

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

I. In the case of Naib Tehsildars - (a) fifty per cent of the vacancies shall be filled by initial recruitment; and

b) the remaining vacancies shall be filled by selection on merit from the subordinate service in the Division where the vacancies occur, preference being given to persons with Settlement experience;

II. In the case of Tehsildars - (a) fifty percent of the vacancies shall be filled by initial recruitment; and

b) the remaining vacancies shall be filled -

i) by selection on merit with particular reference to fitness for higher responsibilities from among Naib Tehsildars in the Zone where the vacancies occur;

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

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

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

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

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

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

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

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

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

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

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

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

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

For rule 6, the following rule shall be substituted, namely :-

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

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

Provided that in the case of appointment by initial recruitment -

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

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

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

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

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

"(i) by initial recruitment unless he holds a degree from a recognised University; and

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

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

- ... shall be appointed to the service unless -
- (a) in the case of appointment by initial recruitment, he is more than twenty-one years and less than twenty-five years of age on the 1st of October of the year in which the selection is made; and
 - (b) in the case of appointment made otherwise, he is less than fifty years of age on the 1st January of the year in which the appointment is made;

Provided that in the case of appointment by initial recruitment -

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

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

i) by initial recruitment unless -

(a) in the case of appointment to the post of Naib Tehsildar, he has passed the Intermediate or Higher Secondary School examination from a recognised University or Board of Education; and

(b) in the case of appointment to the post of Tehsildar, holds a degree from a recognised University; and

"ii) otherwise than by initial recruitment, except as provided in sub-clauses (b) (v) and (b) (vi) of clause (13) of rule 2, unless he has passed the Matriculation or an equivalent examination from a recognised University or Board of Education."

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

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

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

(a) in the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Board of Revenue in the case of Tehsildar and by the Commissioner of the Division in the case of Naib Tehsildars; provided that persons selected 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 be held senior to the official selected subsequently.

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

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

(a) in case both the official appointed by initial recruitment and the official appointed otherwise have been appointed against substantive vacancies, or both have been appointed against temporary vacancies, with reference to the date of appointment 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 appointment;

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

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

PART III - CONDITIONS OF SERVICE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a) transfer anywhere in West Pakistan; and

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

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

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

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

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

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

By order of the Governor of West Pak:

S. PIDA HASSAN

Chief Secretary to Government of
WEST PAKISTAN

APPENDIX

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

Annexure-B

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

NOTIFICATION

DATED, PESHAWAR, THE ²⁰⁰¹ 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.O

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

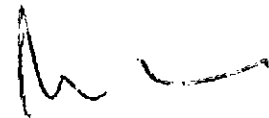
(Signature)

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.

APPENDIX

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
Tehsildar	Graduation from a recognised University.	Passing of Tehsildari Departmental Examination and Successful completion of training as may be prescribed by the Government.	24 to 28 Years.	<p>20% by initial recruitment; 50% by promotion on the basis of seniority-cum-fitness from amongst sub Tehsildars; and the remaining 30% vacancies shall be filled in by selection on merit from amongst;</p> <p>(a) Assistant and Senior Scale Stenographers working in the offices of Board of Revenue and District Collectors who are graduates and have atleast three years service as such;</p> <p>(ii) District Kanungos with atleast three years service as such; and</p> <p>iii) Head Clerks (Revenue) in the District Collector's offices with at least three years service as such;</p>	<p>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.</p>

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.

See Clauses

Deleted

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.

432

B

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
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.

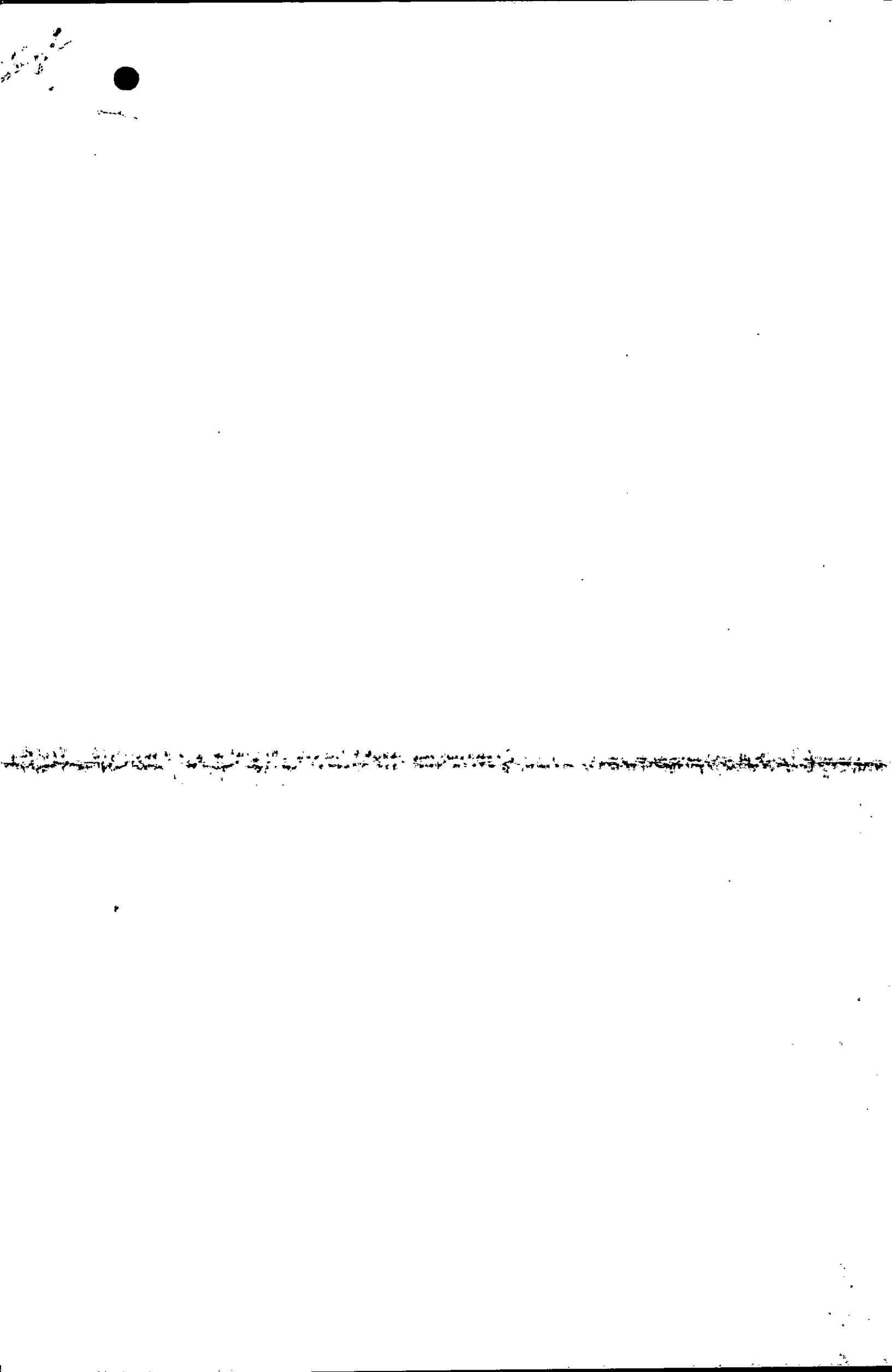
- (2) in the entries in column 6 against serial No.2.
 - (a) in clause (b), for the words "five years", the words "three years" shall be substituted.
 - (b) for clause (c), the following shall be substituted namely:
 - (c) 12% by selection on merit from amongst Assistants and Senior Scale Stenographers 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;

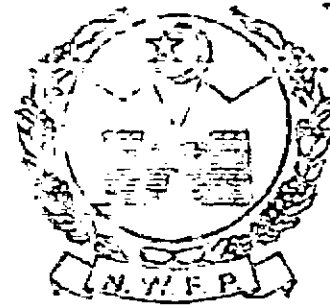
Subs. 4/2/02

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"

Nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for Appointment by Promotion.	Age limit for initial recruitment.	Method of recruitment.	Remarks.
District Kanungo (Sadar Kanungo).	2	3	25	By promotion, on the basis of seniority-cum-fitness, from amongst the Kanungos with three years service as such.	7
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 Wasi Begl Nawis.
patwari.	P.A or equivalent qualification, who have passed the patwar examination.	-	18 to 30 Years	By initial recruitment.	By transfer from amongst the holder of the post of patwaris who have under gone 12 weeks training in a Tehsil for the post of Wasi Begl Nawis and have passed Patwar Examination.
Tehsil Revenue Accountant/Wasi Begl Nawis/Sadar Wasi Begl Nawis.	P.A or equivalent qualification from a recognised Board.	-	-	By transfer from amongst the holder of the post of patwaris who have under gone 12 weeks training in a Tehsil for the post of Wasi Begl Nawis and have passed Patwar Examination.	



EXTRAORDINARY
GOVERNMENT



Annexure C

REGISTERED NO. P/III

G A Z E T T E

North-West Frontier Province

Published by Authority

PESHAWAR, WEDNESDAY, 4TH FEBRUARY, 2009.

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

NOTIFICATION

Peshawar, dated 26th December, 2008.

No. 32102-61/Admn:W/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, 1929 read with the Cabinet Division Notification No. SRO 4571V/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

2 Nomenclature of the post	3 Appointing Authority	4 Minimum Qualification for appointment by Initial recruitment or by transfer	5 Minimum Qualification For appointment by Promotion.	6 Age limit	7 Method of recruitment
1. Tehsildar (BPS 15)	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) Twenty percent by initial recruitment</p> <p>(b) Sixty percent by promotion, on the cum-fitness from amongst the Graduate with at least Five Years Service as such Graduation will be applicable after five date of issuance of this Notification; and</p> <p>(c) Twenty percent by Promotion, on the Seniority-cum-fitness from amongst Assistants/Senior Scale Stenographic Revenue NWFP Director Land Record Appellate Court/Sub-Registrar with at least Five Years Service as such.</p>
2. 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 Public Service Commission based on Competitive Examination conducted by with syllabus, and</p> <p>(b) Thirty percent by promotion, on the cum-fitness from amongst Graduate K with at least Five Years Service as such, who Departmental Examination of Naib Tehsildar with condition of Graduation will be applicable from the date of issuance of this Notification</p>

2	3	4	5	6	7
					(c) Twenty percent by promotion, on the basis of joint Seniority-cum-fitness from amongst Junior Section Stenographer and Assistants in the office of Political Agent Frontier Region, Assistant/Junior Section Stenographer of Ex-Deputy Commissioner/Commissioner offices presently working in the offices of DCO/ACO/TA (F&P) and DOR, who are Graduate with five Years Service as such.
District Kanungo (BPS-1)					By transfer from amongst Naib Tehsildar.
Head Clerk (Revenue) PS-140					By transfer from amongst Naib Tehsildar.
District Revenue Accountant PS-14					By transfer from amongst Naib Tehsildar.
Kanungo (PS-09)	District Officer (Revenue & Estate) Collector				By promotion, on the basis of joint Seniority-cum-fitness on District level from amongst the Patwaris/Tehsildars Revenue Accountant and Wasil Baqi Nawis who have passed the Departmental Examination of Kanungo with at least five Years Service as such.

1	2	3	4	5	6	7
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 a one year diploma in information technology from any institution technology recognized by Board of Technical Education.	18 to 30	By initial recruitment.	By initial appointment for amongst the candidates entered in Register maintained by District Collector of the District concerning year diploma in information technology institution recognized by Board of Technical Education. The condition of diploma will be applicable for one year from the date of issuance of Notification.

Sd/-
**SECRETARY TO GOVERNMENT OF NWFP,
 REVENUE AND ESTATE DEPARTMENT.**

Annexure-D

THE BOARD OF REVENUE (Amendment) 11/296/Admn in pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West Frontier Province Civil Service (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/135/SSRC, dated 12.2.2008, the following further amendments shall be made, namely:-

AMENDMENTS

In the Appendix:-

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

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

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

Note: The seniority of existing District Kamungos, 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, 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 "Kamungo Certificate Examination".

M. M. M. M.

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.

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

(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

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

(a) Fifty percent, by initial recruitment, and

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

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

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

DEPUTY SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

M. Khan

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

Copy forwarded for information and necessary action to the :-

12390
12/12/54
Admn:1/1296/Amendment



KEYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 00000000000, 00TH SEPTEMBER, 2012.

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

NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

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

AMENDMENTS

In the Appendix:-

1.	Tehsildar (BPS-16)	Against S.No. 1, in column No. 7, for the existing entries, at clauses (a), (b) and (d), the following shall be substituted, namely: (a) Twenty percent by initial recruitment, through Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and (b) Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-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 office and Executive District Officers (F&F), 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 situated.</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-x
SECRETARY.

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 own conduct.
5. That appellant has no come 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 i.e. 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 or Collector / Commissioner, who are working in the field and are revenue expert were deprived of the same. Thus said rules were ultravires 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 gazette 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 selected 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

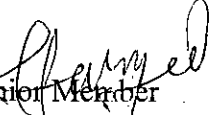
- A. Incorrect hence denied. There is no discrimination meted out with appellant, rather discrimination has been removed as explained above.
- B. Incorrect and denied. It is a regular selection process and not mere change of nomenclature.
- C. Incorrect. Denied.
- D. Incorrect and denied. Appellant can 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.

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)

Annexure A

No. SOGX-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 Civil Service and prescribing conditions of service for the persons appointed thereto, namely :-

THE WEST PAKISTAN CIVIL SERVICE AND NATAL RESERVATION SERVICE RULES, 1962.

PART I - GENERAL.

Short title and commencement - (1) These rules may be called the West Pakistan Civil Service and Natal Reservation 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 Board constituted under the West Pakistan Board of Revenue Act, 1956;

(5) 'COMMISSION' means the West Pakistan, Natal Reservations Commission;

(6) 'DIVISION' means a Revenue Division;

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

(8) 'LOCAL 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 institution 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 by Government under any law in force in West Pakistan, or so scheduled castes with in castes, races or tribes, declared to be 'Scheduled Castes' means the West Pakistan Civil Service and Natal Reservation Service in the territories in which they are operating.

(12) 'SERVICES' means the West Pakistan Civil Service and Natal Reservation Service.

(13) 'SCHEDULED SERVICE' shall comprise -

(a) For the purpose of appointments to the posts of West Pakistan Reservations;

(b) Additional posts which have been reserved for the Scheduled Castes in the territories in which they are operating.

To 1920-2, in clause (13), -

(1) In sub-clause (a), in the entry 'B' shall be deleted; and

(b) In sub-clause (b), the entry at serial No. (14), that in (14) 'B' shall be deleted with at least three years service as such; deleted vide the Department Notification No. 2001 (S&AD)-16/70 (Vol: I) dated the 15th May, 1975 shall be restored.

No. 2001 (S&AD)-16/70 (Vol: I), dated 15th November, 1975.

AMENDMENT. In para 2 - In clause (1)(1) - sub-clause (a)(v); the word 'and' occurring at the end of sub-clause (b)(vi) and sub-clause (b)(vii) shall be omitted.

No. 20 XVIII-1-21/62, dated 7.11.1962

... 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 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
- (h) 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 Colonias Offices with at least three years service as such;
 - iv) Sadar Kanungos with at least three years service as such;
 - v) ministerial employees of the Board of Revenue who are graduates and have at least three years service as Assistants;
 - vi) ministerial employees of the Directors of Land Records who are graduates and have served as Kanungos in the field or have revenue field experience for at least two years and have also worked as Assistants or in equivalent or higher grade for at least three years;
 - vii) Zilladars of the Irrigation Department with at least five years substantive service;

(14) "Under-Developed Areas" means Quetta and Balat Divisions, Lashela 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. SOXVII-I-21/53, dated 11.11.53 (P 1437)

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 Tehsildars; 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. 30RL(S&GAD)3-16/78(Vol:I), dated 15.5.1984, 19.3.1986 and 4.2.1989.

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

I. In the case of Naib Tehsildars - (a) fifty per cent of the vacancies shall be filled by initial recruitment; and

(b) the remaining vacancies shall be filled by selection on merit from the subordinate service in the Division where the vacancies occur, preference being given to persons with Settlement experience;

II. In the case of Tehsildars - (a) fifty per cent of the vacancies shall be filled by initial recruitment; and

(b) the remaining vacancies shall be filled -

i) by selection on merit with particular reference to fitness for higher responsibilities from among Naib Tehsildars in the Zone where the vacancies occur;

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

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

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

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

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

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

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

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

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

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

(ii) the remaining such vacancies shall be reserved for bonafide residents of the Zone specified in the Appendix, in proportion to their population according to the census figures; provided that if no suitable candidate is available from the Zone to which a vacancy is allocated under this clause, the vacancy may be filled in the manner provided in clause (1).

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

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

6

For rule 6, the following rule shall be substituted namely :-

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

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

Provided that in the case of appointment by initial recruitment -

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

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

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

No. SORI(S&CAD)3-16/78(Vol:1), dated 19th March, 1986.

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

"(1) by initial recruitment unless he holds a degree from a recognised University; and

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

No. SORI(S&CAD)3-16/78(Vol:1), dated 15th May, 1984 and 12th August, 1985.

EXPLANATION - 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 the holders in the fixation of the grade.

grade shall rank senior to the younger official or officials not junior to the younger official or officials, in the next below more members of the service in the same the older officials, that it the date of continuous appointment in the case of two or to the date of their continuous appointments therein; provided (b) in the case of members appointed otherwise, with reference persons selected in a later selection; and

(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 holders; provided that persons selected in the service in an earlier selection shall rank senior to the persons selected in a later selection; and

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

as may be prescribed by Govt. from time to time. certificates within such period or in such number of attempts and pass such departmental examinations and produce such the service, be required to complete the necessary for appointment to the service, shall before his appointment be selected

8. LEAVING AND DEPARTMENTAL EXAMINATION - A person selected are well acquainted with the character and antecedents from two other responsible persons, not being his relatives who in that case attend, a third certificate of character character from the principal agent or the candidate appointed to the service shall be produced a certificate of (2) No person, not already in Government service, shall be

appointed to the service unless he produces a certificate of character from the principal agent or the candidate in that case attend, a third certificate of character from two other responsible persons, not being his relatives who are well acquainted with the character and antecedents. a recognized university or board of education."

11) otherwise than by initial recruitment, except as provided in sub-clause (b) (v) and (b) (vi) of clause (13) of rule 2, unless he has passed the matriculation or an equivalent examination from a recognized university or board of education."

(b) in the case of appointment to the post of holder, holds a degree from a recognized university; and

(a) in the case of appointment to the post of holder, he has passed the intermediate or higher secondary school examination from a recognized university or board of education; and

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

(a) by initial recruitment unless -

in the case of appointment to the post of holder, holds a degree from a recognized university; and

(b) in the case of appointment to the post of holder, he has passed the intermediate or higher secondary school examination from a recognized university or board of education; and

(a) in the case of appointment by initial recruitment, he is more than twenty-one years and less than twenty-five years of age on the 1st of October of the year in which the selection is made; and

EXPLANATION - II. If a junior officer in a lower grade is selected for a higher grade by superseding a senior officer and subsequently be held senior to the officer selected first shall **EXPLANATION - III.** A junior officer appointed to a higher grade shall be deemed to have superseded a senior officer only if both the junior and senior officers were considered for a higher grade and the junior officer was appointed in preference to the senior officer.

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

(a) In case both the official appointed by initial recruitment and the official appointed otherwise have been appointed against substantive vacancies, or both have been appointed against temporary vacancies, with reference to the date of appointment to such vacancy in the case of the official appointed by initial recruitment end 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 is appointed against a substantive vacancy and the official appointed by initial recruitment is appointed against a temporary vacancy, the official appointed otherwise shall rank senior to the official appointed by initial recruitment.

PART III - CONDITIONS OF SERVICE.

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

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

(2) If the work or conduct of a member of the service during the period of probation has been found to be unsatisfactory, the appointing authority, may notwithstanding that the period of probation has not expired, dispense with his services, 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 -

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

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

(6) extend the period of probation by a period not exceeding three years in all, in the case of persons appointed by initial recruitment, and two years in all, in the case of persons appointed otherwise, including or on the expiry of such period, as may be ordered as it may have been determined on the expiry of the

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

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

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

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

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

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

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

a) transfer anywhere in West Pakistan; and

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

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

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

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

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

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

In order of the Governor of West Pakistan

S. FIDA HASSAN
Chief Secretary to Government of
WEST PAKISTAN

APPENDIX

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

Annexure-B

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

NOTIFICATION

DATED, PESHAWAR, THE ²⁰⁰¹ 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.

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

Annexure-D

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

Peshawar dated the 30/03/2011

NOTIFICATION

The 30/03/2011 /Admin:II/296/Amendment. In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West Frontier Province Civil Service (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. 32192/Admin:II/135/SSRC, dated 12.2.2008, the following further amendments shall be made, namely :-

AMENDMENTS

In the Appendix -

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

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

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

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

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

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

- (2) Office 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
"I-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;

M. Asad
SECRETARY

12390 - 12/4/29 /Admn: I/U/296/Amendment

Copy forwarded for information and necessary action to the :-

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

*Tubal
R. R.*

DEPUTY SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT



KEYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 0000000000, 00TH SEPTEMBER, 2012.

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

NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

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

AMENDMENTS

In the Appendix:-

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

		<p>(d) The official so appointed shall successfully complete Settlement/Revenue training and pass Kanungo Certificate Examination.</p> <p>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-11)	<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-t
SECRETARY.

APPENDIX

~~SCHEDULE~~

Designation 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
Tehsildar	Graduation from a recognised University.	Passing of Tehsidari Departmental Examination and Successful completion of training as may be prescribed by the Government.	27 to 28 Years.	<p>20% by initial recruitment;-</p> <p>50% by promotion on the basis of seniority-cum-fitness from amongst saib Tehsildars; and the remaining 30% vacancies shall be filled in by selection on merit from amongst;</p> <p>(i) Assistants 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;</p> <p>(ii) District Kanungos with at least three years service as such; and</p> <p>(iii) Head Clerks (Revenue) in the District Collectors' offices with at least three years service as such;</p>	<p>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.</p>

NOTIFICATION NO. 23428/Adm: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 service as such", and.
 - (b) clause (iii) shall be deleted.

See para 1

Deleted

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.

127

436

B

--- 2 ---

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
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 23 Years.	(a) 50% by initial recruitment, of which 10% shall be reserved for ex-service men, 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) 25% by promotion on the basis of seniority cum-fitness from amongst Karungos 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;

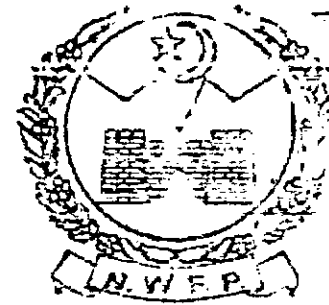
Substituted

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

03

Nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for Appointment by Promotion.	Age limit for initial recruitments.	Method of recruitment.	Remarks.
2	3	4	5	6	7
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.	
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 Raqi Nawis.
patwari.	F.A or equivalent qualification, who have passed the paway examination.	-	18 to 30 Years	By initial recruitment.	
Tehsil Revenue Accountant/ Wasil Raqi Nawis/ Adil: Wasil Raqi Nawis.	F.A or equivalent qualification from a recognised Board.	-	-	By transfer from amongst the holder of the post of patwaris who have under gone 12 weeks training in a Tehsil for the post of Wasil Raqi Nawis and have passed Patwari Examination.	

EXTRAORDINARY
GOVERNMENT



Annexure-C

REGISTERED NO. P/III

G A Z E T T E

North-West Frontier Province

Published by Authority

PESHAWAR, WEDNESDAY, 4TH FEBRUARY, 2009.

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

NOTIFICATION

Peshawar, dated 26th December, 2008

No. 32102-61/Admn:1/135/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, 1929 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

S. No.	Appointing Authority	Minimum Qualification for appointment by Initial recruitment or by transfer	Minimum Qualification For appointment by Promotion.	Age limit	Mode of recruitment
1. Tehsildar (RPS 13)	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) Twenty percent by initial recruitment</p> <p>(b) Sixty percent by promotion, on the cum-fitness from amongst the Graduate with at least Five Years Service as such Graduation will be applicable after five date of issuance of this Notification; and</p> <p>(c) Twenty percent by Promotion, on the Seniority-cum-fitness from amongst Assistants/Senior Scale Stenographic Revenue NWFP Director Land Record Appellate Court/Sub-Registrar with at least Five Years Service as such.</p>
2. Naib Tehsildar (RPS 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 Public Service Commission based on Competitive Examination conducted by the Commission with syllabus, and</p> <p>(b) Thirty percent by promotion, on the cum-fitness from amongst Graduate with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. The condition of Graduation will be applicable from the date of issuance of this Notification.</p>

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.752\2013

Habibullah Wazir.....Appellant

Versus

1. Govt. of KPK and others..... Respondents

Rejoinder on behalf of appellant

Preliminary objections;

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

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

On Facts;

1. Para-1&2 of the reply needs no rejoinder.

2. Para-3 of the reply is confusing one. On one side the respondents admits the facts mentioned in para-3 and in the same line again denied it. However it is submitted that the respondent malifidely made amendments in the said rules in the order to deprive the

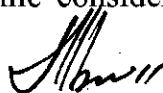
appellant from promotion to the post of Tehsildar. The right of promotion of appellant has been ravished as he will have to be promoted first to the post of N.T. of which there is no chance. Therefore, his future promotion to the post of Tehsildar has totally been bleak.

3. Again Para no.4 of the reply is confusing one. On one side the respondents admits the fact mentioned in para-3 and in the same line again denied it. The quota was not objected by the appellant because the appellant promotion to the post of Tehsildar was intact.
4. Para no.5 of the reply to the extent of discrimination is wrong and incorrect. Actually the Assistants of collector\commissioners and N.T belong to district and divisional cadre post therefore, they were eligible for promotion to the post of N.T while the post of Tehsildar and the Assistant of BOR is provincial cadre post thus there was no discrimination with them and they were having no right of promotion to the provincial cadre post.
5. Para no.6&7 of the reply needs no rejoinder.
6. Para-8&9 have been explained in para-5 above. However it is further submitted that through such amendment promotion of appellant was reduced to zero.
7. As para-10 of the appeal has been admitted therefore, needs no reply.
8. Para-11 of the reply speaking about amendment made only after 45 days shows malafidi, self interest, partisan approach, highhandedness, prejudice, no consultation, no deliberation, hasty decision and colorful exercise of power over SRC by the competent authority thus the amendment are liable to be declared as null and void.
9. Para-12 of the reply is wrong and incorrect. Copy of the amended rules was not circulated nor provided to the appellant.
10. Para-13&14 of the reply is wrong and incorrect. The honorable high court has condoned the delay. Further the position has been explained in rejoinder to preliminary objections no.1.
11. As the respondent admits that the Assistants of BOR were promoted to the post of Tehsildar since 1962 till date that was based on the ground that post of Assistant of BOR is provincial cadre post while the Assistants of Collector\Commissioners offices are district cadre post. Similarly the post of N.T is Divisional cadre post so how can it is possible that a provincial cadre post is to be converted into divisional and district cadre post. So there was no discrimination.

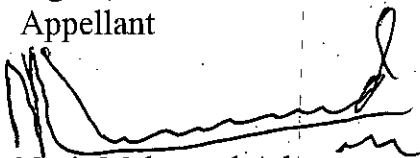
Grounds;

- A. Paras-A of the reply is incorrect and that of the appeal is correct discrimination was meted out with the appellant.
- B. Para-B of the reply is incorrect and that of the appeal is correct. Only the nomenclature has been changed.
- C. Para-C of the reply is incorrect and that of the appeal is correct.
- D. Paras-D of the reply is incorrect and that of the appeal is correct. The position has been explained in the foregoing paras.
- E. Paras-E&F of the reply is incorrect and that of the petition is correct.
- G. Paras-G of the reply is incorrect and that of the appeal is correct. The rules were amended in order to accommodate their blue eyed.
- H. Paras-H&I of the reply is incorrect and that of the appeal is correct.
- I. Paras-J&K of the reply is incorrect and that of the appeal is correct.
- J. The appellant may be allowed to give rejoinder to the same.

It is therefore respectfully prayed that while considering the above rejoinder the appeal may kindly be accepted.


Appellant

Through

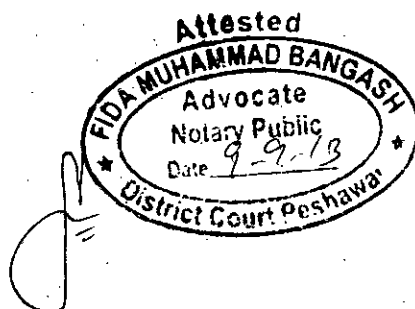

Nasir Mehmood Advocate

13-D Haroon Mansion Khyber Bazar, Peshawar.

Affidavit

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


Deponent



BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; C.M.NO. \2014

IN Service.Appeal No.752/2013

Habibullah WazirAppellant

Versus

1.Govt. of KPK and othersRespondents

Application for early hearing of the above noted Service Appeal

Respectfully sheweth;

1. That the above noted appeal is pending for adjudication before this Honorable tribunal and is fixed for 17-02-2014 for filing of amended appeal.
2. That in the above noted appeal arguments were heard on 26-12-2013 and was fixed for announcement of order for 07-01-2014 subject to certain clarification from the counsel for the appellant when it was pointed out by some of the civil servants that they have already filed impleadment application therefore, it was taken up and was allowed being not objected by the appellant on acceptance of the application.
3. That being old service matter, it will be in the interest of justice, equity and fair play if the date may kindly be accelerated and fixed early.

It is therefore, respectfully prayed that on acceptance of this application this honorable tribunal may be pleased to accelerate the date for early hearing of the appeal.

Through

Nasir Mahmood
Appellant

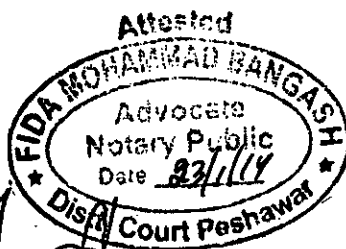
Nasir Mahmood Advocate, 23/1/14
13-D Haroon Mansion Peshawar

AFFADAVIT

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 nothing has been concealed from this honorable court.

Nasir Mahmood
Deponent

Put up to the Court with relevant appeal. Copyist;



Be fixed for early hearing of the appeal. Notice issued to party fixed 23.01.14

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; C.M.NO. \2014

IN Service Appeal No.752/2013

Habibullah WazirAppellant

Versus

1.Govt. of KPK and othersRespondents

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3. That being old service matter, it will be in the interest of justice, equity and fair play if the date may kindly be accelerated and fixed early.

It is therefore, respectfully prayed that on acceptance of this application this honorable tribunal may be pleased to accelerate the date for early hearing of the appeal.

Through

Nasir Mahmood
Appellant

Nasir Mahmood

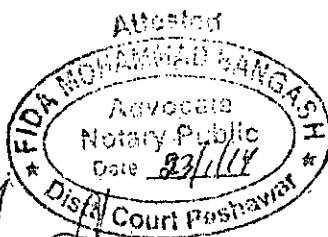
Nasir Mahmood Advocate, 23/1/14
13-D Haroon Mansion Peshawar

AFFADAVIT

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 nothing has been concealed from this honorable court.

Nasir Mahmood
Deponent

put up to the Court with relevant appeal. Copy;



23/1/14

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; C.M.NO. 2014

IN Service Appeal No.752/2013

Habibullah WazirAppellant

Versus

1.Govt. of KPK and othersRespondents

Application for early hearing of the above noted Service Appeal

Respectfully sheweth;

1. That the above noted appeal is pending for adjudication before this Honorable tribunal and is fixed for 17-02-2014 for filing of amended appeal.
2. That in the above noted appeal arguments were heard on 26-12-2013 and was fixed for announcement of order for 07-01-2014 subject to certain clarification from the counsel for the appellant when it was pointed out by some of the civil servants that they have already filed impleadment application therefore, it was taken up and was allowed being not objected by the appellant on acceptance of the application.
3. That being old service matter, it will be in the interest of justice, equity and fair play if the date may kindly be accelerated and fixed early.

It is therefore, respectfully prayed that on acceptance of this application this honorable tribunal may be pleased to accelerate the date for early hearing of the appeal.

Through

Nasir Mahmood
Appellant

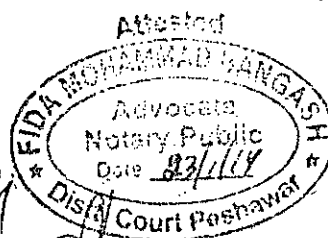
Nasir Mahmood
Nasir Mahmood Advocate, 23/11
13-D Haroon Mansion Peshawar

AFFADAVIT

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 nothing has been concealed from this honorable court.

Nasir Mahmood
Deponent

*put up to the Court
with relevant appeal.
Copy;*



Before the Service Tribunal Peshawar
Service Appeal No. ⁷⁵² 84/2013

Hobikullah v/s Chief Secretary & others

Application On Behalf of
Respondent No. 1 & 3 For
Reliance On the Reply
Already Submitted
By SMBR (R. 2)

Respectfully Sheweth,

- 1/ That the titled case is pending before this Tribunal which is fixed for today i.e. 01/10/13 for reply.
- 2/ That the Respondent No. 2 (SMBR) has already submitted reply in the titled case, in clear violation of Establishment Deptt. Rules, however

• Respondent No. 1 and 3 rely on the reply already submitted by the Respondent No. 2.

It is therefore humbly prayed that on acceptance of this application, Reply already submitted by Respondent No. 2 may also be considered on behalf of Respondent No. 1 (Chief Secretary) and Respondent No. 3 (Secretary) Establishment Deptt.

Applicant

Shakirullah

S.O (Lt)

E & AD

Dated : 01/10/13

2006-S C M R 1427

[Supreme Court of Pakistan]

Present: Sardar Muhammad Raza Khan, Muhammad Nawaz Abbasi and Nasir-ul-Mulk, JJ**ZAFAR IQBAL and another---Appellants****Versus****DIRECTOR, SECONDARY EDUCATION, MULTAN DIVISION and 3 others---
Respondents**

Civil Appeal No.2522 of 2001, decided on 15h December, 2005.

(On appeal from the judgment of Lahore High Court, Multan Bench, dated 25-11-1998 passed in I.C.A. No.227 of 1998).

(a) Constitution of Pakistan (1973)---

---Art. 185(3)---Leave to appeal was granted by Supreme Court to consider; whether case of civil servants had received due consideration at the level of High Court both before Single Judge and Division Bench of High Court by keeping in view the requirements which were current in the year, 1988, as also in year, 1992.

(b) Punjab Civil Servants Act (VIII of 1974)---

---S. 8---Notification S.O.R.III-I-13/85, dated 30-7-1992---Promotion---Eligibility---Teaching experience a substitution of qualification---Change in promotion policy---Grievance of civil servants was that before amendment in rules, they were possessing required qualification and experience for promotion but process of promotion was delayed and rules were amended---Plea raised by civil servants was that they could be deemed to be qualified for promotion on the basis of their teaching experience---Validity---Government was always empowered to change promotion policy and domain of Government to prescribe qualification for a particular post through amendment in relevant rules was not challengeable---Notwithstanding fulfilment of required qualification and other conditions contained in rules, promotion could not be claimed as a vested right---Teaching experience in the relevant field without basic qualification, would not be sufficient to declare the civil servants eligible to hold the post in question under the rules---Without fulfilment of the requirement of the qualification prescribed under rules for the post in question civil servants could not claim promotion on the basis of their experience as of right---Unless qualification held by civil servants was declared equivalent qualification for promotion, the civil servants could not, merely on the basis of their experience in the relevant subjects, claim promotion---Appeal was dismissed.

Muhammad Iqbal Khan, Advocate Supreme Court for Appellants.

S. Sajjad Hussain Shah, A.A.-G. for Respondents.

Date of hearing: 15th December, 2005.

JUDGMENT

MUHAMMAD NAWAZ ABBASI, J.--- This appeal by leave of the Court has been directed against the judgment, dated 25-11-1998 passed by a Division Bench of Lahore High Court, Multan Bench, in an I.C.A. arising out of a constitution petition. The appellants, EST (Tech.) of the Education Department, Government of Punjab, while serving in the Multan Region, filed a writ petition seeking direction to the Director, Secondary Education, Multan Division for their promotion as SST (Technical) on the basis of their entitlement under the Punjab Education Department (School Education) Rules, 1987. The writ petition was dismissed by a learned Single Judge in Chamber vide judgment, dated 24-9-1997 and further a Division Bench of the High Court in I.C.A. maintained the judgment rendered in the writ petition with the observation that after the amendment in the Punjab Education Department (School Education) Recruitment Rules, 1987 vide Notification dated 30-7-1992 the appellants were not eligible for promotion as SST (Tech.) and notwithstanding their eligibility prior to the amendment in the rules, the promotion being not a vested right, they could not claim it as of right. Leave was granted in this appeal vide order, dated 6-12-2001 in the following terms:--

"Leave to appeal is sought against judgment, dated 25-11-1998 passed by a Division Bench of the Lahore High Court, Multan Bench, Multan dismissing I.C.A. No.227 of 1998 with the result that the judgment, dated 30-9-1998 by a learned Judge in Chambers dismissing Writ Petition No.7462 of 1997 on 25-11-1998 was upheld.

(2) Learned counsel for the petitioners, inter alia, contended that it was way back in the year 1988 that the appropriate quarters were required to submit service books of both the petitioners accompanied by other relevant papers so that the then Director Secondary Education Multan could be asked to consider their cases for appointment as SST (Technical). The matter was not resolved and during the interregnum Notification dated 30-7-1992 was issued prescribed qualification for appointment of SST (Technical) as Matric with Diploma in Industrial Arts Education from Government Technical Teachers Training College, Faisalabad with two years teaching experience from a Government Institution after requiring the Diploma or equivalent qualification. The precise contention is ' that the case of the petitioners was initiated in the year 1988 and the then qualifications were duly met. The increase in the education qualifications through Notification, dated 30-7-1992 did not stop at requiring two years teaching experience from a Government Institution but required that either Diploma or equivalent qualifications would also be relevant for persons similarly placed as the petitioner.

(3) After hearing the learned counsel for the petitioners and the learned Additional Advocate-General Punjab we are inclined to grant leave to consider whether the case of the petitioners has received due consideration at the level of the High Court both before the learned Judge in , Chambers and the I.C.A. A Bench by keeping in view the requirements which were current in the year 1988 as also in the year 1992. Order accordingly."

2. The grievance of the appellants, who were employed in the Education Department, Government of Punjab as Elementary School Teachers (EST Technical BPS-15) was that before the amendment in the rules, they were possessing required qualification and experience for promotion as SST (Technical BPS-16) but the process of their promotion was knowingly delayed and subsequent to the amendment in the rules in 1992, they were not considered on the pretext of being not qualified for promotion as SST (Technical). The claim of the appellants was that they while holding Diploma of Associate Engineers (Elect.) from Polytechnic Institute, Sahiwal duly recognized by Punjab Board of Technical Education, Lahore, were entitled to the promotion prior to the amendment in rules and in any case they having equivalent qualification to that of Diploma in Industrial Art Education from Government Technical Teachers Training School, Faisalabad, would be qualified for promotion as SST (BPS-16) even under the amended rules. The notification dated 30-7-1992 by virtue of which the rules in question were amended is

reproduced hereunder:--

Government of the Punjab Services, General
Administration and Information department

NOTIFICATION
The 30th July, 1992

No.S.O.R.III-I-13/85.--- In exercise of the powers conferred on him by section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974), the Governor of the Punjab is pleased to direct that in the Punjab Education Department (School Education) Recruitment Rules, 1987, the following further amendments shall be made, namely:--

AMENDMENT

(1) In the schedule after the existing entries at Serial No.10 the following new entries shall be inserted:--

Name of the post	Appointing Authority	Qualification for appointment by initial recruitment or by transfer	Promotion	Method of recruitment	Age limit for initial recruitment Min Max
3	4	5	6	7	8 9
II SST (Tech) BS-16	Director of Education (Schools) concerned	(i) B. Tech. Pass or equivalent qualification OR M.Ed. (Tech. Industrial Arts) OR M.A. (Tech. Edu.) (Industrial Arts) OR (ii) Matric with Diploma in Industrial Arts. Edu. from Government Technical Teachers Training College, F.Abad		By initial recruitment provided that 50% posts shall be filled from amongst it service teachers possessing the qualification prescribed for initial recruitment in column 5.	19 35 Note: Only those candidates will be eligible for recruitment who are bona fide residents of the District where vacancies exist.
12. Arabic Teacher (Males) BS-9	DEO(M) concerned.	elective subject with Arabic Teachers Training course from Allama Iqbal Open University/ Agri. University OR Honour in Arabic plus teachers Training Course		By initial recruitment with provided that 50% posts shall be filled from amongst in service teachers possessing qualifications prescribed for initial recruitment in column 5.	18 35
13. Arabic Teachers (Female) BS-9	DEO(F) concerned	from Allama Iqbal University/Agri. University OR Honour in Arabic from recognized University Board and O.T. -do-		-do-	18 35

II. The rules mentioned below shall stand amended to the extent they are inconsistent with the

Before the Service Tribunal Peshawar
Service Appeal No. 814/2013

M. Ayaz v/s Chief Secretary & others

Application On Behalf of
Respondent No. 1 & 3 For
Reliance On the Reply
Already Submitted
By SMBR (R.2)

Respectfully Sheweth,

1. That the titled case is pending before this Tribunal which is fixed for today i.e. 01/10/13 for reply.
2. That the Respondent No. 2 (SMBR) has already submitted reply in the titled case, in clear violation of Establishment Deptt. Rules, however

Respondent No. 1 and 3 rely on the reply already submitted by the Respondent No. 2.

It is therefore humbly prayed that on acceptance of this application, Reply already submitted by Respondent No. 2 may also be considered on behalf of Respondent No. 1 (Chief Secretary) and Respondent No. 3 (Secretary) Establishment Deptt.

Applicant

Shahidullah

S.O (Lb)

E & AD

Dated: 01/10/13

Before the Service Tribunal Peshawar
Service Appeal No. 814/2013

M. Ayaz v/s Chief Secretary & others

Application On Behalf of
Respondent No. 1 & 3 For
Reliance On the Reply
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- 2/. That the Respondent No. 2 (SMBR) has already submitted reply in the titled case, in clear violation of Establishment Deptt. Rules, however

Respondent No. 1 and 3 rely on the reply already submitted by the Respondent No. 2.

It is therefore humbly prayed that on acceptance of this application, Reply already submitted by Respondent No. 2 may also be considered on behalf of Respondent No. 1 (Chief Secretary) and Respondent No. 3 (Secretary)

Establishment Dept^r


Applicant

Shakerullah

S.O (Lt)

E & AD

Dated: 01/10/13

Before the Service Tribunal Peshawar
Service Appeal No. ~~752~~⁷⁵²/2013

Habibullah v/s Chief Secretary & others

Application On Behalf of
Respondent No. 1 & 3 For
Reliance On the Reply
Already Submitted
By SMBR (R. 2)

Respectfully Sheweth,

- 1/ That the titled case is pending before this Tribunal which is fixed for today i.e. 01/10/13 for reply.
- 2/ That the Respondent No. 2 (SMBR) has already submitted reply in the titled case, in clear violation of Establishment Deptt. Rules, however

Respondent No. 1 and 3 rely on the reply already submitted by the Respondent No. 2.

It is therefore humbly prayed that on acceptance of this application, Reply already submitted by Respondent No. 2 may also be considered on behalf of Respondent No. 1 (Chief Secretary) and Respondent No. 3 (Secretary) Establishment Deptt.

Applicant

Shakirullah

S.O (Lt)

E & AD

Dated: 01/10/13

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

IN RE: AMENDED SERVICE APPEAL NO 752/2013

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

V E R S U S

- 1) Govt: of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
 - 2) Senior Member Board of Revenue, Govt: of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
 - 3) Secretary Establishment Department, Govt: of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
 - 4) Tariq Hussain
 - 5) Jamal Ahamd
 - 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 C/o BOR Peshawar.
 - 15) Sultan Amir-ud-Din Supdt: Deputy Commissioner Office Hangu.
- (Respondents)

SUBJECT: REPLY ON BEHALF OF RESPONDENT NO. 4 TO 15

Respectfully Sheweth:

The answering respondents have got no objection if applicant is considered for promotion to the post of Tehsildar (BPS-16) as per rules of Tehsildar / Naib Tehsildar rules dated: 30/03/2011 as per law and rules and if he disputes / challenges,

The vires of Tehsildar / Naib Tehsildar rules dated: 29/09/2012 then the answering respondents reserves the right to defend the same.

It is therefore, humbly requested that appeal may please be decided on merit.

RESPONDENTS
4 to 15

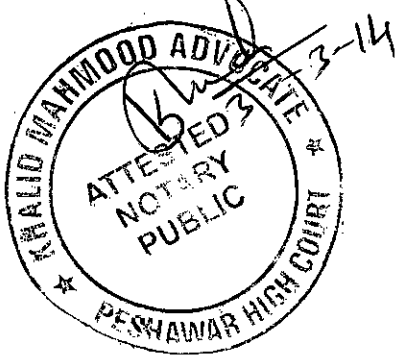
Through Counsel

Amjid Ali Khan
Advocate Supreme court
at Distt: Mardan.

Dated: 3-3-2014

AFFIDAVIT

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



Deponent

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

IN RE: AMENDED SERVICE APPEAL NO 752/2013

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

V E R S U S

- 1) Govt: of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
 - 2) Senior Member Board of Revenue, Govt: of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
 - 3) Secretary Establishment Department, Govt: of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
 - 4) Tariq Hussain
 - 5) Jamal Ahamd
 - 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 C/o BOR Peshawar.
 - 15) Sultan Amir-ud-Din Supdt: Deputy Commissioner Office Hangu.
- (Respondents)

SUBJECT: REPLY ON BEHALF OF RESPONDENT NO. 4 TO 15

Respectfully Sheweth:

The answering respondents have got no objection if applicant is considered for promotion to the post of Tehsildar (BPS-16) as per rules of Tehsildar / Naib Tehsildar rules dated: 30/03/2011 as per law and rules and if he disputes / challenges,

The vires of Tehsildar / Naib Tehsildar rules dated: 29/09/2012 then the answering respondents reserves the right to defend the same.

It is therefore, humbly requested that appeal may please be decided on merit.

RESPONDENTS
4 to 15

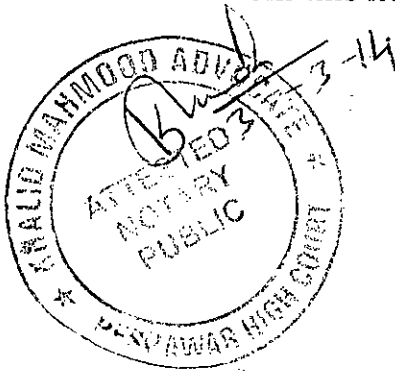
Through Counsel

Amjid Ali Khan
Advocate Supreme court
at Distt: Mardan.

Dated: 3-3-2014

AFFIDAVIT

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


Deponent

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE C.M No \2013

IN S.A NO. 752 \2013

Habibullah Wazir.....Appellant.

A.W.F. Peshawar
No. 837
dated 25/10/13

VERSUS

Govt. of KPK Peshawar and others.....Respondents.

Application for early hearing of the above noted Service Appeal.


Respectfully Sheweth;

1. That the above noted appeal is pending adjudication before this honorable tribunal and is fixed for 04.11.2013 for final arguments.
2. That earlier this honorable tribunal granted stay in favor of the appellant which was however modified and the order of status-que was restricted only to the extent of appellant if he was eligible to promotion under the existing rules while the case of the appellant is that he is eligible and is liable for promotion under the old rules.
3. That now again the respondents are bent upon and taking cover of the order of this honorable tribunal are making promotion in the coming week.

It is, therefore, respectfully prayed that on acceptance of this application this honorable tribunal may be pleased to accelerate the date for early hearing of the appeal.


Through



Appellant


Nasir Mahmood Advocate

AFFIVIDIT

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


Deponent


Fida Mohammad Bangash
Advocate
Notary Public Peshawar

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; C.M NO. 13

IN Service Appeal NO.752\2013

Habibullah Wazir.....Appellant

Versus

1.Govt. of KPK 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 pending before this Honorable tribunal and is fixed for final arguments for 04.11.2013.

2. That earlier this honorable tribunal granted stay in favor of the appellant which was however modified and the order of status-que was restricted only to the extent of appellant if he was eligible to promotion under the existing rules while the case of the appellant is that he is eligible and is liable for promotion under the old rules.

3. That now again the respondents are bent upon and taking cover of the order of this honorable tribunal are making promotion in the near future.

4. That the ground mentioned in the appeal may be read as an integral part of this application.

5. 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.


6. 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.

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.

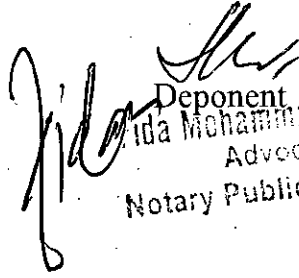

Appellant

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 nothing has been concealed from this honorable court.


Deponent
Aida Mohammad Bangash
Advocate
Notary Public Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 752/2013

Habib Ullah Wazir, AssistantAppellant

VERSUS

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

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

PRELIMINARY OBJECTIONS

1. The appellant has not availed the right of appeal provided under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, therefore, the appeal is not maintainable.
2. That appellant has got no cause of action.
3. That appellant is estopped by his conduct to institute the appeal.
4. That appeal is time barred.

RESPECTFULLY SHEWETH.

ON FACTS.

1. Pertains to record.
2. Needs documentary evidence which has not been provided.
3. Incorrect. New rules were introduced in 2001 (Annexure-A) by repealing all other rules in force at the time. At the time of appointment of appellant, Tehsildari/Naib Tehsildari Service Rules 1962 were not in the field as the appellant was appointed as Assistant in the year 2006, who cannot claim promotion under Tehsildari/Naib Tehsildari Service Rules, 1962.
4. Correct to the extent that Rules of 2001, 30% quota was reserved for the ministerial employees however, Tehsildari/Naib Tehsildari Service Rules 2001 were ammended in the year, 2008 and quota reduced to 20%.
5. Correct to the extent of Rules 2008 (Annexure-B), however the same was based on discrimination as Assistants of Collector/Commissioners, who are working in the field and are revenue expert were deprived of the same.
6. Pertains to record.
7. Pertains to record.
8. Correct to the extent of Rules 2011 (Annexure-C). However, the rules of 2001 were repealed. Rest of the para is incorrect. The plea of appellant is based on presumption.
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 rules inforce.
11. Correct to the extent of amendment in the rules of 2011 on 02.12.2011 which is just, fair, reasonable, and based on equality / equal treatment after due deliberation and consultation with Standing Service Rules Committee. Rest of the para is incorrect.
12. Incorrect. The rules were circulated to all offices. Writ Petition filed to challenge the rules was converted into representation.

13. Incorrect. Rules were published in the official gazette in September 2012 (Annexure-D).
14. 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. The appeal is premature and liable to be dismissed as it was instituted prior to decision of Competent Authority.
15. Incorrect. The field Superintendents (BPS-16) were included for selection against post of Tehsildar (BPS-16) as they had no further prospects of promotion. The Department seriously felt and realized that selection of Assistant of Board of Revenue (BPS-14) as Tehsildar (BPS-16), and the field offices Assistant (BPS-14) as Naib Tehsildar (BPS-14) was sheer discrimination and needed to be stopped and on equal footings.
16. Correct to the extent of dismissal of appeal.

ON GROUNDS

- A. Incorrect. There is no discrimination meted out to appellant, rather discrimination has been removed as explained in para 15 above.
- B. Incorrect and denied. It is a regular selection process and not mere change of nomenclature.
- C. Incorrect. The Standing Service Rules Committee has been re-constituted to include member of Public Service Commission as the re-constitutions of the Standing Service Rules Committee were earlier required to be cleared by Public Service Commission. The intent of re-constitution of committee was to expedite the process.
- D. Incorrect and denied. Appellant can be considered for selection as Naib Tehsildar (BPS-14) under the rules as per his seniority and other factors.
- E. Incorrect. The explanation given is whimsical. The Assistants of Board of Revenue do not blame to the Provincial cadre and or limited to the Board of Revenue Peshawar Office only. Furthermore their qualification or skills are no difficult from the Assistants working in the district.
- F. Incorrect. The matter pertains to Establishment Department. However, Assistants cannot be promoted directly into the PMS Service cadre.
- G. Incorrect. Rules are amended in the interest of all the officials working in the Department.
- H. Incorrect. No vested right has been accrued to the appellant and the amendment is according to Law, rules and justice.
- I. Incorrect. The amended rules take effect from the date they are notified and have never been given retrospective effect.
- J. Incorrect. The rules have been amended to remove discrimination.
- K. Incorrect. The fundamental rights of the appellant have never been violated by the replying respondents.
- L. The respondents also seek permission to raise additional grounds at the time of arguments.

The appeal may please be dismissed with costs.

In view of

Respondent No.1&2

AFFIDAVIT

It is solemnly affirm on oath that all the contents are correct to the best my knowledge and belief and nothing has been concealed *from*
The Hon'ble Tribunal



Assistant Secretary (Lit:II)
Board of Revenue Khyber Pakhtunkhwa

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

NOTIFICATION

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

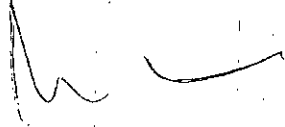
(Signature)

NO. 27945-51

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.

APPENDIX
SCHEDULE

S.No.	Nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for appointment by Promotion.	Age limit for initial recruitment.	Method of recruitment.	Remarks.
1	2	3	4	5	6	7
1/	Tehsildar	Graduation from a recognized University.	Passing of Tehsidari Departmental Examination and Successful completion of training as may be prescribed by the Government.	21 to 28 (a) Years. (b) (c)	20% by initial recruitment:- 50% by promotion on the basis of seniority-cum-fitness from amongst Waib Tehsildars; and the remaining 30% vacancies shall be filled in by selection on merit from amongst; (i) Assistant and Senior scale Stenographers working in the office of Board of Revenue and District Collectors who are graduates and have at least three years service as such; (ii) District Kanungos with at least three years service as such; and (iii) Head Clerks (Revenue) in the District Collector's offices with at least three years service as such;	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.

Deleted

Deleted

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"

B

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.
2/	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. (b) 30% 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 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;	

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;

Substituted

(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;

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"

S. No.	Nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for Appointment by Promotion.	Age limit for initial recruitment.	Method of recruitment.	Remarks.
1	2	3	4	5	6	7
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 Pwari 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 under gone 12 weeks training in a Tehsil for the post of Wasil Baqi Nawis and have passed Patwari Examination.	

GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE REVENUE AND ESTATE DEPARTMENT

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

Peshawar dated the 12/12/2008.

/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	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

	2	3	4	5	6	7
	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.

Sd/-

Secretary to Government of NWFP
Revenue and Estate Department

No. /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

M. H. Khan
**Deputy Secretary
Government of NWFP
Revenue & Estate Department**

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

Peshawar dated the 30/03/2011

NOTIFICATION

No. /Admn:I/I/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:I/135/SSRC, dated 26.12.2008, the following further amendments shall be made, namely :-

AMENDMENTS

In the Appendix:-

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

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

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

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

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

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

(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 Kanungbs 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;

[Signature]

SECRETARY

No. /Admn:I/I/296/Amendment

Copy forwarded for information and necessary action to the :-

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

Subal
ACE

DEPUTY SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 0000000000, 00TH SEPTEMBER, 2012.

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

NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

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

AMENDMENTS

in the Appendix:-

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

2/12
M

		<p>(d) The official so appointed shall successfully complete Settlement/Revenue training and pass Kanungo Examination.</p> <p>EXPLANATION:- Ministerial employees of the Board of Revenue on appointment to the post of Naib Tehsildar under the provision of clause for the purposes of the said clause, be deemed to belong to the divisional zone respectively in which their home district is situated.</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	Patwarl (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 Patwarl 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

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.752\2013

Habibullah Wazir.....Appellant

Versus

1. Govt. of KPK and others.....Respondents

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

Respectfully Sheweth:

Preliminary objections;

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

2. All other preliminary objections have been taken in routine. The appellant is having a cause of action and it has not been shown how the appellant is estopped by his conduct. The appeal is not time barred. Legal and vested right of the appellant has been infringed.

On Facts;

1. Para-1 of the reply needs no rejoinder.
2. In reply to para-2 it is submitted that the performance of the appellant is like shining star which does not require any proof.

3. In reply to Para-3 of the reply it is submitted that even under the amended rules for the year 2001 the post of Assistant was in the feeding Cadre for promotion to the post of Tehsildar.
4. Para-4 of the reply needs no rejoinder.
5. Para no.5 of the reply to the extent of discrimination is wrong and incorrect. Actually the Assistants of collector\commissioners and N.T belong to district and divisional cadre post therefore, they were eligible for promotion to the post of N.T while the post of Tehsildar and the Assistant of BOR is provincial cadre post thus there was no discrimination with them and they were having no right of promotion to the provincial cadre post.
6. Para no.6&7 of the reply needs no rejoinder.
7. Para-8&9 have been explained in para-5 above. However it is further submitted that through such amendment promotion of appellant was reduced to zero.
8. As para-10 of the appeal has been admitted therefore, needs no reply.
9. Para-11 of the reply speaking about amendment made only after 45 days shows malafidi, self interest, partisan approach, highhandedness, prejudice, no consultation, no deliberation, hasty decision and colorful exercise of power over SRC by the competent authority thus the amendment are liable to be declared as null and void.
10. Para-12 of the reply is wrong and incorrect. Copy of the amended rules was not circulated nor provided to the appellant.
11. Para-13&14 of the reply is wrong and incorrect. The honorable high court has condoned the delay. Further the position has been explained in rejoinder to preliminary objections no.1.
12. As the respondent admits that the Assistants of BOR were promoted to the post of Tehsildar since 1962 till date that was based on the ground that post of Assistant of BOR is provincial cadre post while the Assistants of Collector\Commissioners offices are district cadre post. Similarly the post of N.T is Divisional cadre post so how can it is possible that a provincial cadre post is to be converted into divisional and district cadre post. So there was no discrimination.


Grounds;

- A. Para-A of the reply is incorrect and that of the appeal is correct discrimination was meted out with the appellant.
- B. Para-B of the reply is incorrect and that of the appeal is correct. Only the nomenclature has been changed.
- C. Para-C of the reply is incorrect and that of the appeal is correct.
- D. Paras-D of the reply is incorrect and that of the appeal is correct. The position has been explained in the foregoing paras.
- E. Paras-E&F of the reply is incorrect and that of the petition is correct.
- G. Para-G of the reply is incorrect and that of the appeal is correct. The rules were amended in order to accommodate their blue eyed.
- H. Paras-H&I of the reply is incorrect and that of the appeal is correct.
- I. Paras-J&K of the reply is incorrect and that of the appeal is correct.
- J. The appellant may be allowed to give rejoinder to the same.

It is therefore respectfully prayed that while considering the above rejoinder the appeal may kindly be accepted.

Through

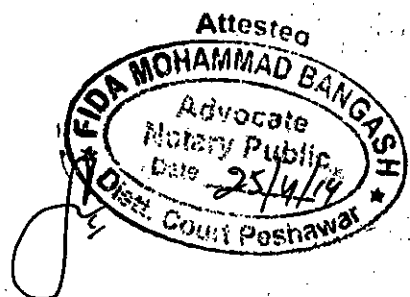

Appellant


Nasir Mehmood Advocate ^{25/5/14}
13-D Haroon Mansion Peshawar.

Affidavit

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


Deponent



BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

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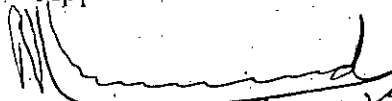
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- A. Para-A of the reply is incorrect and that of the appeal is correct discrimination was meted out with the appellant.
- B. Para-B of the reply is incorrect and that of the appeal is correct. Only the nomenclature has been changed.
- C. Para-C of the reply is incorrect and that of the appeal is correct.
- D. Paras-D of the reply is incorrect and that of the appeal is correct. The position has been explained in the foregoing paras.
- E. Paras-E&F of the reply is incorrect and that of the petition is correct.
- G. Para-G of the reply is incorrect and that of the appeal is correct. The rules were amended in order to accommodate their blue eyed.
- H. Paras-H&I of the reply is incorrect and that of the appeal is correct.
- I. Paras-J&K of the reply is incorrect and that of the appeal is correct.
- J. The appellant may be allowed to give rejoinder to the same.

It is therefore respectfully prayed that while considering the above rejoinder the appeal may kindly be accepted.

Through

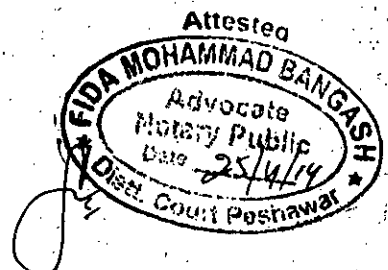

Appellant


Nasir Mehmood Advocate 25/5/14
13-D Haroon Mansion Peshawar.

Affidavit

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


Deponent



BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; C.M.NO. \2014

IN Service Appeal No.752/2013

Habibullah WazirAppellant

Versus

1.Govt. of KPK and othersRespondents

Bench No. II

563
30-6-14

Application for early hearing of the above noted Service Appeal

Respectfully sheweth;

1. That the above noted appeal is pending for adjudication before this Honorable tribunal and is fixed for 19-09-2014 for arguments.
2. That in the above noted appeal arguments were heard on 26-12-2013 and was fixed for announcement of order for 07-01-2014 subject to certain clarification from the counsel for the appellant when it was pointed out by some of the civil servants that they have already filed impleadment application therefore, it was taken up and was allowed being not objected by the appellant on acceptance of the application.
3. That being old service matter, it will be in the interest of justice, equity and fair play if the date may kindly be accelerated and fixed early.
4. That the appellant has been suffering, if the appeal is not accelerated and argued, the appellant will suffer irreparable loss.

It is therefore, respectfully prayed that on acceptance of this application this honorable tribunal may be pleased to accelerate the date for early hearing of the appeal.

[Signature]
Appellant

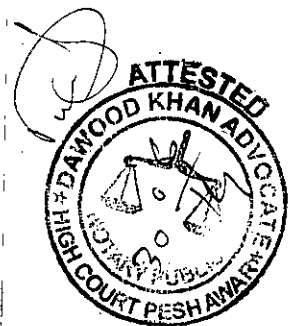
Through

[Signature]
Nasir Mahmood Advocate,
13-D Haroon Mansion Peshawar

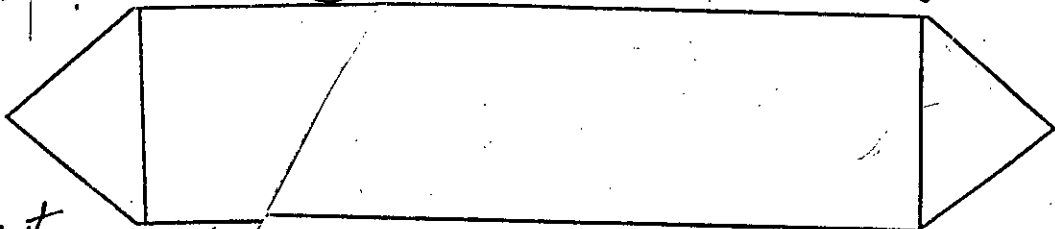
AFFADAVIT

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 nothing has been concealed from this honorable court.

[Signature]
Deponent



بعدالت جناب سر دس ٹریبونل سٹی کے لپٹاور



Appellant 2، جناب

حسب اللہ و بنام گورنمنٹ آف سٹی کے
وکیل

11/02/2015 مورخہ

مقدمہ
دعویٰ
جرم

Seve Appeal.

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لٹاور کیلئے ضیاء الرحمن ایڈووکیٹ سپریم کورٹ آف پاکستان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ 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 برادگی 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 یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

المرقوم 11 فروری 2015

گواہ

کے لئے منظور ہے۔

لٹاور

بمقام

A Masterd
accepted
Palmer

Ph: 9220581.
Fax:9220406.

REGISTERED
No. C.A.955/2015-SCJ (Imp)
Supreme Court of Pakistan

Islamabad, JS Oct., 2015.

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

✓ The Registrar,
KPK Service Tribunal,
Peshawar. 90 DRD 1

K.P.K. Province
Service Tribunal
Entry No. 1079
Date 5/10/15

Subject:- Civil Appeal No. 955 of 2015.
Out of
Civil Petition No. 800 of 2015.
Habibullah Wazir.

VERSUS

Government of Khyber Pakhtunkhwa through Chief
Secretary, K.P.K., Peshawar and others.

On appeal from the Judgment and Order of the K.P.K. Service
Tribunal, Peshawar dated 20.03.2015, in S.A. No.752/2013.

Dear Sir,

I am directed to forward herewith a certified copy of the
Judgment of this Court dated 29.09.2015, converting into appeal the
above cited civil petition and allowing the same, in the terms stated
therein, for immediate necessary action.

I am also to invite your attention to the directions of the
Court contained in the enclosed Order for immediate compliance.

Please acknowledge receipt of this letter along with its
enclosure immediately.

Encl: Judgment:

Yours faithfully

Do the needful.

(NAZAR ABBAS)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

Supdt:

10/10/15

*See 12/12
2
09.10.15*

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

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

Civil Petition No.800/2015

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

Habibullah Wazir

...Petitioner

VERSUS

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

..Respondents

For the petitioner: Mr. Nasir Mahmood, ASC

For the respondents: Mr. Mujahid Ali Khan, Addl. A.G. KPK

Date of hearing: 29.9.2015

JUDGMENT

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

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

ATTESTED copy

Superintendent
Supreme Court of Pakistan
Islamabad

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

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

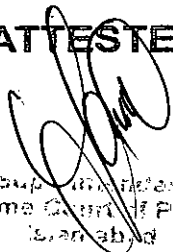
4. When we posed the question about the retrospective applicability, the learned Additional Advocate General could not give any valid answer.

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

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

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

ATTESTED


Sup. Court of Pakistan
Islamabad

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

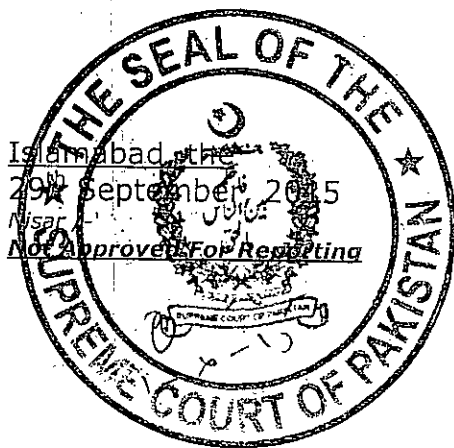
8. The respondents shall file a statement as to how many employees of the department whose names appear in the Memorandum dated 17.10.2011 i.e. Sr. No.9 to 26, have been promoted and if not so, then reasons should be stated.

To come up on 06.10.2015.

Syed Saad Jalal Qureshi
Syed Asad Muhammad Khan

Certified to be True Copy

Supervisor
Supreme Court of Pakistan
Islamabad



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1539 /ST

Dated 7/10 /2015

To,

The Registrar,
Supreme Court of Pakistan,
Islamabad.


Subject:-

CIVIL APPEAL NO. 955 OF 2015
OUT OF
CIVIL PETITION NO. 800 OF 2015

Dear Sir,

I am directed to acknowledge the receipt of your letter No. C.A.955/2015-SCJ (Imp) dated 8.09.2015 alongwith its enclosure.

a/c


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.