respondents present. Rejoinder received and copies handed over to opposite sides. To come up for arguments on 18.6.2014.

MEMBER

MEMBER

18.6.2014

Appellant with counsel and Mr. Ziaullah, GP with Mukhtiar Ali, Supdt. for the official respondents and junior to counsel for private respondents present. Senior counsel for private respondents is not available. To come up for arguments on 19.09.2014.

MEMBER

MEMBER

19.09.2014

Counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the official respondents and counsel for private respondents present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court affecting his status as District & Sessions Judge. To come up for arguments on 03.12.2014.

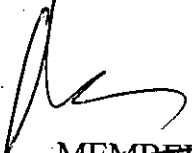
MEMBER

752/13

23.1.2014

Counsel for the appellant present and submitted an application for early hearing. File has been requisitioned for to-day. Application is allowed and case to come up for amended memo: of appeal on 3.2.2014 instead of 17.2.2014. Notices be issued to the opposite parties.


MEMBER


MEMBER

3.2.2014

Appellant with counsel, Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the official respondents and counsel for private respondents present. Amended Memo: of appeal filed. Copies handed over to the learned AAG, Representative of the respondents and counsel for private respondents. To come up for written reply on 3.3.2014.


MEMBER


MEMBER

3.3.2014


Junior to counsel for the appellant, and Mr. Muhammad Jan, GP with Mir Qasam Assistant Secretary for the official respondents and counsel for private respondents present. Reply on behalf of private respondents received. Copy handed over to junior to counsel for the appellant. Official respondents need further time. To come up for written reply of official respondents on 1.4.2014.


MEMBER


MEMBER

04.11.2013

Appellant with counsel and AAG for the respondents present. Arguments could not be heard as learned Member Mr. Sultan Mehmood Khattak is on leave. To come up for arguments on 26.12.2013.



Member

26.12.2013.

Appellant with counsel and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt for respondents present. Arguments heard. To come up for order on 7.1.2014 subject to certain clarification from the learned counsel for the appellant.

MEMBER



MEMBER

7.1.2014.

Appellant with counsel, Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the official respondents present. Mr. Amjad Ali, Advocate on behalf of the applicants present.

To-day the case was fixed for announcement of order subject to certain clarification from the learned counsel for the appellant. However, perusal of the case file reveals that an application has already been filed by some applicants for impleadment, which is yet to be disposed off. Counsel for the appellant stated at the Bar that he has got no objection on acceptance of the application for impleadment of the applicants as respondents. The learned AAG has also no objection on acceptance of the application. Hence application for impleadment is hereby allowed. Counsel for the appellant is directed to submit amended memo: of appeal by impleading the applicants as respondents. To come up for amended memo: of appeal alongwith spare sets on 17.2.2014.

MEMBER



MEMBER

9.9.2013

Appellant with counsel and Mr. Muhammad Jan, GP with Mir Qasam Assistant Secretary for respondent No. 2 present who already filed written reply. Notices be issued to the respondents No. 1 and 3 by way of last chance for submission of written reply on 1.10.2013:

MEMBER

MEMBER

9.9.2013

Counsel for the appellant turned up and submitted rejoinder to the written reply of respondent No.2. Copy handed over to the learned GP.

MEMBER

MEMBER

1.10.2013.

Appellant with counsel, and Mr. Muhammad Jan, GP with Shkirullah, SO and Mir Qasam, Assistant Secretary for the respondents present. Representative of respondents No. 1 and 3 submitted an application that written reply already submitted by respondent No. 2 may also be considered as reply on behalf of respondents No. 1 and 3. Written reply of respondent No. 2 is considered on behalf of respondents No. 1 and 3 also. Rejoinder already submitted. To come up for arguments on 4.11.2013.

MEMBER

16.2013.

Appellant in person and Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the official respondents and applicants in person present. In pursuance of promulgation of Khyber Pakhtunkhwa Service Tribunal (Amendment) Ordinance 2013, the Tribunal is incomplete. To come up for the same on 11.7.2013.


READER

19.07.2013.

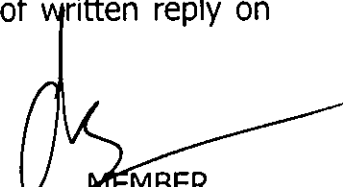
Counsel for the appellant and Mr. Muhammad Jan, for the respondents present. In pursuance of Promulgation of Khyber Pakhtunkhwa Service Tribunal (Amendment) Act 2013, the Tribunal is incomplete. To come up for the same on 2.8.2013.


READER

2.8.2013

Counsel for the appellant, Mr. Mir Qasam, Assistant Secretary for respondent No. 2 present and reply filed. Copy handed over to counsel for the appellant. Fresh notices be issued to the remaining respondents for submission of written reply on 9.9.2013.


MEMBER


MEMBER

30.5.2013

Mr. Amjad Ali, Advocate alongwith Tariq Hussain, Abub Shah, Attaullah, Jamal and Muhammad Qamar, petitioners and Mr. Mir Qasim, Assistant Secretary for respondents with Mr. Usman Ghani, Sr. GP present. No one is present on behalf of the appellant. Reply to application for interim relief received on behalf of SMBR (Respondent No. 2). The learned counsel for the petitioners contended that the appellant in this appeal has challenged amendment in the Tehsildari/Naib Tehsildari service rules, 1962 through notification dated 2.12.2011 and had secured order of status-quo from the High Court when the amendment was not yet notified. ~~READER~~ In the meantime, the amendment was notified on 29.9.2012, where-after the writ petition was disposed of with the observation that since the case involved service matter the departmental authority would decide the issue. The departmental authority accordingly disposed of departmental appeal/representation, and thereafter the appellant lodged this appeal challenging therein the vires of the amendment. The learned counsel maintained that through the instant appeal the appellant has been able to secure an order of status-quo thereby blocking the promotion of around 108 Superintendents who have been waiting since long for their promotion. The learned counsel further contended that the applicants would have no objection if an order of status-quo is issued only to the extent of the case of the appellant. As such, the order of status-quo is restricted only to the extent of case of the appellant, if he is otherwise eligible for promotion to the post of Tehsildar under the existing rules. Resultantly, the order of status-quo with respect to the rest of promotion cases hereby stands withdrawn. Fresh notice of application for impleadment by the applicants be issued to the appellant/respondent for reply and further proceedings on the date already fixed i.e. 21.6.2013.

ANNOUNCED
30.5.2013


Chairman

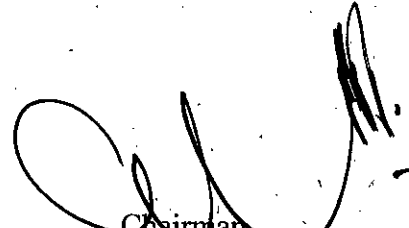
21.05.2013.

Appellant with counsel and Mr.Mir Qasim, Assistant Secretary with Muhammad Jan, GP for the respondents present. The Tribunal is incomplete, therefore, case to come up for the same on 21.06.2013.


READER

28.05.2013

Mr. Amjad Ali, Advocate, filed two applications, one for impleadment of the persons mentioned in the application as respondents and the other for vacation of status-quo, extended till further orders on the application of learned counsel for the appellant on 24.5.2013. Notices of both the applications be served on the appellant and his counsel for reply and further proceedings on 30.5.2013.


Chairman

Appeal No. 752/2013
Mr. Habibullah Wazir

3. 3.5.2013

Counsel for the appellant present and heard

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

Appellant deposited
Process fee & Security
Rs. 180/- Bank Receipt
attached with file

Member.

4. 3.5.2013


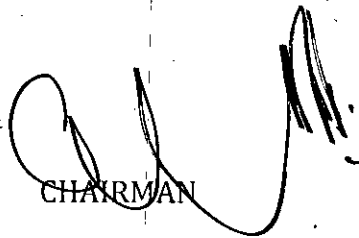
This case be put before the Final Bench II for further proceedings.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 752/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/04/2013	<p>The appeal of Mr. Habibullah Wazir resubmitted today by Mr. Nasir Mahmood 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>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>3-5-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2		

The appeal of Mr. Habib Ullah wazir Office Assistant received today i.e. on 23/04/2013 is incomplete on the following scores which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

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

No. 665 /S.T,

Dt. 23/4 /2013.

Wazir
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. NASIR MAHMOOD ADV. PESH.

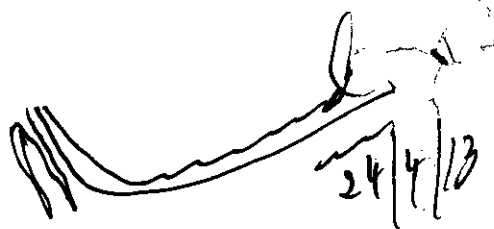
Sir,

In reply to ~~first~~ ^{2nd} objection it is stated that the annexure have properly been attested.

while in reply to ~~second~~ 1st objection it may be stated that recruitment rules the amendment made in recruitment, and promotion rules have been challenged in the instant appeal which are construable by the superior court as a final order, directly amenable before the tribunal and no departmental appeal is needed to be filed against them. Reference may be made to 1994 SCMR 1033. However appellatant has attached rejection order which is available on page 61 Annexure "O" and there is no other rejection order except the one attached with the appeal.

It is further stated that similar appeal in which rules were challenged but departmental appeal was not filed and the appellatant filed direct appeal before the Hon'ble tribunal which was admitted for full hearing and which is fixed for 2/5/2013 Titled "Ikramullah vs secretary edu" appeal no 13022/12. So the appeal may kindly be placed

before the bench for order.

A handwritten signature in black ink, appearing to be 'Nabir Mahmood', written in a cursive style.

24/4/13

Nabir Mahmood Advocate

mailed

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Amended Service Appeal NO...752.....2013

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

Versus

- EX-PARTE
1-4-14*
1. Govt. of KPK through Chief Secretary Civil Secretariat, Peshawar.
 2. Senior Member Board of Revenue, Govt. of KPK Civil Secretariat, Peshawar.
 - ③ Secretary Establishment Department, Govt. of KPK Civil Secretariat, Peshawar.
 4. Tariq Hussain
 5. Jamal Ahmad
 6. Sher Qadir
 7. Rahmani Malik
 8. Bakht Jamil
 9. Tariq Usman
 10. Muhammad Rafique
 11. Abdul Farooq
 12. Muhammad Qamar Khan
 13. Syed Ayub Shah
 14. Attaullah All Tehsildars CAO BOR Peshawar.
 15. Sultan Amir-ud-din, Supt. D.C Office Hangu.....Respondents

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

Prayer in appeal:

On acceptance of this appeal the impugned orders dated 17.4.2013 passed by respondent No. 2 may be set-aside and the amendments made in the Tehsildari\Naib service Rules 1962 through Notification dated 2.12.011 and which were notified on 29.9.2012 may please be declared inapplicable to appellant and he may please be promoted on the vacant

post of Tehsildar lying in 20% ministerial quota from the date when vacant posts were available with all back benefits.

Respectfully Sheweth;

1. That consequent upon the recommendations of KPK Public Service Commission appellant was appointed as Office Assistant, in Revenue & Estate Department\BOR, Peshawar in BPS-14 vide order dated 24.04.2006. Copy of the appointment order is attached as annexure-A.

2. That since then appellant is working to the entire satisfaction of his superior and during his entire service no complaint has ever been made against the appellant.

3. That since 1962 Tehsildari\Naib-Tehsildari service Rules the post of Office Assistant(BPS-14) of Board of Revenue\DLR was in the feeding cadre of promotion to the post of Tehsildar(BPS-16) and the appellant has been in the same cadre since the date of his appointment as Assistant thus was having legitimate expectancy for consideration to promotion to the post of Tehsildar.(Copy of Tehsildari\Naib Service Rules 1962 is attached herewith as annexure-B).

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

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

6. That a joint seniority list for the purpose of promotion to the post of Tehsildar was issued on 31.12.2008 under Tehsildari\Naib Service Rules 2008 and the appellant stood at serial no.27. Copy of the seniority list is attached herewith as annexure-E.

7. That again a joint seniority list for the purpose of promotion to the post of Tehsildar was issued on 31.12.2009 under Tehsildari\Naib Service Rules 2008 and the appellant stood at serial no.10. Copy of the seniority list is attached herewith as annexure-F.

8. That when Tehsildari\Naib Service Rules 2008 were amended on 30.03.2011 and Senior Scale Stenographers of the offices of Commissioners, Additional Commissioners and

Political Agents were included and resultantly appellant was pushed downward in the joint seniority list maintained for the purpose of promotion to the post of Tehsildar, the appellant stood at serial no.12. Copy of the seniority list is attached herewith as annexure-G.

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

10. That on 17.10.11 a DPC meeting was held under Tehsildari\Naib Service Rules 30.3.2011 wherein a panel of 26 Assistants, SSS of the offices of BOR/DLR and SSS of the offices of Commissioners, Additional Commissioners and Political Agents and the Sub-Registrar was prepared and finalized and placed before the DPC meeting (8 post on regular basis and 8 post on acting charge basis). In the said meeting one SSS and 5 assistants of BOR and 2 SSS of Commissioner and Political Agents offices were promoted to the post of Tehsildar. Copy of the promotion notification is attached as annexure-J. In the panel\seniority the appellant stood at serial no.10. It may be noted here that the appellant was included and was found fit for promotion to the post of Tehsildar on acting charge basis as the appellant stood in the serial no.2. Minutes of the meeting are attached as annexure-K.

11. That just **after 45 days on 2.12.2011** the Tehsildari\Naib Service Rules 30.3.2011 were amended and sweepingly finalized within fortnight that squashed the carrier of the assistant of the BOR.

12. That the appellant applied for copy of the proposed amendment dated 2.12.011 and the copy was not provided to the appellant due to the reason so that the appellant may not challenge the same in the proper forum. So this act of not providing the copy was challenged by the appellant before the Peshawar High Court Peshawar in Writ Petition No.3493\11 in which the respondents were restrained from promotion to the post of Tehsildar, which became infructuous due to publication of amendment in the official gazette. Copy of the stay order is attached as annexure-L.

13. That according to this draconian amendment dated 2.12.2011 published secretly in the official on 29.2.2012 the assistant of BOR were pulled out from the promotion channel to the post of Tehsildar and now they are to be promoted to the post of Naib-Thesildar BPS-14, riding roughshod over the inalienable right of promotion to the post of Tehsildar, brushing aside all cannons of justice and fair play.

14. That the appellant challenged amendment dated 2.12.2011 published secretly in the official on 29.2.2012 before Peshawar High court through an other Writ Petition no.3304\12 which was disposed of with the direction to the appellate authority to treat it as departmental appeal\representation and decide it as early as possible. Copy of the amended Tehsildari\Naib Service Rules 29.9.2012 and order passed by High Court is attached as annexure-M&N.

15. That it is Crystal clear from the above amendments which were made from time to time in Tehsildari\Naib Tehsildari Service rules 1962 that the post of **Assistant BOR** promotion to the post of Tehsildar remained intact.

16. That through Order dated 17.4.2013 passed by Respondent No.2 whereby the Departmental appeal of the appellant was rejected\filed (copy attached as annexure-O) hence the present appeal inter alia on the following grounds;

Grounds

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

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

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

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

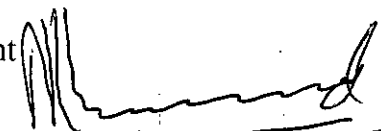
E. That the framers of Tehsildari\Naib Service Rules 1962 were conscious about the fact that the post of Assistant of BOR is a Provincial Cadre post and the post of Tehsildar is also Provincial Cadre post therefore, they were directly promoted to the post of Tehsildar without landing upon the post of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

- F. That 20% quota in PMS reserved for superintendents and private secretaries of civil secretariat is further bifurcated in which 12% is reserved for suptt Assistants and 8% is reserved for private secretaries while on the other hand the Assistants of BOR is excluded from the promotion to the post Tehsildar. The inclusion of Assistants of civil secretariat for the promotion to PMS Service and exclusion of the Assistants of BOR from promotion to the post The sildar is highly discriminatory and against all norms of justice.
- G. That normally rules are changed in order to adjust them with the current trends and needs of the time as is apparent from PCS Rules-1997 which were changed after 10 years in 2007 but in the case of appellant frequently rules were changed by the respondent no.2 in order to suit their wishes.
- H. That vested right for consideration to promotion has been accrued in favor of appellant and the rules cannot be amended in such a way which would take away the promotion rights of the appellant with retrospective effect.
- I. That in the light of judgments of superior courts of the country any change in the terms and conditions of service of civil servant with retrospective effect by depriving them of their vested cannot be done while the appellant remain eligible for promotion for considerable period but through impugned notification their right of promotion has been taken away which is not sustainable in the eyes of law.
- J. That the impugned notification is malafide, pregnant with ulterior motive and is the outcome of political pressure which appears to be a classical example of favoritism, nepotism on one hand and an abusive exercise of official authority on the part of the persons at the helm of affair on the other.
- K. That the fundamental rights of the appellant have badly been violated.
- L. That the appellant may be allowed to raise additional grounds at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of this appeal, this honorable tribunal may be pleased to declare Notification dated 29.9.2012 is inapplicable to the appellant, with further directions to respondent no.2 to promote the appellant in accordance with old service rules dated 30.3.011.

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

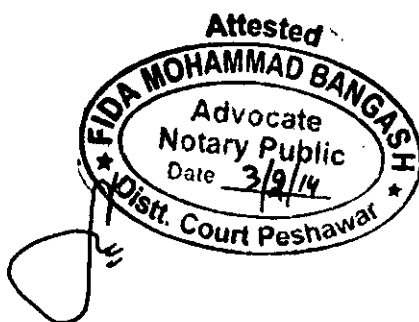
Through

Mr
Appellant 
Nasir Mahmood Advocate,
13-D Haroon Mansion Peshawar. 3/2

Affidavit

I do hereby declare, and affirm on oath that the contents of accompanying appeal are true and correct to the best my knowledge and belief and nothing has been concealed from this hon'ble tribunal.

Mr
Deponent



BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 752/2013

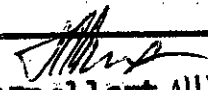

Habibullah WazirAppellant

Versus

Government of K.P.K. and othersRespondents.

I N D E X

S.No.	Description of documents	Annexures	Pages
1.	Service appeal with affidavit		1 - 6
2.	Stay application with affidavit		7 - 8
3.	Copy of appointment order	'A'	0 - 9
4.	Tehsildari/Naib Tehsildari Service Rules, 1962	'B'	10 - 16
5.	Tehsildari/Naib Tehsildari Service Rules, 2001-2002	'C'	17 - 21
6.	Tehsildari/Naib Tehsildari Service Rules, 2008.	'D'	22 - 25
7.	Joint seniority list for the year 31-12-2008.	'E'	26 - 28
8.	Joint seniority list for the year 31-12-2009.	'F'	29 - 30
9.	Joint seniority list for the year 30-03-2011 2011	'G'	31 - 32
10.	Notification dated 30-03-2011	'H'	33 - 34
11.	Notification of promotion	'J'	0 - 35
12.	Seniority and minutes of DPC meeting	'K'	36 - 40
13.	Writ petition No.3493/11 with stay order.	'L'	41 - 46
14.	Notification dated 29-09-12 and writ petition No.3304/2012	'M&N'	47 - 60
15.	Rejection of departmental appeal	'O'	0 - 61
16.	Vakalat Nama		


Appellant
through 
(Nasir Mehmood)
Advocate, Peshawar 23/4

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO. 752 \2013

Dr. W. J. P. P. P.
 811
 23/4/13

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

Versus

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

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

Prayer in appeal:

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

Respectfully Sheweth;

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

Submitted to

Filed;

24/4/13

Revenue & Estate Department\BOR, Peshawar in BPS-14 vide order dated 24.4.2006. Copy of the appointment order is attached as annexure-A.

2. That since then appellant is working to the entire satisfaction of his superior and during his entire service no complaint has ever been made against the appellant.

3. That since 1962 Tehsildari\Naib-Tehsildari service Rules the post of Office Assistant(BPS-14) of Board of Revenue\DLR was in the feeding cadre of promotion to the post of Tehsildar(BPS-16) and the appellant has been in the same cadre since the date of his appointment as Assistant thus was having legitimate expectancy for consideration to promotion to the post of Tehsildar. (Copy of Tehsildari\Naib Service Rules 1962 is attached herewith as annexure-B).

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

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

6. That a joint seniority list for the purpose of promotion to the post of Tehsildar was issued on 31.12.2008 under Tehsildari\Naib Service Rules 2008 and the appellant stood at serial no.27. Copy of the seniority list is attached herewith as annexure-E.

7. That again a joint seniority list for the purpose of promotion to the post of Tehsildar was issued on 31.12.2009 under Tehsildari\Naib Service Rules 2008 and the appellant stood at serial no.10. Copy of the seniority list is attached herewith as annexure-F.

Revenue & Estate Department/BOR, Peshwar in BPS-14 vide order dated 24.4.2006. Copy of the appointment order is attached as annexure-A

2. That since then appellant is working to the entire satisfaction of his superior and during his entire service no complaint has ever been made against the appellant.

3. That since 1982 Tehsildari/Waib-Tehsildari service Rf-a the post of Office Assistant (BPS-14) of Board of Revenue/DLR was in the leading cadre of promotion to the post of Tehsildari (BPS-16) and the appellant has been in the same cadre since the date of his appointment as Assistant thus was having legitimate expectancy for consideration to promotion to the post of Tehsildari. (Copy of Tehsildari/Waib Service Rules 1982 is attached herewith as annexure-B).

4. That in the year 2001&2002 Tehsildari/Waib Service Rules 1982 were amended and 30% quota was reserved for the ministerial employees of the Board of Revenue/Director Land Records for promotion to the post of Tehsildari. (Copy of the amended Tehsildari/Waib Service Rules 2001/2002 is attached herewith as annexure-C).

5. That through notification dated 26.12.2008 another amendment in the Tehsildari/Waib Service Rules was made, whereby 20% quota for the Ministerial Staff/Graduate Assistant, 222 of Board of Revenue/DLR, Assistant of Revenue Appellate Courts and Sub-Registrar) was reserved for promotion to the post of Tehsildari. (Copy of the amended Tehsildari/Waib Service Rules 2008 is attached herewith as annexure-D).

6. That a joint seniority list for the purpose of promotion to the post of Tehsildari was issued on 31.12.2008 under Tehsildari/Waib Service Rules 2008 and the appellant stood at serial no. 27. Copy of the seniority list is attached herewith as annexure-E.

7. That again a joint seniority list for the purpose of promotion to the post of Tehsildari was issued on 31.12.2009 under Tehsildari/Waib Service Rules 2008 and the appellant stood at serial no. 10. Copy of the seniority list is attached herewith as annexure-F.

8. That when Tehsildari\Naib Service Rules 2008 were amended on 30.03.2011 and Senior Scale Stenographers of the offices of Commissioners, Additional Commissioners and Political Agents were included and resultantly appellant was pushed downward in the joint seniority list maintained for the purpose of promotion to the post of Tehsildar, the appellant stood at serial no.12. Copy of the seniority list is attached herewith as annexure-G.

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

10. That on 17.10.11 a DPC meeting was held under Tehsildari\Naib Service Rules 30.3.2011 wherein a panel of 26 Assistants, SSS of the offices of BOR/DLR and SSS of the offices of Commissioners, Additional Commissioners and Political Agents and the Sub-Registrar was prepared and finalized and placed before the DPC meeting (8 post on regular basis and 8 post on acting charge basis). In the said meeting one SSS and 5 assistants of BOR and 2 SSS of Commissioner and Political Agents offices were promoted to the post of Tehsildar. Copy of the promotion notification is attached as annexure-J. In the panel\seniority the appellant stood at serial no.10. It may be noted here that the appellant was included and was found fit for promotion to the post of Tehsildar on acting charge basis as the appellant stood in the serial no.2. Minutes of the meeting are attached as annexure-K.

11. That just after 45 days on 2.12.2011 the Tehsildari\Naib Service Rules 30.3.2011 were amended and sweepingly finalized within fortnight that squashed the carrier of the assistant of the BOR.

12. That the appellant applied for copy of the proposed amendment dated 2.12.011 and the copy was not provided to the appellant due to the reason so that the appellant may not challenge the same in the proper forum. So this act of not providing the copy was challenged by the appellant before the Peshawar High Court

8. That when Tehsildari/Naib Service Rules 2008 were amended on 30.03.2011 and Senior Scale Stenographers of the offices of Commissioners, Additional Commissioners and Political Agents were included and resultant appellant was pushed downward in the joint seniority list maintained for the purpose of promotion to the post of Tehsildar, the appellant stood at serial no.12. Copy of the seniority list is attached herewith as annexure-G.

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

10. That on 17.10.11 a DPC meeting was held under Tehsildari/Naib Service Rules 30.3.2011 wherein a panel of 26 Assistants, 222 of the offices of EOR/DLR and 222 of the offices of Commissioners, Additional Commissioners and Political Agents and the Sub-Registrar was prepared and finalized and placed before the DPC meeting (8 post on regular basis and 8 post on acting charge basis). In the said meeting one 222 and 2 assistants of EOR and 222 of Commissioner and Political Agents offices were promoted to the post of Tehsildar. Copy of the promotion notification is attached as annexure-J. In the panel/seniority the appellant stood at serial no.10. It may be noted here that the appellant was included and was found fit for promotion to the post of Tehsildar on acting charge basis as the appellant stood in the serial no.2. Minutes of the meeting are attached as annexure-K.

11. That just after 45 days on 2.12.2011 the Tehsildari/Naib Service Rules 30.3.2011 were amended and sweepingly finalized within fortnight that squashed the carrier of the assistant of the EOR.

12. That the appellant applied for copy of the proposed amendment dated 2.12.011 and the copy was not provided to the appellant due to the reason so that the appellant may not challenge the same in the proper forum. So this act of not providing the copy was challenged by the appellant before the Peshawar High Court.

Peshawar in Writ Petition No.3493\11 in which the respondents were restrained from promotion to the post of Tehsildar, which became infructuous due to publication of amendment in the official gazette. Copy of the stay order is attached is as annexure-L

13.That according to this draconian amendment dated 2.12.2011 published secretly in the official on 29.2.2012 the assistant of BOR were pulled out from the promotion channel to the post of Tehsildar and now they are to be promoted to the post of Naib-Thesildar BPS-14, riding roughshod over the inalienable right of promotion to the post of Tehsildar, brushing aside all cannons of justice and fair play.

14.That the appellant challenged amendment dated 2.12.2011 published secretly in the official on 29.2.2012 before Peshawar High court through an other Writ Petition no.3304\12 which was disposed of with the direction to the appellate authority to treat it as departmental appeal\representation and decide it as early as possible. Copy of the amended Tehsildari\Naib Service Rules 29.9.2012 and order passed by High Court is attached as annexure-M&N.

15.That it is Crystal clear from the above amendments which were made from time to time in Tehsildari\Naib Tehsildari Service rules 1962 that the post of **Assistant BOR** promotion to the post of Tehsildar remained intact.

16.That through Order dated 17.4.2013 passed by Respondent No.2 whereby the Departmental appeal of the appellant was rejected\filed (copy attached as annexure-0) hence the present appeal inter alia on the following grounds;

Grounds

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

B.That the post of Office Assistant and Naib-Tehsildar are in BPS-14 meaning thereby that only the nomenclature of the Office Assistant was changed therefore, the notification through which appellant right of promotion was taken away is absolutely illegal,

Peshwar in Writ Petition No. 3493/11 in which the respondents were restrained from promotion to the post of Tehsildar, which became infructuous due to publication of amendment in the official Gazette. Copy of the stay order is attached as an annexure-I.

13. That according to this draconian amendment dated 2.12.2011 published secretly in the official on 29.2.2012 the Assistant of BOR were pulled out from the promotion channel to the post of Tehsildar and now they are to be promoted to the post of Naib-Tehsildar BPS-14, riding roughshod over the inalienable right of promotion to the post of Tehsildar, brushing aside all cannons of justice and fair play.

14. That the appellant challenged amendment dated 2.12.2011 published secretly in the official on 29.2.2012 before Peshwar High Court through an other Writ Petition no. 3304/12 which was disposed of with the direction to the appellate authority to treat it as departmental appeal/representation and decide it as early as possible. Copy of the amended Tehsildar/Naib Service Rules 29.2.2012 and order passed by High Court is attached as an annexure-II.

15. That it is crystal clear from the above amendments which were made from time to time in Tehsildar/Naib Tehsildar Service Rules 1962 that the post of Assistant BOR promotion to the post of Tehsildar remained intact.

16. That through Order dated 17.4.2013 passed by Respondent No. 2 whereby the Departmental appeal of the appellant was rejected/failed (copy attached as annexure-O) hence the present appeal inter alia on the following grounds;

Grounds

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

B. That the post of Office Assistant and Naib-Tehsildar are in BPS-14 meaning thereby that only the nomenclature of the Office Assistant was changed therefore, the notification through which appellant right of promotion was taken away is absolutely illegal.

void ab initio without lawful authority and jurisdiction and thus set-aside.

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

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

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

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

G. That normally rules are changed in order to adjust them with the current trends and needs of the time as is apparent from PCS Rules-1997 which were changed after 10 years in 2007 but in the case of appellant frequently rules were changed by the respondent no.2 in order to suit their wishes.

H. That vested right for consideration to promotion has been accrued in favor of appellant and the rules cannot be amended in

void ab initio without lawful authority and jurisdiction and thus

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

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

E. That the framers of Tehsildari/Naib Service Rules 1982 were conscious about the fact that the post of Assistant of BOR is a Provincial Cadre post and the post of Tehsildar is also Provincial Cadre post therefore, they were directly promoted to the post of Tehsildar without landing upon the post of Naib-Tehsildar but through the impounded notification the appellant will first be promoted to the post of Naib-Tehsildar having same grade and afterwards, they will be promoted to the post of Tehsildar which is entirely illegal.

F. That 20% quota in FMS reserved for superintendents and private secretaries of civil secretariat is further bifurcated in which 12% is reserved for subdt/Assistants and 8% is reserved for private secretaries while on the other hand the Assistants of BOR is excluded from the promotion to the post of Tehsildar. The inclusion of Assistants of civil secretariat for the promotion to FMS service and exclusion of the Assistants of BOR from promotion to the post of Tehsildar is highly discriminatory and against all norms of justice.

G. That normally rules are changed in order to adjust them with the current trends and needs of the time as is apparent from PCS Rules-1997 which were changed after 10 years in 2007 but in the case of appellant frequently rules were changed by the respondent no. 2 in order to suit their wishes.

H. That vested right for consideration to promotion has been accrued in favor of appellant and the rules cannot be amended in

such a way which would take away the promotion rights of the appellant with retrospective effect.

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

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

K. That the fundamental rights of the appellant has badly been violated.

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

It is, therefore, respectfully prayed that on acceptance this appeal, this honorable tribunal may be pleased to strike down the impugned notification dated 29.9.2012 to be against the law and thus cancelled with further directions to respondent no.2 promote the appellant in accordance with service rules dated 30.3.011.

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

Through

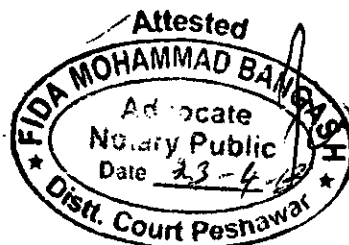

Appellant

Nasir Mahmood Advocate, 23/4
13-D Haroon Mansion Peshawar.

Affidavit

I do hereby declare, and affirm on oath that the contents of accompanying appeal are true and correct to the best my knowledge and belief and nothing has been concealed from this hon'ble tribunal.


Deponent



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

U. That the impugned notification is mala fide, pregnant with ulterior motive and is the outcome of political pressure which appears to be a classical example of favoritism, nepotism on one hand and an abusive exercise of official authority on the part of the persons at the helm of affair on the other. R. That the fundamental rights of the appellant has badly been violated

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

It is, therefore, respectfully prayed that on acceptance this appeal, this honorable tribunal may be pleased to strike down the impugned notification dated 29.9.2012 to be against the law and thus cancelled with further directions to respondent no. 2 promote the appellant in accordance with service rules dated 30.3.011. Any other remedy not specifically asked for but appropriate in the circumstances of the case may also be awarded to the appellant.

Appellant

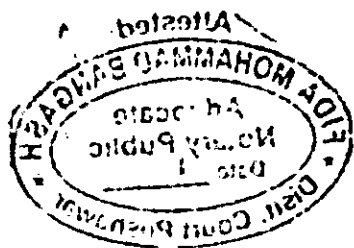
Through

Mst. Mahmood Advocate,
13-D Haroon Madani Park, Rawalpindi

Affirmant

I do hereby declare, and affirm on oath that the contents of accompanying appeal are true and correct to the best my knowledge and belief and nothing has been concealed from this hon'ble tribunal.

Respondent



BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.....\2013

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

Versus

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

Application for restraining the respondents not to make promotions in accordance with new amendment made in Tehsildari\Naib Service Rules 1962 dated 29.9.2012 till the final disposal of the instant appeal.


Respectfully sheweth;

1. That the captioned appeal is being filed before this Honorable tribunal in which no date of hearing has yet been fixed.
2. That the grounds mentioned in the appeal may be read as an integral part of this application.
3. That on face of it the applicant\appellant has got a strong prima facie arguable case in his favor and is sanguine about its success.
4. That the balance of inconvenience tilts in favor of grant of interim relief.
5. That the interim relief if not granted to the applicant\appellant he would suffer irreparable loss not redeemable in terms of money. *Because the DPC is going to be held on 26/9/13.*

It is, therefore, respectfully prayed that on acceptance of this application interim relief as prayed for in the heading of the application may be granted to the applicant's\appellant till the final disposal of the instant appeal.


Appellant

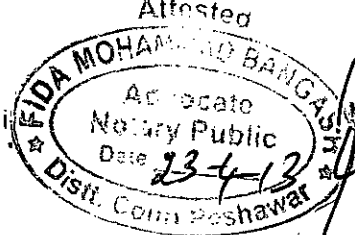
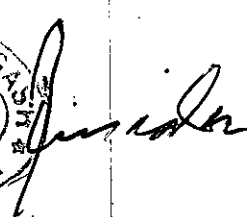
Through


Nasir Mahmood Advocate
13-D Haroon Mansion Peshawar.

Affidavit

I do hereby declare and affirm on oath that the contents of the above application are true and correct to the best of my knowledge and belief and noting has been concealed from this honorable court.


Deponent

Attested

FIDA MOHAMMAD BANGASH
Advocate
Notary Public
Date 23-4-13
Distt. Comm Peshawar


GOVERNMENT OF N.W.F.P.,
BOARD OF REVENUE.
Dated, Peshawar, 24/04/2006.

OFFICE ORDER.

NO. ADMN: IV/II/I0/REQU: ASSTT/2006. The Competent Authority on the recommendation of the NWFP, Public Service Commission, and in pursuance of the provisions contained in sub-section (2) of Section 19 of the NWFP, Civil Servants Act, 1973 (NWFP, Act No. XVIII of 1973), as amended by the NWFP, Civil Servants (Amendment) Act, 2005 (NWFP, Act No. IX of 2005) is pleased to order appointment of the following candidates as Assistants (BPS-11) in the Board of Revenue, NWFP, with effect from the date of submitting their arrivals subject to the conditions mentioned hereunder:

S. No.	NAME.	ADDRESS.
1. ✓	Mr. Habibullah Wazir. Son of Nadir Khan.	Post office Azim Kila, Village Haji Jinnah Killa, South Waziristan Agency.
2.	Mr. Gulab Sher Khan Son of Gul Sher Khan.	Post office Shamshadbad (Toru) Village Sheikhano Killy (Toru) Tehsil & Distt: Mardan.

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

If the above terms and conditions of appointment are acceptable to them they should report their arrival to this Board immediately. The offer of appointment shall be deemed to cancel if they failed to report their arrival within fifteen days from the date of issuance of this order.

Sd/-

Senior member,


Board of Revenue, N.W. F. P.

2007-23
ENDST:NO.

ADMN:IV/II/I0/REQU:ASSTT/2006.

Copy of the above is forwarded to:-

1. The Accountant General, NWFP.
2. The Secretary, Public Service Commission, NWFP, Boys Scout Building Sector-P (I) Phase-4, Hayatabad Peshawar, to his letter bearing No.PSC-SRE/23398 dated 30.03.2006, for information please.
3. P.S. to Senior, Member, BOR, NWFP.
4. Candidate concerned.
5. Bill Assistan, BOR, NWFP.
- ✓ 6. Personal file.
7. Office order file.

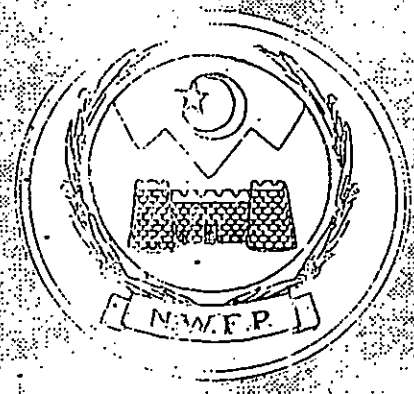

Assistant Secretary (Admn),
Board of Revenue, NWFP.

Annex-13

10

GOVERNMENT OF N.W.F.P.

SERVICE & GENERAL
ADMINISTRATION DEPARTMENT



MANUAL

OF THE
OFFICIALS' RULES,
AND OTHER PROVISIONS

etc.

Compiled by M. Wing, GAD

The Minister,
State Government, NWFP

THE GOVERNMENT OF WEST PAKISTAN
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION.
The 5th January 1963.

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

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

PART I — GENERAL.

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

(2) They shall come into force at once.

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

(1) "Appendix" means the Appendix to these rules;

(2) "appointing authority" means the authority specified in rule 4;

(3) "Board of Education" means a Board of Secondary Education established by law in Pakistan or any other educational authority or institution declared by Government in consultation with the Commission to be a Board of Education for the purposes of these rules;

(4) "Board of Revenue" means the full Board constituted under the West Pakistan Board of Revenue, Act, 1956;

(5) "Commission" means the West Pakistan Public Service Commission;

(6) "Division" means a Revenue Division;

(7) "Government" means the Government of West Pakistan;

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

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

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

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

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

(13) "subordinate service" shall comprise—

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

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

* (ii) Office Kanungos and Kanungos with a service of five years or more, of which at least two years must have been spent on the duties of a Field Kanungo.

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

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

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

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

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

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

4. Appointing Authority— Recruitment to the service shall be made—

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

- (b) (i) in the case of appointments is to be made by initial recruitment by the Board of Revenue; and
(ii) Where the appointment is to be made otherwise than by initial recruitment, by the Revenue Member.

5. Method of recruitment— (1) Recruitment to the service shall be made by the following methods:—

(1) In the case of Naib Tehsildars— ^{**}(a) sixty percent of the vacancies shall be filled in by initial recruitment of which ten per cent shall be reserved for Ex-servicemen.

^{***}(b) The remaining vacancies shall be filled in by selection on merit from the subordinate service in the Division where the vacancies occur, preference being given to persons with settlement experience.

^{*}Omitted/deleted vide Notification No. SO XVIII-1-21/62, dated 7.8.1963 and Notification No. SORI (S&GAD) 3-16/78 (Vol. I), dated 5.11.1985

^{**}Substituted vide Notification No. SORI (S&GAD) 3-16/78 (Vol. I), dated 4th February, 1989.

^{***}Substituted vide Notification No. SORI (S&GAD) 3-16/78 (Vol. I), dated 15th May, 1984.

Signature

(a) three-fourth of the vacancies shall be filled in by selection on merit with particular reference to fitness for higher responsibilities from among Naib Tehsildar, and

(b) the remaining vacancies shall be filled in by selection on merit with particular reference to fitness for higher responsibilities from among holders of posts in the subordinate service.

(iii) By selection on merit from among Additional Tehsildars of the Rehabilitation and Re-settlement Departments in the Zone where the vacancies occur, with at least five years experience of Revenue work, preference being given to persons with Settlement experience;

(iv) by selection on merit with particular reference to fitness for higher responsibilities from among the holders of posts in the subordinate service in the Zone where the vacancies occur, preference being given in the case of Sadar Kattungos, to persons with Settlement experience.

Explanation:— Ministerial employees of the Board of Revenue/Directorates of Land Records eligible for appointment to the posts of Tehsildars and Naib Tehsildars under the provision of clause I (b) and II (b) (iii) shall, for the purposes of the said clause, be deemed to belong to the division and zone respectively in which their Home District is situated.

(3) Vacancies to be filled by initial recruitment shall be reserved for bonafide residents of the Division where the vacancies occur and appointment thereat shall be made on the recommendations of the Commission, based on the result of a competitive examination, conducted by it in accordance with the syllabus and the standard specified in the Schedule to these rules;

Provided that before calling the candidates to appear in the competitive examination, the Commission shall hold an objective/screening test and only those candidates shall be called and allowed to appear in the competitive examination who obtain, in the objective/screening test, the minimum marks as determined by the Commission, keeping in view the number of vacancies falling to the quota of the respective Division;

Provided further that no less than ten candidates for each vacancy shall be called for the purpose of appearing in the Competitive Examination

vide Schedule added at the end.

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

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

Age— No person shall be appointed to the service unless—

(a) in the case of appointment by initial recruitment, he is more than twenty one years and less than twenty eight years of age on the 1st of September of the year in which the examination is held; and

(b) in the case of appointment made otherwise, he is less than fifty years of age on the 1st of January of the year in which the appointment is made:—

Provided that in the case of appointment by initial recruitment—

(i) the upper age limit in the case of a candidate from the schedule Castes and Under Developed Area shall be such as may, for the time being, be allowed by Government;

(ii) in the case of a person whose services under Government have been terminated for want of a vacancy, the period of service already rendered by him, for the purpose of upper age limit under this rule, be excluded from his age, and

(iii) in the case of persons already in Government service with at least four years' service as such, the upper age limit shall be thirty five years.

Qualifications— (1) No person shall be appointed to a post in the service—

- (i) By initial recruitment unless he holds a degree from a recognised University; and
- (ii) by promotion, except as provided in the sub clause (b), (v) and (vi) of clauses 13 of rule 2, unless he is F.A. from a Board of Education.

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

Training and Departmental Examination— A person selected or appointed to the Service, shall before his appointment to the service, be required to complete successfully such training and pass such departmental examinations and produce such certificates within such period or in such number of attempts as may be prescribed by Government from time to time.

Seniority— (1) The seniority-inter-se of the members of the service in the various grades thereof shall be determined—

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

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

Explanation II— If a junior official in a lower grade is selected to a higher grade by superseding a senior Official and subsequently that official is also selected, the official selected first shall rank senior to the official selected subsequently.

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

(2) The seniority in the various grades of the Service of members appointed by initial recruitment *vis-a-vis* these appointed otherwise shall be determined—

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

Signature

PART II - CONDITIONS OF SERVICE

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

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

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

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

(i) in case he has been appointed by initial recruitment, dispense with his services; or

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

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

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

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

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

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

(a) in case he has been appointed by initial recruitment dispense with his services; and

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

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

(a) transfer anywhere in West Pakistan; and

(b) serve in any Department of Government or any local authority or statutory body set up or established by Government.

12. *General Rules*— In all matters not expressly provided for in these rules, members of the Service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

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

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

14. *Delegation*— Government may delegate all or any of its powers under these rules to any officer subordinate to it.

16



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

CTE
L

Annex- (e)
17

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

NOTIFICATION

27-11-2001

DATED, PESHAWAR, THE 27th NOVEMBER,

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

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

etc

etc
R


NO. 27945-51 / Ad-I,

Dated: 27-11-2001.

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

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


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

etc 

etc

L

APPENDIX

SCHEDULE

Nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for appointment by promotion.	Age limit for initial recruitment.	Method of recruitment.	Remarks.
2	3	4	5	6	7

1/ Tehsildar

Graduation from a recognised University.

Passing of Tehsidari Departmental Examination and Successful completion of training as may be prescribed by the Government.

21 to 28 (a) Years. (b)

20% by initial recruitment:-
 of seniority-cum-fitness from amongst Waib Tehsildars; and
 (c) → the remaining 30% vacancies shall be filled in by selection on merit from amongst;

Joint seniority list of personnel of subordinate service for the purpose of promotion against 30% quota of the post of Tehsildars shall be caused with reference to their respective date of eligibility.

NOTIFICATION NO. 23428/Admn:I dated 31-10-2002.

1) in the entries in column 6 against serial No.1, in clause (c)

(a) for the existing entries of sub-clauses (i) and (ii), the following shall be substituted namely;

(i) Assistants & Senior Scale Stenographers in the offices of Board of Revenue, Director Land Records & Political Agents, & Assistants and Junior Scale Stenographers of the offices of District Officers, (R&E)/Collectors, who are graduate & have at least five years service as such, and.

(ii) District Kanungos, District Revenue Accountants and Head Clerks (Revenue), with at least five years service as such", and.

(b) clause (iii) shall be deleted.

(iii) Assistant and Senior scale stenographers working in the offices of Board of Revenue and District Collectors who are graduates and have at least three years service as such;
 (ii) District Kanungos with atleast three years service as such; and
 (iii) Head Clerks (Revenue) in the District Collectors' offices with at least three years service as such;

Deleted

NOTE: The official so appointed as Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed examination within the probationary period.

Deleted

CTC

CTC

W

20

2

(12)

Denomination of the post.	Qualification for Appointment by initial recruitment.	Qualification for Appointment by Promotion.	Age limit for initial recruitment.	Method of recruitment.	Remarks.
2	3	4	5	6	7
Naib Tehsildar	Graduation from a recognized university.	Passing of Naib Tehsildari Departmental Examination and such training as may be prescribed by the Government.	21 to 28 Years.	(a) 50% by initial recruitment, of which 10% shall be reserved for ex-service man, through Public Service Commission based on the result of a competitive examination conducted by it in accordance with the syllabus.	

NOTIFICATION NO.23428/Admn:I dated 31-10-2002.

(2) in the entries in column 6 against serial No.2.

(a) in clause(b), for the words "five years", the words "three years" shall be substituted.

(b) for clause (c), the following shall be substituted namely

(c) 12% by selection on merit from amongst Assistants and Senior Scale Stenographers of Board of Revenue, Director Land Records and the offices of the political Agents and Assistants and Junior Scale Stenographers in the offices of District Officer (Revenue & Estate) / Collectors with three years service as such;

(c) the following Note shall be added in column 6 below the existing entries as amended above, namely;

(b) 38% by promotion on the basis of seniority cum-fitness from amongst Kanungos in the Division with at least five years service as such;

(c) 12% by selection on merit from amongst Assistants and Stenographers working in the offices of Board of Revenue, District Collectors and Director Land Records who have five years service as such;

Substituted

Handwritten initials

NOTE:
"The official so appointed as Naib Tehsildar shall undergo a training course in the Revenue School have to pass the prescribed examination within the probationary period"

Handwritten signature

Handwritten initials

1

A

--- 3 ---

1	2	3	4	5	6	7
	Nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for Appointment by Promotion.	Age limit for initial recruitment.	Method of recruitment.	Remarks.
3/	District Kanungo (Sadar Kanungo).	-	Passing of Naib Tehsildari Departmental Examination and such training as may be prescribed by the Government.	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Kanungos with three years service as such.	
4/	Kanungo.	-	Passing of Kanungo Departmental Examination and successful completion of such training as may be prescribed by Government.	-	By promotion, on the basis of seniority-cum-fitness, from amongst the patwaris in the District with five years service as such.	Tehsil Revenue Accountant and Wasil Baqi Nawis.
5/	Patwari.	F.A or equivalent qualification, who have passed the Pawan examination.	-	18 to 30 Years	By initial recruitment.	
6/	Tehsil Revenue Accountant/ Wasil Baqi Nawis/ Addl: Wasil Baqi Nawis.	F.A or equivalent qualification from a recognised Board.	-	-	By transfer from amongst the holder of the post of patwaris who have undergone 12 weeks training in a Tehsil for the post of Wasil Baqi Nawis and have passed Patwari Examination.	etc N

etc
N

N

Annex - D

Annex IV

GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE REVENUE AND ESTATE DEPARTMENT

NOTIFICATION

(Tehsildar, Naib Tehsildar / Subordinate Revenue Service Rules 2008)

Peshawar dated the 26/12/2008.

No. 32102 /Admn:I/135/SSRC.

In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO. 457 (1) / 2001 dated 28th June, 2001 and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts borne on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

Appendix

1	2	3	4	5	6	7
S.No	Nomenclature of the post	Appointing Authority	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum, Qualification for appointment by promotion	Age limit	Method of recruitment
1.	Tehsildar (BPS 16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission.	21 - 30 years For initial recruitment	(a) Twenty percent by initial recruitment; and (b) Sixty percent by promotion, on the basis of Seniority - cum - fitness From amongst the Graduate Naib Tehsildar with at least Five Years Service as such. The condition of Graduation will be applicable after five years from the date of issuance of this Notification; and (c) Twenty percent by Promotion, on the basis of Joint Seniority - cum - fitness from amongst the Graduate Assistants / Senior Scale Stenographer of Board of Revenue NWFP Director Land Record NWFP Revenue Appellate Court / Sub - Registrar with at least Five Years Service as such.

2	2	3	4	5	6	7
	Naib Tehsildar (BPS 14)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission	21 - 30 years For initial recruitment	<p>(a) Fifty percent by initial recruitment, through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and</p> <p>(b) Thirty percent by promotion, on the basis of Seniority - cum - fitness from amongst Graduate Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. The condition of Graduation will be applicable after five years from the date of issuance of this Notification.</p> <p>(c) Twenty percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Junior Scale Stenographer and Assistants in the office of Political Agent and Assistant Political Agent Frontier Region, Assistant / Junior Scale Stenographer of Ex - Deputy Commissioner / Commissioners offices presently working in the offices of DCO / ACO / EDO (F&P) and DOR, who are Graduate with five Years Service as such.</p>
3.	District Kanungo (Saddar Kanungo) (BPS 14)					By transfer from amongst Naib Tehsildar
4.	Head Clerk (Revenue) (BPS 14)					By transfer from amongst Naib Tehsildar
5.	District Revenue Accountant (BPS 14)					By transfer from amongst Naib Tehsildar

Handwritten signature

Handwritten initials

20 4

270

6.	2	3	4	5	6	7
6.	Kanungo (BPS - 09)	District Officer (Revenue & Estate) /Collector,				By promotion, on the basis of joint Seniority -cum - fitness, on District level from amongst the Patwaris / Tehsil Revenue Accountant and Wasil-Baqi Nawis who have passed the Departmental Examination of Kanungo with at least five Years Service as such.
7.	Senior Tehsil Revenue Accountant (BPS 07) and Junior Tehsil Revenue Accountant Wasil Baqi Nawis / Additional Wasil Baqi Nawis (BPS - 05)					By transfer from amongst Patwaris
8.	Patwari (BPS - 05)	District Officer (Revenue & Estate) /Collector,	Intermediate or equivalent qualification, who have passed the Patwari Examination having one year diploma in information technology from any institution technology from any institution recognized by Board of technical education	18 to 30	By initial recruitment	By initial appointment for amongst the Patwari passed candidates entered in Register maintained by the District Collector of the District Concerned having one year diploma in information technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

etc

etc

Sd/-
Secretary to Government of NWFP
Revenue and Estate Department

25
25
No. 32103-61 / Admn: I/135/SSRC

Copy forwarded for information and necessary action :

1. Secretary to Government of NWFP Establishment Department
2. Secretary to Government of NWFP Finance Department
3. Secretary to Government of NWFP Law & Parliamentary Affairs Department
4. Secretary NWFP Public Service Commission
5. Secretary to Governor NWFP.
6. Registrar Peshawar High Court Peshawar
7. Advocate General, NWFP
8. Accountant General NWFP Peshawar
9. Private Secretary to Chief Secretary NWFP
10. All District Coordination Officer, in NWFP
11. All District Officer (Revenue & Estate) / Collector, in NWFP
12. Director Land Record NWFP
13. The Controller, Government Printing Press, NWFP Peshawar with the request that the notification may be published in the official gazette and to supply one hundred printed copies to the undersigned

7
7
Deputy Secretary
Government of NWFP
Revenue & Estate Department

Annex-E

26

GOVERNMENT OF NWFP
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 24 /01/009

OFFICE ORDER

No _____ /Admn:I/.S.L In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and Notification bearing No. 32102/Admn:I/135/SSRC, dated 26.12.2008 issued on the subject Final Joint Seniority List of Assistant, Senior Scale Stenographer of Board of Revenue NWFP, Director Land Records NWFP, and Sub-Registrar as it stood on 31.12.2008 is hereby published for information of all concerned.

By Order of,
Senior Member
Board of Revenue NWFP

No 2369-2402 /Admn:I.S.L

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

1. All Assistant / Senior Scale Stenographer in Board of Revenue NWFP, Revenue Appellate Court
2. Director Land Record NWFP.
3. Sub-Registrars in NWFP.

Assistant Secretary (Admn)
Board of Revenue NWFP

CTC
R

ANAL JOINT SENIORITY LIST OF GRADUATE ASSISTANTS / SENIOR SCALE STENOGRAPHERS OF BOARD OF REVENUE,
RAVENUE APPELLATE COURTS, DIRECTOR LAND RECORDS AND SUB REGISTRARS AS STOOD ON 31.12.2008

S.NO.	Name	Qualification	Domicile	Date of Birth	Date of 1 st entry into Govt. service	Date of promotion to the present post on regular basis	BPS	Remarks
1.	Muhammad Ayub ✓	B.A	Abbottabad	10.01.1952	10.07.1975	30.06.1990	14	Sub-Registrar
2.	Mr. Akbar Shah ✓	B.A.	Peshawar	10.02.1956	23.05.1974	21.02.1993	15 (S.G)	Assistant (Promotee)
3.	Mr. Shah Naseem ✓	M.A. English	Dir	04.04.1958	19.03.1977	06.10.1994	15 (S.G)	Assistant (Promotee)
4.	Mr. Mohammad Ali Shah ✓	M.A/LLB.	Khyber Agency.	19.11.1964.	11.5.1988	18.01.1995.	15. (S.G)	Assistant (Direct)
5.	Mr. Shah Jehan ✓	BA	Peshawar	2.01.1956	9.9.1972	1.6.1995	14	Assistant Promotee
6.	Muhammad Zaman ✓	MA	Karak	06.05.1959	26.07.1979	16.09.1995	14	Assistant Promotee
7.	Mr. Bagh Bostan ✓	MA	Peshawar	07.10.1957	16.05.1979	29.09.1996	14	Assistant Promotee
8.	Mr. Amjad Ali ✓	BA	Charsadda	13.04.1958	26.06.1980	29.09.1996	14	Assistant Promotee
9.	Muhammad Dawood ✓	MA	Peshawar	04.06.1962	11.06.1980	1.4.1998	14	Promoted as Superintendent (BPS-16) on Acting Charge Basis vide order date 15.03.2007
10.	Muhammad Humayun ✓	BA, LLB	Peshawar	01.07.1963	13.07.1980	1.4.1998	14	Promoted as Superintendent (BPS-16) on Acting Charge Basis vide order date 15.03.2007
11.	Mr. Ayub Shah ✓	BA	Peshawar	20.06.1961	26.05.1981	1.04.1998	14	Promoted as Superintendent (BPS-16) on Acting Charge Basis vide order date 15.03.2007
12.	Mr. Nawaz Khan	M.A.	Mardan.	02.11.1969.	03.03.2000.	03.03.2000.	14.	Assistant / Direct
13.	Mr. Anwar Zeb	B.A	Swabi	15.03.1972	01.01.1991	11.12.2000	14	Assistant (Promotee)
14. ✓	Muhammad Irshad	B.A	Abbottabad	15.03.1949	01.04.1979	03.01.2001	14	Sub-Registrar. He will stand retired on 14.03.2009
15.	Mr. Mir-Qasim.	B.A.	Bannu.	24.04.1960.	19.05.1979.	10.04.2001.	15	Promoted as Private Secretary (BPS-16) Acting Charge Basis vide order date.
16.	Mr. Ihsanullah	M.A LLB	Charsadda	13.08.1958	15.08.1982	11.11.2001	15	Promoted as Private Secretary (BPS-16) Acting Charge Basis vide

CTC
R

(PTO)

28

S.NO.	Name	Qualification	Domicile	Date of Birth	Date of 1 st entry into Govt. service	Date of promotion to the present post on regular basis	BPS	Remarks
								order date.
17.	Mr. Muhammad Ibrar.	B.A.	Peshawar.	03.09.1958.	03.01.1980.	17.11.2001.	15	Senior Scale Stenographer (Promotee)
18.	Mr. Tariq Hussain.	B.A.	Malakand Agency.	22.06.1975.	09.04.1995.	17.11.2001.	15	Senior Scale Stenographer (Promotee)
19.	Mr. Noor Muhammad	BA	Peshawar	14.10.1966	01.03.1986	11.09.2002	14	Assistant (Promotee)
20.	Mr. Zahidullah.	M.A.	Peshawar.	20.01.1956	02.03.1974.	12.09.2002	15	Senior Scale Stenographer (Promotee)
21.	Mr. Aziz Ullah	MA	Bannu	17.4.1977	17.10.2002	17.10.2002	14	Assistant (Direct)
22.	Mr. Sher Rehman.	B.A.	Charsadda.	20.04.1965.	06.12.1989.	14.12.2002	14.	Adjusted as Assistant from S.pool.
23.	Mr. Assad Mehmood.	B.A.	Manshra.	15.04.1972.	20.09.1992.	28.05.2003	15	Adjusted as Senior Scale Stenographer in BOR, on 28.05.2005.
24.	Mr. Akram Shah	MA	Manshra	17.06.1967	01.03.1986	03.12.2003	14	Assistant (Promotee)
25.	Mr. Murad Ali	B.A	Peshawar	01.02.1972	01.01.1991	25.02.2004	14	Assistant (Promotee)
26.	Mr. Ghulam Khan	B.A	Abbotabad	04.01.1949	12.01.1970.	11.02.2006	14	Sub-Registrar ✓ <i>retd</i>
27.	Mr. Habibullah.	M.A.	Bannu	08.10.1972.	24.04.2006.	24.04.2006.	14	Assistant (Direct).
28.	Mr. Asif Ibrahim.	MA.	D.I.Khan.	13.03.1978.	15.05.2006.	15.05.2006.	14	Assistant (Direct).
29.	Mr. Gul Said	B.A	Charsadda	04.02.1962	19.11.1981	19.09.2007	14	Sub-Registrar
30.	Mr. Jehanzeb	B.A	Mardan	11.03.1965	11.09.1991	19.05.2008	14	Sub-Registrar

etc
DL

Assistant Secretary (Admn)
Revenue and Estate Department NWFP

Annex - F

29

Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 21/08/2010

OFFICE ORDER

No 14272 /Admn:I/S.L. In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and Notification bearing No. 32102/Admn:I/135/SSRC, dated 26.12.2008 issued on the subject Tentative Joint Seniority List of Assistant, Senior Scale Stenographer of Board of Revenue Khyber Pakhtunkhwa, Revenue Appellate Court, Director Land Records Khyber Pakhtunkhwa, and Sub-Registrar as it stood on 31.12.2009 is hereby published for information of all concerned.

By Order of,
Senior Member
Board of Revenue Khyber Pakhtunkhwa

No 14273-62 /Admn:I.S.L.

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

1. All Assistant / Senior Scale Stenographer in Board of Revenue Khyber Pakhtunkhwa, Revenue Appellate Court
2. Director Land Record Khyber Pakhtunkhwa.
3. Sub-Registrars in Khyber Pakhtunkhwa.

Assistant Secretary (Admn)
Board of Revenue Khyber Pakhtunkhwa

CTC
R

TENTATIVE JOINT SENIORITY LIST OF GRADUATE ASSISTANTS / SENIOR SCALE STENOGRAPHERS OF BOARD OF REVENUE, RAVENUE APPELLATE COURTS, DIRCTOR LAND RECORDS AND SUB REGISTRARS AS STOOD ON 31.12.2009

S.NO.	Name	Qualification	Domicile	Date of Birth	Date of 1 st entry into Govt. service	Date of promotion to the present post on regular basis	BPS	Remarks
1.	Mr. Nawaz Khan. ✕	M.A.	Mardan.	02.11.1969.	03.03.2000.	03.03.2000.	14.	Assistant / Direct ..
2.	Mr. Anwar Zeb	B.A	Swabi	15.03.1972	01.01.1991	11.12.2000	14	Assistant (Promotee)
3.	Mr. Muhammad Ibrar. ✕	B.A.	Peshawar.	03.09.1958.	03.01.1980.	17.11.2001.	15	Senior Scale Stenographer (Promotee)
4.	Mr. Tariq Hussain.	B.A.	Malakand Agency.	22.06.1975.	09.04.1995.	17.11.2001.	15	Senior Scale Stenographer (Promotee)
5.	Mr. Noor Muhammad	BA	Peshawar	14.10.1966	01.03.1986	11.09.2002	14	Assistant (Promotee)
6.	Mr. Zahidullah. ✕	M.A.	Peshawar.	20.01.1956	02.03.1974.	12.09.2002	15	Senior Scale Stenographer (Promotee)
7.	Mr. Aziz Ullah	MA	Bannu	17.4.1977	17.10.2002	17.10.2002	14	Assistant (Direct)
8.	Mr. Sher Rehman.	B.A.	Charsadda.	20.04.1965.	06.12.1989.	14.12.2002	14.	Adjusted as Assistant from S.pool.
9.	Mr. Akram Shah	MA	Manshera Manshera	17.06.1967	01.03.1986	03.12.2003	14	Assistant (Promotee)
10.	Mr. Murad Ali	B.A	Peshawar	01.02.1972	01.01.1991	25.02.2004	14	Assistant (Promotee)
11.	Mr. Ghulam Khan. ✕	B.A	Abbottabad	04.01.1949	12.01.1970	11.02.2006	14	Sub-Registrar
12.	Mr. Habibullah.	M.A.	Bannu	08.10.1972.	24.04.2006.	24.04.2006.	14	Assistant (Direct).
13.	Mr. Asif Ibrahim. ✕	MA.	D.I.Khan.	13.08.1978.	15.05.2006.	15.05.2006.	14	Assistant (Direct).
14.	Mr. Gul Said	B.A	Charsadda	04.02.1962	19.11.1981	19.09.2007	14	Sub-Registrar
15.	Mr. Jehanzeb	B.A	Mardan	11.03.1965	11.09.1991	19.05.2008	14	Sub-Registrar

Assistant Secretary (Estt)
Board of Revenue Khyber Pakhtunkhwa

CTC
R



Annex-4 31

SENIORITY LIST OF GRADUATE ASSISTANTS/ SENIOR SCALE STENOGRAPHERS AND SUB REGISTRAR OF BOARD OF REVENUE, DIRECTOR LAND REVENUE, AND SENIOR SCALE STENOGRAPHER OF THE OFFICE OF COMMISSIONER / ADDITIONAL COMMISSIONERS AND POLITICAL AGENTS.

S.NO.	Name	Qualification	Domicile	Date of Birth	Date of 1 st entry into Govt. service	Date of promotion to the present post on regular basis	SFS	Remarks
1.	Arshad Jamil SSS	B.A	Charsadda	07.08.1965	23.01.1986	09.10.1989	15	SSS. Political Agent Khyber
2.	Asad Mehmood Lodhi SSS	B.A LLB		15.04.1972	20.09.1992	05.12.1995	15	SSS. Commissioner Abbottabad
3.	Muhammad Nawaz Assistant	M.A.	Mardan	02-11-1969	03.03.2000	03.03.2000	14	Assistant BOR Absent from duty. Departmental-enquiry is pending against the official.
4.	Azwar Zeb Assistant	B.A	Swabi	15.03.1972	01.01.1991	11.12.2000	14	Assistant DLR. Office Departmental enquiry is pending against the official.
5.	Tariq Hussain SSS	B.A	Malakand Agency	22.06.1975	09.04.1995	17.11.2001	15	PA to Secretary BOR
6.	Noor Muhammad Assistant	BA	Peshawar	14.10.1966	01.03.1986	11.09.2002	14	Assistant BOR
7.	Zahidullah SSS	M.A.	Peshawar	20.01.1956	02.03.1974	12.09.2002	15	PA to MBR - I
8.	Aziz Ullah Assistant	MA	Bannu	17.4.1977	17.10.2002	17.10.2002	14	Assistant Board of Revenue
9.	Sher Rehman Assistant	B.A.	Charsadda	20.04.1965	06.12.1989	14.12.2002	14	Assistant Board of Revenue
10.	Akram Shah Assistant	MA	Mansehra	17.06.1967	01.03.1986	03.12.2003	14	Assistant Board of Revenue
11.	Murad Ali Assistant	B.A	Peshawar	01.02.1972	01.01.1991	25.02.2004	14	Assistant Director Land Record
12.	Huqibullah Assistant	M.A.	Bannu	08.10.1972	24.04.2006	24.04.2006	14	Assistant Board of Revenue
13.	Nisar Muhammad	B.A	Dir Lower	14.10.1954	14.01.1977	20.02.2007	15	SSS Political Agent Bajaur
14.	Gul Said	B.A	Charsadda	04.02.1962	11.09.1991	19.09.2007	14	Reverted to the post of Registrar Mabarit
15.	Joran Zameer	B.A	Mardan	05.05.1979	23.04.2008	23.04.2008	14	Assistant Board of Revenue
16.	Jahanzeb	B.A	Mardan	11.03.1963	11.09.1991	19.05.2008	14	Sub Registrar
17.	Goulan Saboor Awan	MA	Peshawar	25.10.1964	04.06.1984	06.07.2008	14	Assistant Board of Revenue
18.	Abdul Baseer	MA	Mansehra	01.08.1967	12.07.2008	12.07.2008	14	Assistant Board of Revenue
19.	Nadir Masood	MA	Mardan Agency	19.03.1974	22.08.2008	22.08.2008	14	Assistant Board of Revenue

Prepared on 27/01/2009

CJC
afg

S.NO.	Name	Qualification	Domicile	Date of Birth	Date of 1 st entry into Govt. service	Date of promotion to the present post on regular basis	BPS	Remarks
20.	Ahmad Sher	M.A	Swat	15.02.1982	10.01.2003	29.12.2008	15	SSS Commissioner Malakand
21.	Abdul Akbar	B.A	Peshawar	01.04.1962	16.03.1987	30.05.2009	14	Assistant Board of Revenue
22.	Muhammad Arif	M.A	Malakand	13.06.1966	05.08.1990	30.05.2009	14	Assistant Board of Revenue
23.	Rahim Shah	B.A	Khyber Agency	13.01.1969	03.09.1990	30.05.2009	14	Assistant Board of Revenue
24.	Arif Ahmad	B.A	Peshawar	01.07.1976	01.07.1990	30.05.2009	14	Assistant Board of Revenue
25.	Muhammad Ayaz	B.A	Mardan	20.02.1983	30.04.2009	30.04.2009	14	Assistant Board of Revenue
26.	Muhammad Qamar	B.A	Mardan	09.03.1970	16.03.1992	08.07.2009	15	SSS Commissioner Mardan

Note:-

It is certified that the seniority list has been prepared according to seniority list issued by the Board of Revenue, Director Land Record, and Divisional Commissioners.

Assistant Secretary (East)

Assistant Secretary (East)
Revenue & Estate Deptt.
Khyber Pakhtunkhwa

etc
R

Amended - 129"

33



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

Peshawar dated the 30/03/2011

NOTIFICATION

No. 389 /Admn:II/296/Amendment. In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment and Finance Departments hereby directs that in this Departments Notification No. 32102/Admn:II/35/SSRC, dated 26.12.2008, the following further amendments shall be made, namely :-

AMENDMENTS

In the Appendix:-

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

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

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

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

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

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

Handwritten signature

Handwritten signature

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

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

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

- “(a) Fifty percent, by initial recruitment; and
- (b) Fifty percent by promotion, on the basis of seniority-cum-fitness, in the following manner within the Division.
 - (i) thirty percent, from amongst Kanungos of the Division concerned with at least five years service as such who have passed the Departmental Examination of Naib Tehsildar; and
 - (ii) twenty percent from amongst graduate Assistants of the offices of Commissioners, Additional Commissioners District Coordination Officers, District Officer (R&E)/Collectors, and Executive District Officers (F&P), Political Moharrirs of the office of Political Agents and Assistant Political Agents (FR), with at least five years service as such.

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

ETC
Q
ETC
Ally

W. name

SECRETARY

Annex "J"

35

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 29/10/2011

NOTIFICATION

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

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

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

Sd/-
Senior Member

No. Estt:/Tehsildar/ 27123-28 /

Copy forwarded to the:-

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

Secretary - I

CTC
A

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

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

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

ITEM NO: IPromotion on regular basis

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

ITEM NO. IIAppointment on Acting Charge Basis

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

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

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

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

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

C.T.C.
R

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

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

6. It is certified that all the officials included in the panel except S.No. 2, 4 & 14:-

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

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

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

CTC
R

Assistant Secretary (P&T)

39

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

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

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

Following attended:-

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

ITEM No. I

PROMOTION TO THE POST OF TEHSILDAR (BPS-16)

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

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

40


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

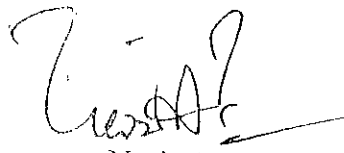
ITEM No. II

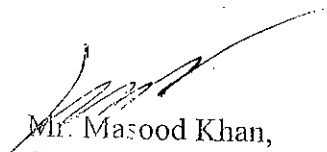
PROMOTION TO THE POST OF ASSISTANT SECRETARY (BPS-17)

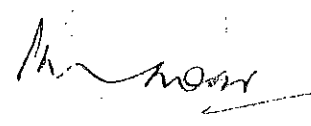
There are total 7 regular posts of Assistant Secretaries (BPS - 17) in Revenue and Estate Department, out of which 4 post have already been filled up, while the remaining 3 posts are required to be filled now. After examination the service record, of the officers included in the panel the following decision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

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


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


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


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


Waqar Ayub
Secretary Revenue & Estate Department
(CHAIRMAN)

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Annex - ~~1~~ L

41
"b"
L

Court of.....

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

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	28.03.2012	<p><u>Writ Petition No.3493/2011 with Interim Relief.</u></p> <p>Present: Mr. Muhammad Asif Yousafzai, Adv., for the petitioners.</p> <p>Mr. Obaid Razzaq, Addl. AG, for the respondents.</p> <p style="text-align: center;">*****</p> <p>Adjourned. To come up alongwith connected Writ Petition No.3023/2011.</p> <p><u>C.M.No.144-P/2012</u></p> <p>Notice to the other side for a date in office. In the meantime, respondents are directed not to fill up the post of Tehsildar.</p> <div style="text-align: right; margin-top: 20px;"> <p>sd/ Attallah Khan</p> <p>sd/ Mir Habib ud Din Khan</p> <p style="text-align: center;">1/11/12</p> </div>

Office
29/3
Office
30/3

TRUE COPY

1/11/12

(Fayaz)

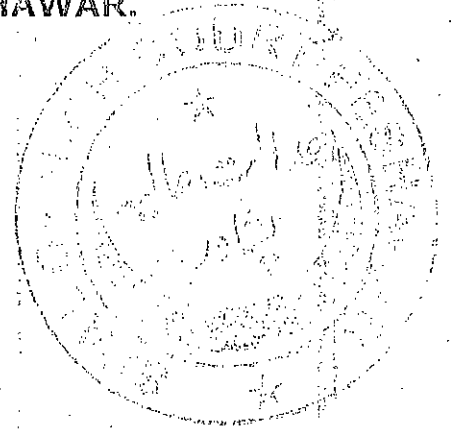
CTC
R

Annexure
(())

42

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 3493 /2011



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

PETITIONERS

VERSUS

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

RESPONDENTS

RECEIVED TO

2 DEC 2011

CTC
A

ATTESTED
EXAMINER
Peshawar High Court

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

RESPECTFULLY SHEWETH:

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

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

etc
A

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

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

GROUND:

- A) That the proposed amendment in the rules and not providing the copy of the same to the petitioners for challenging before an appropriate forum is against the norms of justice, equity and principle of the fair play.
- B) That the main ground for challenging the proposed amendment is that the petitioners are in BPS-14 and therefore, the promotion quota has been given in BPS-14 which is irrational because how an employee in BPS-14 could be promoted to BPS-14 again.
- C) That the said amendment is also lacking the principle of promotion i.e. moving to next higher scale while in the proposed amendment the quota of the promotion to the petitioners is given in the same scale i.e. BPS-14 to BPS-14.
- D) That the respondent No.2 is legally bound to notify officially the proposed amendment in the rules but he is still keeping the same as secret and wants to act upon that for giving the promotion benefits to the blue eyed person.
- E) That taking action on the un-notified amendment also proves malafide on the part of the respondent No.2 and especially when the provision of the copy of the said amendment has been refused to the petitioner despite of their proper application.

FILED TODAY

Deputy Registrar

22 DEC 2011

CTC
R

ATTESTED

Deputy Registrar

F)

That the respondent No.2 has not acted as per law and rules nor treated the petitioner according to the law and rules.

G)

That if the action of the respondent No.2 is not stopped immediately then the matter would be more complicated and would also be a base for un-ending litigation amongst the officials and respondents.

H)

That the petitioners seek permission to advance other grounds and proofs at the time of hearing.

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

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

INTERIM RELIEF:

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

PETITIONERS

THROUGH:

M. Asif Yousafzai

(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

CTC
R

FILED TODAY
District Registrar
22 DEC 2011

VERIFICATION:

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

Pa

LIST OF BOOKS:

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

PETITIONERS

THROUGH:

M. Asif Yousafzai

(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

Name of Petitioner
 Name of Respondent
 Name of Court
 Name of Judge
 Name of Counsel
 Name of Advocate
 Name of Advocate
 Name of Advocate

8208
CS-P 28/12/11
100
28/12/11
28/12/11
28/12/11
all done

CERTIFIED TO BE TRUE COPY

SP *28/12/11*

Deputy Registrar
 Peshawar High Court Peshawar
 Authenticated under Article 67 of
 The Courts Act 1973 of 1988

CTG
R

h



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 0000000000, 00TH SEPTEMBER, 2012.

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

NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

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

AMENDMENTS

In the Appendix:-

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

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

Sd/-x-x-
SECRETARY.

[Handwritten signature]

[Handwritten signature]

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

IN RE: W.P NO. 2211 \2012

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

Versus

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

INDEX

S.No.	Description of Documents	Annexure	Pages
1.	Writ Petition with Affidavit		1-6
2.	Addresses of Parties		7
3.	Tehsildari Service Rules 1962	A	8 - 14
4.	Tehsildari Service Rules 2001\2002	B	15 - 19
5.	Tehsildari Service Rules 2008	C	20 - 23
6.	Tehsildari Service Rules 30.3.2011	D	24 - 25
7.	Tehsildari Service Rules 29.9.2012	E	26 - 27
8.	Rectification dt. 13.7.12	F	28 - 29
9.	Rectification dt. 4.10.12	G	30 - 31
10.	FCS\PMS Rules 1997\2007	H	32 - 39
11.	Court-Fee Rs.500\-		
12.	Wakalat Nama		

Petitioners

Through

Nasir Mehmood Advocate,
E-D Haroon Mansion
Khyber Bazar, Peshawar.
Call: 0333-9176275

CTA
A

2/2

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

Respectfully Sheweth:

With petition under Article 199 of the constitution of Islamic Republic of Pakistan, 1973.

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

Versus

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

IN RE: W.P NO. 2012

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

50

51

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

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

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

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

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

CTC
R

58

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

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

Grounds

- A. That the respondents have not treated the petitioners in accordance with law and rules on the subject and acted in violation of article-4 and 25 of the constitution of Islamic republic of Pakistan, 1973 and unlawfully made frequent amendments in the rules which is unjust, unfair hence not sustainable in the eye of law.
- B. That the post of Office Assistant and Naib-Tehsildar are in BPS-14 meaning thereby that only the nomenclature of the Office Assistant was changed, therefore, the notification through which petitioners right of promotion was taken away is absolutely illegal, void ab initio without lawful authority and jurisdiction and thus set-aside.
- C. That respondent no.3 due to frequent amendments by respondent no.2 has reconstituted the composition of Service Standing Rules Committee vide notification dated 13.7.2012 in order to check sweeping and whimsical amendments in the service rules which was done by respondent no.2 and due to which employees suffered because of litigations. Copy of the notification is attached as annexure-F.

CTK
R

525

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

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

Grounds

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

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

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

CTC
A

54

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

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

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

G. That normally rules are changed in order to adjust them with the current trends and needs of the time as is apparent from PCS Rules-1997 which were changed after 10 years in 2007 but in the case of petitioners frequently rules were changed by the respondent no.2 in order to suit their wishes. (copy is annexed as Annexure "H")

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

CTC
R

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

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

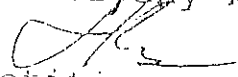
L. That the fundamental rights of the petitioners has badly been violated.

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

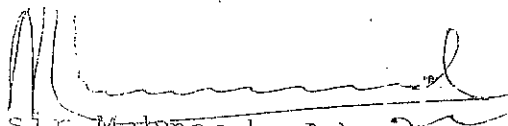
For the aforesaid reasons it is, therefore, respectfully prayed that on acceptance this writ petition, this honorable court may be pleased to issue a writ declaring the impugned notification dated 29.9.2012 to be against the law and thus cancelled with further directions to respondent no.2 promote the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

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

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


Petitioners

Through


Nasir Mahmood Advocate,

13-D Haroon Mansion Peshawar.

CTC
R

Handwritten initials and scribbles at the top of the page.

Sworn on solemnly
affirmation before me on this 17th day of
May 2012 by Muhammad Akbar
s/o Muhammad Akbar of Bahria
who was identified by Muhammad Akbar
who is personally known to me.
Oath Commissioner
Muhammad Akbar, Bahria
17/11/2012

Identified by:
Muhammad Akbar
(Nasir Mahmood)
Advocate, Bahria

Dependent
11161-7115980-5

Handwritten signature of the deponent.

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

List of Books: Constitution of Pakistan, 1973.

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

Handwritten number '58' at the bottom left corner.

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

IN RE: W.P. NO. 12012

Mr. Anwar Zeb and others Petitioners

Versus

Govt. of KPK through Chief Secretary and others Respondents

Addresses of Parties

Petitioners:

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

Respondents:

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

Through

Nasir Mahmood Advocate

Haroon

13-D

Peshawar.

Mansion

Handwritten initials/signature at the top of the page.

Handwritten initials/signature at the bottom left of the page.

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

W.P. No. *7304* of 20*12*

JUDGMENT

Date of hearing *12-3-13*

Appellant/Petitioner (s) *(Common Job etc)* by *Mr. NAsi*
Mahmood Advocate

Respondent (s) *(Govt KPK Trust Chief Secy)* by *Mr. Ghaid*
DOST MUHAMMAD KHAN, CJ- For *Re 2013*
591

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

Dated: 12.3.2013

~~CHIEF JUSTICE.~~

J. Ghaid
JUDGE

CTC
R

File
16/3

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

No. 723 of 2011

JUDGMENT

Date of hearing 12-3-2013

Appellant/Petitioner (s) (Ghulam Mohy-ud-Din & others) by Muhammad Rajib Khan
(Secy Local Govt & others) by Mr. Ubaid Raza
AG-11-HQ
M. Zahid
Secy Advt

Respondent (s) DOST MUHAMMAD KHAN, CI. This single judgment shall decide Writ Petitions Nos:723/2011 (Ghulam Mohyuddin and others Vs-Secretary Local Government and others) and 3304/2012 (Anwar Zeb-Vs-The Chief Secretary, Government of KPK, Civil Secretariat Peshawar and others) because

common question of law is involved therein.

2. The petitioners in this and in the connected writ petition have questioned the amendment in the service rules which, according to both the petitions, are prejudicial to their vested right accrued to them during the course of their service and because of those amendments they have suffered a setback in the matter of promotion and further benefit.

3. In view of the judgment of the apex Court as well as this Court, it is clear that whenever a matter relating to a terms and conditions of civil service including the question

etc
R

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

Dated: 12.3.2013

~~_____~~
CHIEF JUSTICE.

JUDGE

e TL
R

office
16/3

112 01



Anwar - "0"

61

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

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

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

PS/SMBR
File No. 725
Date 17-4-13
Officer of Revenue Peshawar

M. M.
Estt: 16/4/13

S (Estt)

A- (Estt)

S. J. J.

C. J. J.

S. J. J.

[Signature]

C. J. J.

R.

~~16/4/13~~

~~16/4/13~~

16/4/13

17.4.13

17/4/13

بعدالت جناب سید بی بی سوس

سید سوس بی بی سوس

2، مخبب آباد، لاہور
حسب اللہ بنام حکومت

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

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

20

المقوم

واہ الع

کے لئے منظور ہے۔

بمقام

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

NO 753 /ST

DATED 08/05 /2013

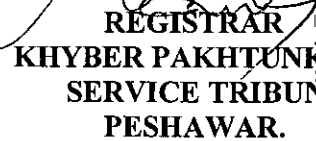
To,

The SMBR,
KPK, Peshawar.

Subject: **APPEAL NO. 752/2013 HABIBULLAH WAZIR & 814/2013
MUHAMMAD AYAZ VS SMBR AND OTHERS.**

I am directed to forward herewith a certified copy of order dated 3.05.2013 passed by the Bench of this Tribunal on the subject appeals for further necessary action please.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

status quo,
as before, is
extended till
further orders

Service Appeal No.

Habibullah Wazir..... (Appellant)

VERSUS

Govt: of KPK & others..... (Respondents)

Application for extension of
status quo in the above noted
appeal.

24/5/13

Respectfully Sheweth:

1. That the above noted appeal is pending adjudication before this Honourable Tribunal and is fixed for 21/06/2013.
2. That the instant appeal was admitted on 26/4/2013 and status quo was also granted in favour of the appellant on the said date and then appeal was fixed for 21/5/2013.
3. That the hearing of appeal could not taken place due to not working of the Tribunal and the date was extended on the note reader.
4. That the status quo could not be extended due to above reason, although status quo was passed on the first date of hearing.

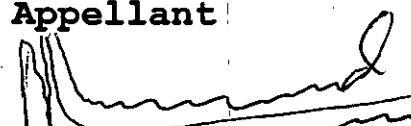
5. That now the respondents convened meeting of Departmental Promotion Committee on 27/5/2013 due to the reason that the status quo has not been extended by the Tribunal.

6. That now if the status quo has not been extended, the appellant will suffer irreparable loss and the appeal would become infructuous.

It is, therefore, respectfully prayed that status quo already granted in favour of appellant may kindly be extended to next date of hearing.

Appellant

Through



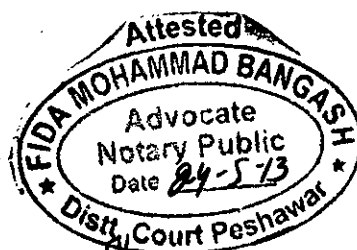
Nasir Mehmood

Advocate Peshawar

Dated: 24/05/2013

A F F I D A V I T

I, Habibullah Wazir (Appellant), do hereby solemnly affirm and declare that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Court.





DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

C.M.No. _____/2013

IN

S.A.No.752/2013

Habibullah WazirV/S..... Govt. & others

APPLICATION FOR IMPLEADING THE APPLICANTS IN THE
PANEL OF RESPONDENTS IN AFOREMENTIONED CASE.

Respectfully Sheweth;

- 1) That aforementioned case is fixed for hearing on 21.05.2013.
- 2) That applicants are Superintendents BPS-16 in Revenue Department are direct beneficiaries of the questioned rules.
- 3) That applicants have got interest in the case and it is in the interest of justice that applicant be impleaded to defend the appeal.
- 4) That names of applicants to be impleaded as respondents are as under:-
 - i) Tariq Hussain, Supdt. D.C office Mardan.
 - ii) Jamal, Supdt Commissioner Office, Peshawar.
 - iii) Sultan Amir-ud-Din, Supdt. D.C Office Hangu.
 - iv) Sher Qadir, Supdt. Commissioner Office, Bannu.
 - v) Rehmani Malik, Supdt. Commissioner Office, Malakand.
 - vi) Bakht Jamil, Supdt. D.C. Swat.
 - vii) Tariq Usman, Supdt. Commissioner Kohat.
 - viii) Muhammad Rafique, Supdt. D.C. Office, Karak.
 - ix) Abdul Farooq, Supdt. D.C. office, Kohat.

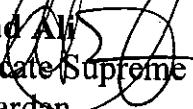
put up
with else
file.
27/5/13.

- x) Qamar Khan, Senior Scale Stenographer, Commissioner Officer, Mardan.
- xi) Ayub Shah, Supdt. BOR Peshawar.
- xii) Attaullah, Supdt, BOR, Peshawar.

It is, therefore, humbly requested that applicants detailed in para-4 of application may please beimpleaded as respondents.

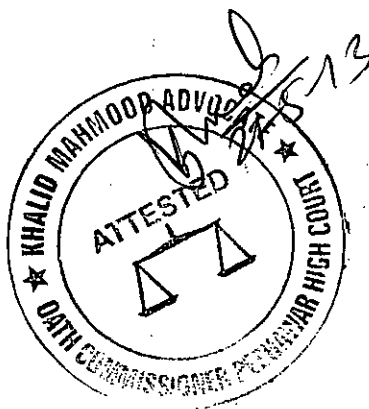
Applicants

Through


Amjad Ali
Advocate Supreme Court
At Mardan

AFFIDAVIT

I, Amjad Ali Advocate (counsel for petitioner), do hereby affirm and declare as per information furnished by my client that the contents of the **Application** are true and correct and nothing has been concealed from this Hon'ble Tribunal.



Deponent

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

C.M.No. _____ /2013

IN

S.A.No.752/2013

Habibullah WazirV/S..... Govt. & others

APPLICATION FOR VACATION OF STATUS QUO

Respectfully Sheweth;

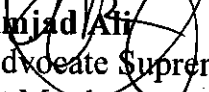
Applicants humbly submit as under:

- 1) That aforementioned appeal is fixed for 21.06.2013.
- 2) That as per 1996 SCMR no stay can be granted in service matters as there is neither irreparable loss nor balance of convenience and appellants' appeal if accepted can be given his right.
- 3) That there is no prima facie case.
- 4) That there is no balance of convenience.
- 5) That there is no irreparable loss.

It is, therefore, humbly requested that stay may please be vacated as applicants are waiting for promotion since decades.

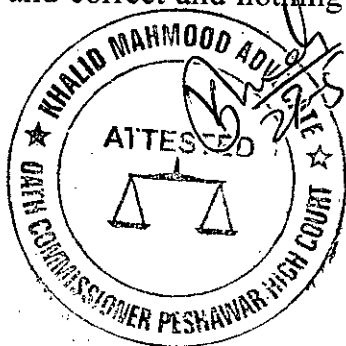
Applicants

Through


Amjad Ali
Advocate Supreme Court
At Mardan

AFFIDAVIT

I, Amjad Ali Advocate (counsel for petitioner), do hereby affirm and declare as per information furnished by my client that the contents of the **Application** are true and correct and nothing has been concealed from this Hon'ble Tribunal.



Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 814 & 752/2013

Mr. Muhammad Ayaz & Habibullah Wazir Assistant Appellants

VERSUS

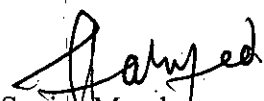
Senior Member Board of Revenue and others Respondent

REPLY ON APPLICATION FOR RESTRAINING THE RESPONDENTS NOT TO
MADE PROMOTION IN ACCORDANCE WITH NEW AMENDMENTS.

ON FACTS.

- 1 No comments.
- 2 No comments.
- 3 Incorrect. According to Tehsildar / Naib Tehsildar service Rules, 2008 ammended in 2011, there is no provision for promotion of Assistant of the Board of Revenue to the post of Tehsildar (BPS – 16) and the appellant has no strong case in his favour.
- 4 Incorrect. The Assistant of the Board of Revenue is eligible for the post of Naib Tehsildar (BPS – 14) and balance of convenience does not tilt in favour of appellant.
5. As in para – 3 above, the appellant is not eligible for promotion as Tehsildar (BPS – 16), therefore the question of irreparable loss does not arise.

The application for restraining the respondent from making promotion as Tehsildar may kindly be rejected.


Senior Member
Board of Revenue
(Respondent No. 2)

AFFIDAVIT

I, Fazali Rehmani Senior Member Board of Revenue, Khyber Pakhtunkhwa do hereby solemnly affirm and declare on oath that the contents of the accompanying comments in Service Appeal No. 814/2013 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.


Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 814 & 752/2013

Mr. Muhammad Ayaz & Habibullah Wazir Assistant Appellants

VERSUS

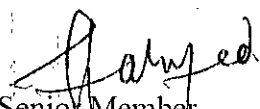
Senior Member Board of Revenue and others Respondent

REPLY ON APPLICATION FOR RESTRAINING THE RESPONDENTS NOT TO
MADE PROMOTION IN ACCORDANCE WITH NEW AMENDMENTS.

ON FACTS.

- 1 No comments.
- 2 No comments.
- 3 Incorrect. According to Tehsildar / Naib Tehsildar service Rules, 2008 ammended in 2011, there is no provision for promotion of Assistant of the Board of Revenue to the post of Tehsildar (BPS – 16) and the appellant has no strong case in his favour.
- 4 Incorrect. The Assistant of the Board of Revenue is eligible for the post of Naib Tehsildar (BPS – 14) and balance of convenience does not tilt in favour of appellant.
5. As in para – 3 above, the appellant is not eligible for promotion as Tehsildar (BPS – 16), therefore the question of irreparable loss does not arise.

The application for restraining the respondent from making promotion as Tehsildar may kindly be rejected.


Senior Member
Board of Revenue
(Respondent No. 2)

AFFIDAVIT

I, Fazali Rehmani Senior Member Board of Revenue, Khyber Pakhtunkhwa do hereby solemnly affirm and declare on oath that the contents of the accompanying comments in Service Appeal No. 814/2013 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.


Depollent

Place on
file
7/6/13
3/6/13

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Review Petition in Service Appeal NO.752\201

Habibullah.....Petitioner

Versus

Govt. of KPK & others.....Respondents

Petition for review of the order dated 30.05.2013 to the extent of deletion of word "existing" in line number twenty-five of the said date order.

Prayer in appeal:

On acceptance of this petition sentence which was written as " as such, the order of status-quo is restricted only to the extent of case of appellant, if he is otherwise eligible for promotion to the post of Tehsildar under the existing rules." The word existing may be deleted and the sentence may be read as " as such, the order of status-quo is restricted only to the extent of case of appellant, if he is otherwise eligible for promotion to the post of Tehsildar under the rules."

Respectfully Sheweth;

1.That the above noted appeal has already been admitted to full hearing on 03.05.2013 by this honorable tribunal and status quo was also ordered to be maintained till 21.05.2013.

2.That on 30.05.2013 this honorable tribunal modified the status quo order and maintained it up to the extent of appellant in the following terms.

"as such, the order of status-quo is restricted only to the extent of case of appellant, if he is otherwise eligible for promotion to the post of Tehsildar under the existing rules."

3.That in the above sentence the words existing needs to be deleted because the main thrust of the appellant in the appeal is that he is eligible and is to be treated under the old rules therefore, the sentence may read as by deleting the word existing "as such, the order of status-quo is restricted only to the extent of case of appellant, if he is otherwise eligible for promotion to the post of Tehsildar under the rules."

It is, therefore, respectfully prayed that the petition may kindly be accepted in the above terms.

Petitioner *[Signature]*

Through

Nasir Mahmood Advocate,

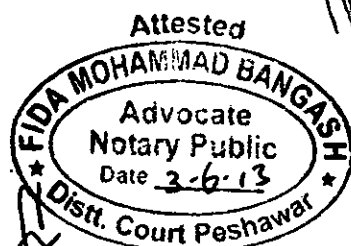
[Signature]

Affidavit

I do hereby solemnly confirm & Affirm on oath that the contents of above petition are true & correct.

Deponent

[Signature]





BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

IN RE; Service Appeal NO. 712 \ 2013

M.W. Praveen
Member
No. 811
Dated 23/4/13

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

Versus

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

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

Prayer in appeal:

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

Respectfully Sheweth;

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

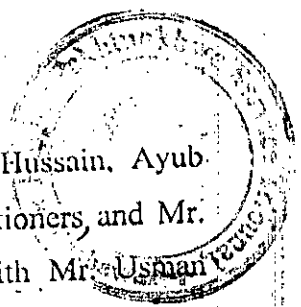
ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

3/4/13

Filed,
[Signature]

30.5.2013



Mr. Anjad Ali, Advocate alongwith Tariq Hussain, Ayub Shah, Attaullah, Jamil and Muhammad Qamar, petitioners, and Mr. Mir Qasim, Assistant Secretary for respondents with Mr. Usman Ghani, Sr. GP present. No one is present on behalf of the appellant. Reply to application for interim relief received on behalf of SMBR (Respondent No. 2). The learned counsel for the petitioners contended that the appellant in this appeal has challenged amendment in the Tehsildari/Naib Tehsildari service rules, 1962 through notification dated 2.12.2011 and had secured order of status-quo from the High Court when the amendment was not yet notified. In the meantime, the amendment was notified on 29.9.2012, where-after the writ petition was disposed of with the observation that since the case involved service matter the departmental authority would decide the issue. The departmental authority accordingly disposed of departmental appeal/representation, and thereafter the appellant lodged this appeal challenging therein the vires of the amendment. The learned counsel maintained that through the instant appeal the appellant has been able to secure an order of status-quo thereby blocking the promotion of around 108 Superintendents who have been waiting since long for their promotion. The learned counsel further contended that the applicants would have no objection if an order of status-quo is issued only to the extent of the case of the appellant. As such, the order of status-quo is restricted only to the extent of case of the appellant, if he is otherwise eligible for promotion to the post of Tehsildar under the existing rules. Resultantly, the order of status-quo with respect to the rest of promotion cases hereby stands withdrawn. Fresh notice of application for impleadment by the applicants be issued to the appellant/respondent for reply and further proceedings on the date already fixed i.e. 1.6.2013

Date of Delivery of Copy
 31-5-2013
 31-5-2013

30-5-2013
 30-5-2013

Certified to be true copy
 Khyber Pakhtunkhwa Service Tribunal
 Reshawar

ANNOUNCED
 30.5.2013

Signature
 Chairman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 752/2013

Habib Ullah Wazir, AssistantAppellant

VERSUS

Senior Member Board of Revenue and othersRespondent

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 2 IS AS UNDER:-

PRELIMINARY OBJECTIONS

1. That the appellate authority is defined as next higher authority than Competent Authority as per Khyber Pakhtunkhwa appeal rules 1986 and the Competent Authority is Senior Member, whereas the appellate authority is Chief Secretary. The impugned order is passed by the Senior Member, and not Chief Secretary, thus when there is no final appellate order as per S.No. 4 of Khyber Pakhtunkhwa Service Tribunal Peshawar Act 1974, no service appeal is maintainable thus the appeal is liable to be dismissed on this score alone.
2. That appellant has got no cause of action.
3. That appeal is bad due to mis-joinder / non-joinder of necessary parties.
4. That appellant is estopped by his now conduct.
5. That appellant has no came to the court with clean hand.
6. That appeal is time barred.
7. That there is no legal / vested right available to appellant.

RESPECTFULLY SHEWETH.

ON FACTS.

1. No comments.
2. No comments.
3. Correct in its present form. Denied. Moreover as per judgements of Supreme Court of Pakistan, reduction of prospect of promotion is no ground for declaring rules as ultravires. Although, in the instant case the Assistant has got its own line of promotion to the post of Naib Tehsildar (BPS - 14) and Superintendent (BPS - 16) and his regular promotion prospects have not been reduced. Thus he has got no vested right to claim selection for another post of same grade ie. Tehsildar (BPS - 16). Rules of 1962 is (Annexure - A).
4. Correct in its present form. Denied. 30% vacancies were reserved for selection as Tehsildar (BPS - 16) from Assistant (BPS - 14), Senior Scale Stenographer (BPS - 15) from all offices i.e Board of Revenue, Director Land Record, District Collector, Commissioner, District Kanungo, Head Clerk (Revenue) which remained intact and were not objected by the appellant or anyone else. (Rules of 2001/ 2002 is (Annexure - B).
5. Correct to the extent of Rules of 2008, However the same was based on discrimination, being hit by Artical 25/27 of constitution of Pakistan 1973, as the Assistants of Collector / Commissioner, who are working in the field and are revenue expert were deprived of the same. Thus said rules were ultrarives to the Artical 4/25/27 of Constitution of Pakistan 1973. (Rules of 2008 are (Annexure - C).
6. No comments.

7. No comments.
8. Correct to the extent of Rules of 30.03.2011, however, the said rules also omitted Assistants of Collector / Commissioner, offices which was too based on discrimination (Copy of rules of 30.03.2011 is (Annexure - D).
9. As explained in para - 8 above.
10. Correct. However, the rules were not amended at that time and the selection was made as per prevalent rules.
11. Correct to the extent of amendment in the rules of 2011 on 02.12.2011 which are just, fair, reasonable and based on equality / equal treatment after due deliberation and consultation by the Competent Authority through SRC. Rest of the para is incorrect. Denied.
12. That para - 10 of the appeal is incorrect to the extent of non-provision of copy as it was circulated to all offices. Rest of the para to the extent of writ being declared an infructuous is correct.
13. That para - 11 of the appeal is correct to the extent of publishing notification in the official gazette in September 2012 and filing appeal on 08.04.2013 against said rules is squarely and hopelessly time barred. (Rules of 2011 published in official gazzeted in September 2012 is (Annexure - E).
14. That para - 12 of the appeal is correct to the extent of filing of Writ Petition however, the time spent in wrong forum cannot be condoned. Moreover, the directions were to the appellate authority and appellate authority has not passed final order, thus the appeal is premature and liable to be dismissed on this score alone.
15. That para - 13 of the appeal is correct, however the field Superintendents (BPS - 16) were included for selection against post of Tehsildar (BPS - 16) as there was no further prospects of promotion. The Department seriously felt and realized that of Assistant of Board of Revenue being in (BPS - 14) can be sleeted as Tehsildar (BPS - 16) and the field Assistant (BPS - 14) is to be selected for Naib Tehsildar (BPS - 14) was a sheer discrimination and needed to be stopped forthwith. That is the ratiocination that the Assistant (BPS - 14) of Board and field and Superintendent (BPS - 16) were placed on equal footings.
16. Correct. However explained in preceding paras.

ON GROUNDS


- A. Incorrect hence denied. There is no discrimination meted out with appellant, rather discrimination has been removed as explained above.
- B. Incorrect and denied. It is a regular selection process and not mere change of nomenclature.
- C. Incorrect. Denied.
- D. Incorrect and denied. Appellant can be considered for selection as Naib Tehsildar (BPS - 14) under the rules.
- E. Incorrect. Explained above.
- F. Incorrect. Denied.
- G. Incorrect. Denied Rules are amended in the interest of whole province comprising 25 Districts.
- H. Incorrect. Denied there is no right of appellant much less vested.
- I. Incorrect. Denied.

J. Incorrect. Denied.

K. Incorrect. Denied.

L. Respondent may also be allowed to rebut the additional grounds.

It is therefore humbly requested that appeal may please be dismissed with cost.


Senior Member
Board of Revenue
(Respondent No. 2)

The Government of West Pakistan
SECRETARY AND GENERAL ADMINISTRATION DEPARTMENT,
NOTIFICATION.

The 5th January, 1963.

Annexure A

GOVT. P. 1-21/60 - In exercise of the powers conferred by clause (2) of Article 170 of the Constitution of the Republic of Pakistan, the Governor of West Pakistan is pleased to make the following rules regulating recruitment to the West Pakistan Tehsildari and Naib Tehsildari Service and prescribing conditions of service for the persons appointed thereto, namely :-

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

PART I - GENERAL.

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

(2) They shall come into force at once.

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

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

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

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

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

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

(6) 'DIVISION' means a Revenue Division:

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

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

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

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

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

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

(13) "subordinate service" shall comprise -

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

(b) Additional Naib Tehsildars who have at least five years continuous service in the tehsildari and naib-tehsildari service:

No. 20 XVIII-1-21/62, dated 7.3.1962

(1) In sub-clause (a), in the entry at serial No. (11), the words "and" shall be deleted.

(2) In sub-clause (b), the entry at serial No. (11), that in (1) "and" shall be deleted. The word "and" shall be deleted at the end of sub-clause (b)(1) and sub-clause (b)(2) shall be omitted.

No. 20 XVIII-1-16/78 (Vol. I), dated 25th November, 1978

AMENDMENT. In sub-clause (a)(i), the word "and" occurring at the end of sub-clause (b)(1) and sub-clause (b)(2) shall be omitted.

No. 20 XVIII-1-21/62, dated 7.3.1962

~~Revenue Kanungos~~ Village Kanungos and Kanungos with a service of five years or more, of which at least two years must have been spent on the duties of a Field Kanungo.

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

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

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

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

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

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

(4) Appointing Authority - Recruitment to the Service shall be made -

- a) in the case of appointments to the posts of Naib Tehsildars, by the Commissioner in charge of the Division where the vacancies in such posts occur subject to such directions as the Member, Revenue may give generally in any specific case, and;
- b) in the case of appointments to the posts of Tehsildars,
 - i) Where the appointment is to be made by initial recruitment, by the Board of Revenue; and
 - ii) Where the appointment is to be made otherwise than by initial recruitment, by the Revenue Member; vide Notification No. SO/11-1-24/60, dated 11.11.1963 (P 1409).

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

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

No. SORL(S&GAD)3-16/78(Vol:1), dated 15.5.1984, 19.3.1986 and 4.2.1989.