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

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

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

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

b) the remaining vacancles shall be filled -

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

il) by selection on merit from among Additional Tehaildars of the Rebabilitation and Re-Sett ement Departments in the Sone why e the vicancies occur, with at least five years experience of Revenue work, preference being given to persons with Settlement. experience;

til) by selection on merit with particular reference to fitnes; for higher responsibilities from among the holders of posts in the subordinate service in the Kone where the vacancies occur, proference being given in the case of Sadar Kanungos, to persons with Settlement experience.

EXPLANATION - Ministerial employees of the Round of Revenue/ Directorates of Land Records cligible for appointment to the posts of Tebsildars and Naib Tebsildars under the provision of clause I(b) and IT(b)(ifi) shall, for the purposes of the said clause, be deemed to belong to the Division and Aone 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 Maib Tehsilaars, from among the Kanungos and Additional Naib Tehsildars; and (b) in the case of Tchaildary, from among the Na.b Schuildars and Additional Tebsilauro.

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

(a) in the case of posts of Nuib Tensildurg for bomafide residents of the Division where such vacancies occur; and

(b) in the case of posts of Tehsildars, bonalide residents of the Yone where such vacancies occur,

twenty purcent of such vacancies shall be filled on marit (i) 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

(if) the remaining such vecancies shall be reserved for bonifide residents of the Zone specified in the Appendix, in proportion to their population according to the census figures; provided that 1 no suitable candidate is available from the Zone to which a vecancy. 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 received for persons with rural and ogricultural brits.

EXPANATION - All hereditary proprietors or tomure holders of agricultural lend and persona mairly 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 baving an agricultural and rural bais. Candidates claiming to fail in this category shall produce a certificate to this effect from the Density deamtraismer/Collector of their responsive Pistrics. in F - F,

for rule 6, the following rule shall be substatuted pamely :-

46. AGE:-

and the second sec

- 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 least then twenty-eight years of age on the let 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 ago limit in the case of a candidaty from the Scheduled Castes and Under Developed Area shall be such as may, for the time being, be allowed by Government;

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

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

No. SORT (S&GAD)3-16/78 (Vol:I), dated 19th Warch, 1986.

" <u>(</u>]) by Inltid Inom a re	l recruitment cognised Uniț		he holds a and	g 6 Rine 6		
(11	(N) and (holds Sec	ion, except vi) of claus ondery Schoo don" shall b	: 13 of i Certifi	ulo 2, uil ,cate from	eas he	10 • •	
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... Enclose make on appointed to the service unless

- (a) is the case of eppointment by initial recruitment, he is more than twenty-one years and less than twenty-five years of ane on the lat of October of the year in which the selection is made; and
- (b) in the caue of appointment made otherwise, he is less than firty yours of the on the Lat January of the year in which the appointment is made;

Provided that in the case of appointment by initial mecruitment -

- for a period of ten years from the coming into force of theserules, the upper-ago limit in the case of a condidate from the scheduled eastes or Under-Developed Areas shall be twenty-eight years; and
- ii) in the dane 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. QUALIPICATIONS - (1) No person shall be appointed to a posy. In the service -

(i) by initial recruitment unless -

T)

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

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

"ii) otherwise than by initial recruitment, except as provided in sub-clauses (b) (v) and (b) (v1) of clause (13) of rule 2, unless he has passed the Motriculation or an equivalent examination from a recognized University or Deard of Education."

(2) No person, not already in Government Service, shall be appointed to the Service unless he produces a cortificate of character from the principal academic officer of the goademic institution last attended, and allos certificates of character ' from two other responsible persons, not being has 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 shecersfully 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 intugue of the members of the Service in the various grades thereof shell he determined -

(a) in the case of members appointed by initial recruitment, in accordance with the order of mertt assigned by the Board of Revenue in the case of Tchalldar and by the Commissioner of the Division in the case of Maib Tchalldars; provided that persuasselected for the service in an carlier selection shall rank senior to the persons selected in a later selection; and

(b) in the case of members appointed otherwise, with references to the dates of their continuous appointments therein; provided that if the date of continuous appointment in the case of two or, more sembers 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.

EXTLANATION-I. If a junior official in a lower grade is selected r to a higher grade lemporarily in the public interest, even though continuiting later permanently in the higher grade, it would not anvernely affect the interest of this schlers in the fixetion of the seniority in the higher weather in the fixetion of EXTRANATION, IT. If a junior official in a lower grade is selected to a higher grade by supersoding 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 in the decaded to have superseled a senior officer only if both the junior and senior officers sere considered for a higher grade and the junior officer was be 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-avia those appointed otherwise shall be determined -

(a) in base 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 by initial that if the two dates are the same, the official appointed otherwise shall rank senior to the official appointed by initial

(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 so 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 ITT - CONDENSIONS OF SERVICE.

10. PROBATION- (1) A person appointed to the service analysis in 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.

EXELANATION - 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 pervice during the period of probation has been found to be undefinited during 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 dpointed by cherwipe 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 -

1) In case or hum been appartited by initial recruitment, dispanse with air service; or

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ii) in dase he has been appointed otherwise, revert his to hig, 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 caue of persons appointed by initial recruitment, and two years in all, in the case of persons isoruited otherwise, and buring or on the explanation such period pass such orders as it could have pass of duting 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 desented 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-

(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 Covernment from time to time.

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

a) in case he has been appointed by initial recruitment, dispons

b) in case he has been appeinted otherwise, revert him to his former post, and if there be no such post, dispages with his pervices.

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

a) transfer anywhere in Went Fakistan; and

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

12. OEMERAL NULES - 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 hereofter be preseribed by Government and made applicable to them.

13. RELAXATION - Any of these rules any, for reasons to be recorded in writing, be relaxed in individual cases, of Governie & is satisfied that strict application of the rule would cause undie hardship to the individual concerned.,

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

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

15. Powers of Governor to caleguard rights of Government Servartawhenever in the application of these rules, the torus and conditional of Service of any person serving in connection with the affairs of the Frevince of West Fakistan, as maranteed by any law for the time being in force, are likely to be adversaly affected the Governor of West Pakistan shall take appropriate orders to sufficient the constitutional and legal rights of such persons.

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Worder of the Sovernor of West Halt : S. FIDA HASSAN Chief Secretary to Government of WEST FullISTAN (See Rules 2(15) and 5(3)(b)

Ammexure-B.

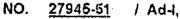
GOVERNMENT OF THE NORTH-WEST FRONTIER. PROVINCE, REVENUE & ESTATE DEPARTMENT.

NOTUFICATION

DATED. PESHAWAR, THE 27th NONEMBI 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 (Appeintment, 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.

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

- 2 67



Dated: 27-11-2001.

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

- 1. The Secretary's to Govt: of NWFP:-
 - (1) E&A Department.
 - (ii) Finance Department.
 - (iii) Law Parliamentary Affairs Department.

2. The Secretary's NV/FP, 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, NWi[®]P, Peshawar with the request that the notification may be published in the official gazette and to supply fifty printed copies to the understand.

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

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4 17 17	APPENDIX	• 2 2 2 3 4 2 3 4 3 4 4 3 4 4 4 4 4 5 4 5 4 5 4 5 4 5	3	
Romenclature of Qualification the post. for Appointment by initial recruitment.	Qualification for appointment by promotion.	Age limit f for initial recruitment.	Method of recruitment.	Remarks.
	4	5 1	6	
Tensildar From a recognised University. 1) in the entries in in clause (c) (a) for the existi and (ii), the namely; (i) Assistants & the offices Lend Pecords and Junior So of District (graduate & he as such, and (ii) District Kama	ingos, District Revenue evenue), with at leas chr, and.	al No.1, Ises(i) Ostituted aphers in Frector Assistants the offices ors, who are B service	 20% by initial recruitment:- 50% by promotion on the basis of senirity-cum-fitness from amongst faib Tehsildars; and the remaining 30% vacancies shall be filled in by selection on merit from emongst; (i) Assistants and Senior Scale Stenographers working in the office off Board of Revenue and District Collectors who are graduates and have atleast three years service as such; (ii) District Kanungos with atleast three years service as such; and iii) Head Clerks (Revenue) in the District Collector's offices with at least three years service as such; Deleted: 	Joint seniority list of personnel of Subordinate service for the purpose of promotion against 30% Quota of the post of
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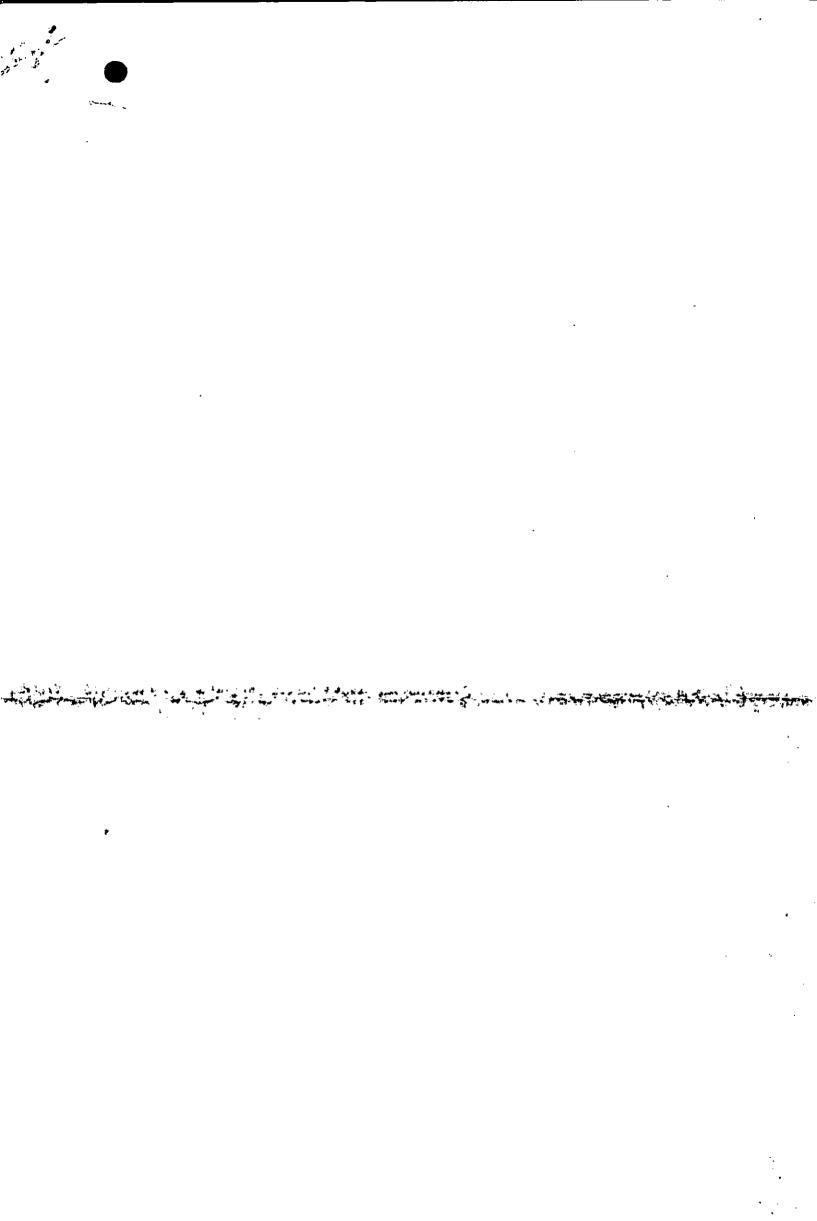
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	nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for Appointment by Promotion.	Age limit		
1	2	3	4	<u>recruitment.</u> 5	6	7
	Naib Mehsildar	Graduation from a recognized University.	Passing of Naib Tehsildari Departmental Examination and such training	Tears.	<pre>(*) 50% by initial recruitment, of which 10%:shall be reserved for ex- service man, through</pre>	· · · · ·
	NCDIF	TOATION NO.23428/	as may be prescribed by the Government. Admn:I dated 31-10-2	6	Public Service Commission based on the result of a	· · · .
	(2) in the entri	ries in column 6 ag	igainst serial No.2.		competitive examination conducted by it in accordance with the syliabus.	· _
	(b) for clause	e (c), the followi	ing shall be substitu	uted namely	(b) 38% by promotion on the basis of seniority cum- fitness from amongst	•
j	(C) 127 b Senio Direc	by selection on me or Scale Stepsrap ctor Land Decode	erit from amongst As: phers of Board of Rev	venue,	Kanungos in the Division with at least five years service as	
	in th Colle	he offices of Dist ectors with three	Trict Officer (Revenue years service as suc	e & Estate	(c) [128 by selection on merit from smonget	
	(C) the follow existing e	wing Note shall be entries as amended	e added in column 6 b d above, namely;	below the	Assistants and Steno- grafite working in the offices of Board of Revenue, Bistrict	appointed as Naib
• •					Collectors and Director Land Petords who have five years service as such ;	Tensilder shall undergo a training course in the Revenu School have to pass
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W	សុផ្លាស់ព្រំ-	14 C2	have examination. -	gualification, who passed the pawar T.L. or equivalent qualification from a recognized Board.	rebsil Revenue Accountant/ Nawis/Addi Nawis/Addi Nawis/Addi Nawis/	
	By promo on, on the basis of seniority cum-fitness, from amongst the patwaris in the pistrict with five years service as such. By initial recruitment.	а 5 5 1	Passing of ganungo pepartmental gramination add successful completion of such training as may be prescribed by Government.		Esnungo.	· •••
	by promotion, on the basis of semiority-cum-fitness, from amongst he famungus with three yeals service as such;	· • • • • • • • • • • • • • • • • • • •	Passing of Naib Mehsildari Departmental Examination and such training as may be prescribed by the Government.	I	pistrict Kanunge (Sadar Kanungo).	
	Method of recruitment.	Age limit for inivit recruitment.	qualification for Appointment by promotion.	f Qualification for Appointment by initial recruitment. 3,	Nomenclature of the post.	:- :
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GOVERNMENT



REGISTERED NO. PIII

GAZETTE

<u>,</u>

North-West Montier 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, 1989 read with the Cabinet Division Notification No. SRO 45/(1/2001) dated 28^{th} 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 suid appendix:-

_ <u>- 10</u> c		<u>N-W.F.P_GO</u>	APPENDIX		
2 c. the post heildar PS 16)	<u>Appointing</u> Authority Administrative Secretary (SMBR)	4 Minimum Qualification for appointment by Initial recruitment or by transfer Second class Graduation from any University recognized by the Higher Education Commission.	APPENDIA 5 Siinimusi Qualification For appointment by Promotion. Second Class Graduation from any University recognized by the Higher Education Commission.	21-30 years for initial recruitment	Acthod of recruitmen (a) Twoaty percent by initial recruitmen b) S ary percent by promotion, on the t cun-fitness from amongst the Graduat with at least Five Years Service as such Graduation will be applicable after fiv date of issuance of this Notification; and (c) Twenty percent by Promotion, on t Seniority-cum-fitness from amongst Assistants/Senior Scale Stenographe Revenue NWFP Director Land Record Appellate Court/Sub-Registrar with at
 aib Tehsildar ?P3 11)	Administrative Scaretary (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) Fifty percent by initial recruitment Public Service Commission based on

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								(c) Twenty percent by promotion, on the b
•	•		l		Ì			Seniority-cum-fitness from amongst Ju Stonugrapher and Aggistenty in the offere
						}	•	Stenographer and Assistants in the office Agent Frontier Region, Assistant/Jur
	ļ							Stenographer of Ex-Deputy Commissioner/Con
						-]		offices presently working in the offices of DC (F&P) and DOR, who are Graduate with
	·* ·							Service as such.
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	anungo	•			-	-	,	By transfer from amongst Naib Tehsildar.
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	nungo [] PS-09) []	District Officer	-		- .		.	By promotion, on the basis of joint Seniority-c
		Revenue &				-	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -	on District level from amongst the Patr
	\mathbf{E}	Ostale)/		*	-			Revenue Accountant and Wasil Baqi Nawis passed the Departmental Examination of kar
	<u> </u>	Collector	· · · · · · · · · · · · · · · · · · ·		· ·	<u> </u>	<u> </u>	at least five Years Service as such.
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7.	Sonior Tehsil Rovenue Accomtant (BPS 07) and Junior Tehsil Rovenue Accountant Wasil Baqi Nawis/Additional Wasil Baqi Nawis (BPS-05)	-		-		dy transfer from amongst Patwaris
8.	Patwari (BPS-05)	District. Officer (Rovenue & EstateV Collector	Intermediate or equivalent qualification, who have passed the Patwori Examination backing are year diploma m 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 man District Collector of the District conce- year diploma in information techni institution recognized by Board of Technic The condition of diploma will be app years from the date of issuance of Notif

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

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Privated & prohibited by the controller. Pry & Sury Detch, NWIP Peshawai.

C-Senxouuf

(REARADE & LELVER DELVELMENT) BOYED OF REAEMDE (:OAESGIMENT OF KHAREF FYKHLONKHMV

Peshawar dated the 30/03/2011

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The state of provisions in pursuance of provisions in pursuance of provisions in the North West Frontier Province Givil between the Contract, Promotion and Transfer) Rules, 1989, the Revenue & Francisco Contract, Promotion and Transfer) Rules, 1989, the Revenue & Francisco Contract, Promotion with the Establishment and Finance Departments in this Departments Motification No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the following further amendation No. 32102/Admin.M135/SSRC, Note to 2008, the

VALENDINENTS

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(1) against SiNo. 1, in column No. 7, for the existingcorries, at clauses (b) and (c), the following shall be

Eliess in the following mannet:

sixty percent from antongst the Maib fehaldars, District Kanungos, District Revenue, Accountants and Head Clerk'', (litevenue) with at least five year service as such: "he seniority of existing District, "he seniority of existing District,

The seniority of existing District Kammgos, 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

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

Mote: The officials in sub-clause (ii), so promoted shall undergo Settlement / fevenue Trammation."; Settlicate Examination.";

(2) after serial Mo. I, as so arrended, the following new entries shall be inserted in the respective columns, namely;

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(3). against (5:No. 2,' in column No. 7, for the existing entries, the following shall be substituted, namely;

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(b)⁴ Fifty percent by promotion, on the basis of be Division.

Tehsildar; and Tehsildar; and Tehsildar; and Tehsildar; and Tehsildar; and Tehsildar; and Tehsildar; and

years service as such. Political Agents (FIS), with at least five office of Political Agents and Assistant Officers (F&P), Political Molarrits of the toirdate and Executive District (ilicers, Officer jo na U Coordination District Commissioners Commissioners, Adduonal 10 ទព្ SITISISSA sportito 10 (i_1) twenty percent from ampinest graduate (i_1)

Age and qualification for initial recruitment of Naib Tehsildars, remain intact passing of Departmental Examination and Naib Tehsildar West Pakistan Tehsildar, and Naib Tehsildar Departmental Examination and Training Rules, 1969 shall remain intact,

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Generary to Covernment of Khyller Pakhtunkhwa. Finance Department. Secretary to Government of Khydor Palditunkhwa Establishment Department.

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All the main Officers (RASE)/Colleptors, in Khyber Pakhun khwa.

Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.

In complet. Covernment Printing Press, Peshawar with the request to publish

the above nottlestion in the official Gazette and supply 50 printed copies

Increact to the undersigned for record.

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ELAENDE & EZLYLE DELYKLINENL OF KHYBER PARTITURED AO DEPUTY SECRETARY TO COVERNMENT

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EXTRAORDINARY

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GOVERNMENT

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KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 00000000000, 00TH SEPTEMBER, 2012.

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

NOTHICATION

Dated Peshawar, thi 2nd December, 2011.

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

AMENDMENTS:

In the Appendix:-

1.	Tehsildar (BPS-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 Tehsidars, 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	Nalb 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 flive percent by promotion on the busis 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 Moharris of the office of Political Agent/Assistant Political Agents; with 10 years service.

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71 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 29th SEPTEMBER, 2012.

		(d) The official so appointed shall successfully complet Settlement/Revenue training and pass Kanungo Certificat Examination.
		EXPLANATION:- Ministerial employees of the Board of Revenue eligible fro appointment to the post of Naib Febsildar 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.
		Note:- Vacancy in a division will be filled on respective divisional basis.
3	Distrit Kanungo (BPS-14)	Against S.No. 37 in column No. 7, for the existing enfries, the following shall be substituted; namely:
	, 	By selection on seniority-cum-fitness with due regard to seniority from amongst intermediate passed Kanungos with at least 03 years.
4	Head Člerk (Revenue) BPS-14 (Divisional cadre).	Against SiNo. 4; in column No. 7, for the existing entries, the following shall be substituted, namely:
		Assistant having dealt with revenue or acquisition matters for at least 0. years:
5.	District Revenue Accountant (BPS+14)	Against SiNo: 5, in column No. 7, for the existing entries, the following shall be substituted, namely:
·		By promotion on the basis of selection on seniority from emongs Kanungos with at least 03 years service.
6:	Kanungo (BPS-9)	Against S.No. 6, In column No. 7, for the existing entries, the following shall be substituted, namely :
	1	-By promotion, on the basis of joint seniority-cum-fitness, on District leve from amongst the patwaris/Tehsil Revenue Accountant who have passed the Departmental Examination of Kanungo.
7.	Patwari (BPŞ-5)	Against S.No. 8, in column No. 7, for the existing entries, at clause (a) and (b) the following shall be substituted, namely:
	•	(a) By Initial appointment from amongst the Patwari passed candidates entered in the Register maintained by the District Collector of the distric concerned having one year certificate in information technology from any institution Recognized by Board of Technical Education.
	•	(b) Successfully completed 09 months Settlement training. This condition will be applicable w.e.f. January, 2014.

Sd/-x-x-X SECRETARY.

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BEFORE THE KHYBER PAKHTUNK HWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 752/2013

VERSUS

PARAWISE COMMENTS ON BEH/LF OF RESPONDENTS NO. 2 IS AS UNDER:-

PRELIMINARY OBJECTIONS

- That the appellate authority is defined as next higher authority than Competent Authority as per Khyber Pakhtunkhwa appeal rules 1986 and the Competent Authority is Senior Member, whereas the appellate authority is Chief Secretary. The impugned order is passed by the Senior Member, and not Chief Secretary, thus when there is no final appellate order as per S.No. 4 of Khyber Pakhtunkhwa Service Tribunal Peshawar Act 1974, no service appeal is maintainable thus the appeal is liable to be dismissed on this score alone.
- 2. That appellant has got no cause of action.

3. That appeal is bad due to mis-joinder / non-joinder of necessary parties.

- 4. That appellant is estopped by his now conduct.
- 5. That appellant has no came to the court with clean hand.
- 6. That appeal is time barred.
- 7. That there is no legal / vested right available to appellant.

RESPECTFULLY SHEWETH.

ON FACTS.

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- No comments.
- No comments.

Correct in its present form. Denied Moreover as per judgements of Supreme Court of Pakistan, reduction of prospect of promotion is no ground for declaring rules as ultravires. Although, in the instant case the Assistant has got its own line of promotion to the post of Naib Tehsildar (BPS – 14) and Superintendent. (BPS – 16) and his regular promotion prospects have not been reduced. Thus he has got no vested right to claim selection for another post of same grade ie. Tehsildar (BPS – 16). Rules of 1962 is (Annexure – A).

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).

Correct to the extent of Rules of 2008, However the same was based on discrimination, being hit by Artical 25/27 of constitution of Pakistan 1973, as the Assistants of Collector / Commissioner, who are working in the field and are revenue expert were deprived of the same. Thus said rules were ultrarives to the Artical 4/25/27 of Constitution of Pakistan 1973. (Rules of 2008 are (Annexure – C).



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No comments.

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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).

As explained in para – 8 above.

Correct. However, the rules were not amended at that time and the selection was made as per prevalent rules.

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.

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 infructous is correct.

That para -11 of the appeal is correct to the extent of publishing notification in the official gazette in September 2012 and filing appeal on 08.04.2013 against said rules is squarely and hopelessly time barred. (Rules of 2011 published in official gazzeted in September 2012 is (Annexure – E).

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.

That para – 13 of the appeal is correct, however the field Superintendents (BPS – 16) were included for selection against post of Tehsildar (BPS – 16) as there was no further prospects of promotion. The Department seriously felt and realized that of Assistant of Board of Revenue being in (BPS – 14) can be sleeted as Tehsildar (BPS – 16) and the field Assistant (BPS – 14) is to be selected for Naib Tehsildar (BPS – 14) was a sheer discrimination and needed to be stopped forthwith. That is the ratiocination that the Assistant (BPS – 14) of Board and field and Superintendent (BPS – 16) were placed on equal footings.

Correct. However explained in preceding paras.

ON GROUNDS

Incorrect hence denied. There is no discrimination meted out with appellant, rather discrimination has been removed as explained above.

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.

Incorrect. Denied.

Service Appeal 426

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Incorrect: Denied.

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Service Appeal 437 Incorrect Denied.

Respondent may also be allowed to rebut the additional grounds.

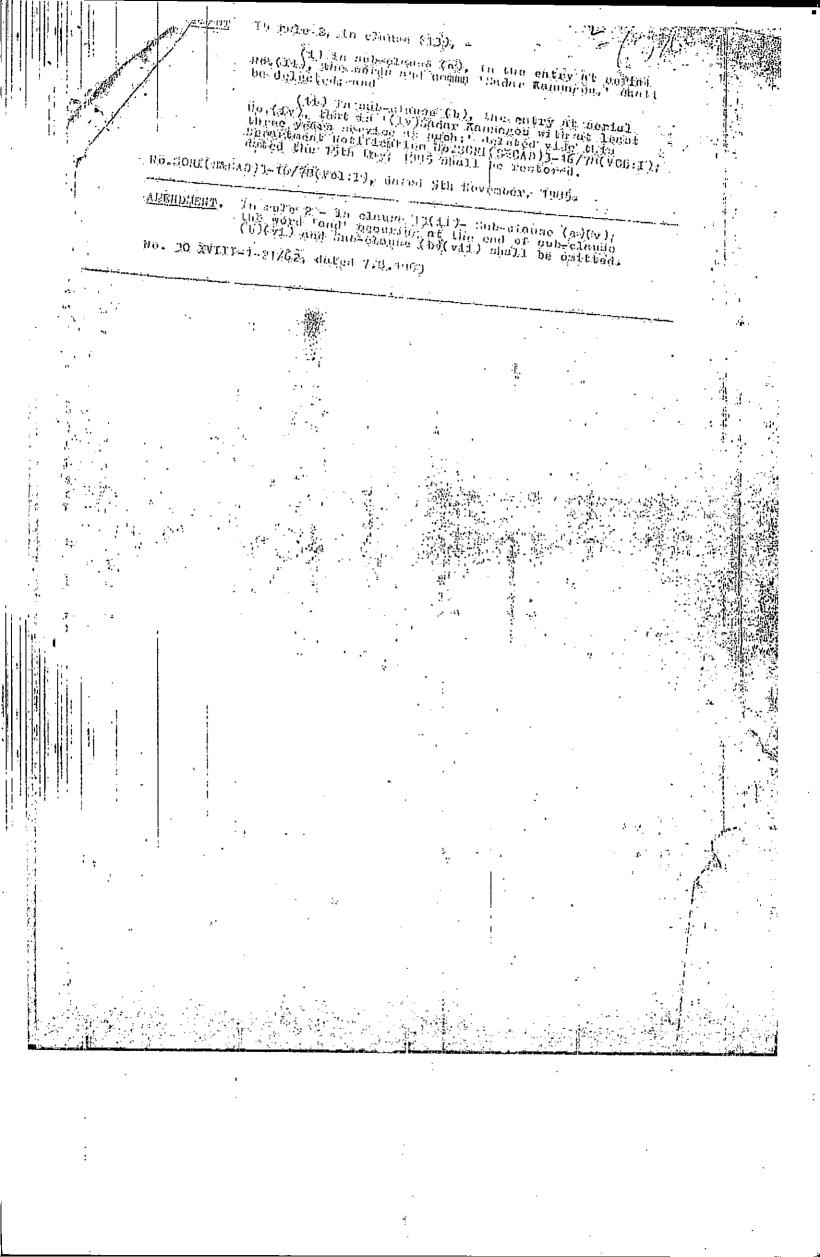
It is therefore humbly requested that appeal may please be dismissed with cost.

Senio Board of Revenue (Respondent No. 2)

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Service of five years or more, of which at least two years must have been spent on the duties of a Field. Kanungo.

111) District and Tehsil Revenue Accountants with st least.

ministerial employees (including Vernacular Assistants and Political Moharrirs) who have worked for at least five years in the Revenue Establishment of a District/Division of the Board of Revenue or in the offices of the Directors of Land Records,) and

Sillevars of Frigation Department with at least three years substantive pervices AND

for the purpose of appointments to the posts of Tehsildars -

- Superintendents in the <u>Strector</u> of Land Records Office and the Deputy Commissioner's office with at least three years service as such: <u>Stock</u>)
- 11) Nond Vernacular Clerks in the Commissioner's and Deputy Commissioner's office with at least three years service as such;
- till) Head Clerks in Colonies Offices with at least three years service as such;
- iv) · Sadar Kanungos with at least three years service as such; · v) ministerial employees of the Board of Revenue who are
- v) ministerial employees of the Board of Revenue who are greduates and have at least three years service as Assistants;
 vi) ministerial employees of the Minosteve of Tung Margins
- (1) 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 Annistants or in equivalent or higher grade for at least three years;

vii) Silkowars of the Traightion Department with at least five years gubabantive aboutce:

(14) "Under-Beveloped Areas" means Quetta new Valat Divisions, Lasbela District of Karachi Division, the Tribel Areas of Bera Ismail Khun and Peshawar Divisions, and such other greas 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) Terraildnrs, and

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b) Naib Teasildars.

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(2) There shall be Zonal Chars of rehaildors and Divisional Cadres of Maib Vehuildars, members of one cadre hot being eligible, save as provided in rule 14, for appointment to a post borne on thy other Cadre of the service.

Appointing Authority - Recruitment to the Service shall be made -

a) in the case of appointments to the posts of Naib Tensilders, 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,

1) Where the appointment is to be made by initial recrutiment, by the leads of Revenue; and

id) Where its appointment in to be made stherwise than by infilial recruitment, by the Revenue Scher, vide Notifi: Ho.SQXVEIL-I-24/63; dated that the Lates (P 140)

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

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In the case of Nalb Schafldars- (a) sixty per cent of the vacancies shall be filled in by initial recivition of which ten per cont shall be reserved for ex-servicement, and;

(b) the remaining vocumeles shall be filled is by selection on merit from the subordinate service in the Division where the vacancies occurs, preference being given to persons with settlement, experience.

In the case of Tensildors - (n) three-fourth of the vecancies shall be filled in by selection on merit with particular reference to fitness for higher responsibilities from among Naib Tensildar; 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 (id) outputs (2) did to a service; , and

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(iii) sub-rule (2) shull be deleted.

NO. SUILLSEGADI	3~15/78(Vol:1)	તેમાં હતી	15.5.1984.	19.3.1986 and	
•		•	1.2.1	989.	

mernou of regratement - (1) Recruitment to the Service shall be mide by the following methods :-In the case of Naib Tchuildars - (a) fifty percent of Τ. the vacancies shall be filled by initial recruitment; and ъ) the romaining 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 Scillemont experience; In the case of Tchsildars - (a) fifty percent of the ТТ. vacancies shall be filled by initial reorultment; នភាភ b) the remaining vacancies shall be filled i) by selection on merit with particular reference to fitness for higher responsibilities from among Naib Tehsilders in the Zone where the vacancies occur: it) by selection on merit from among Additional Tehnildars of the Rehabilitation and Re-Settacment Departments in the Zone why, we the vacancies occur, with at least five years experience of Revenue work, preference being given to persons with Settlement experience; til) by selection on merit with particular reference to fitness for higher responsibilities from among the holders of posts in the subordinate service in the Zono where the vacancies odcur, profederes berug given in the case of Sadar Kanungos, to persons with dettlement experience. EXPLANARION - Ministerial employees of the Bourd of Revenue/ Directorated of Land Records cligible for appointment to the posts of Tebsildars and Maib Tebsildars under the provision of clauge T(b) and IT(b)(111) shall, for the purposes of the said clause, be deemed to belong to the Division and Aone Forpectively In which their Home District is situate. (2) At least three-fourths of the vacousics to be filled otherwise than by initial recruitment shall be filled -(a) in the case of Maib Tehsilours, from among the Kanungos and Additional Naib Tehsildars; and (b) in the care of Tehaildors, from among the Nath Fahaildars and Additional Tehsillurs. (3) Vacancies to be filled by initial recruitment shall be reserved -(a) in the case of posts of Maib Tchsildars for bonafide residents of the Division where such vacancies occur; and (b) in the case of posts of Tebsildars, bonafide residents of the Some where such vacancies occur, (1) twenty percent of such vecancies shall be filled on murit from among candidates dominiled in any part of West Enkisten; 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 (1i)the remaining such vecanches shall be reserved for bourfide residents of the Zone specified in the Appendix, in proportion to their population according to the consus tigures; provided that is no outable condidate is available from the Zone to which a vacancy is allocated under this clouge, 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 thral end agricultural bala. Agricultural belg. EXILABATION - All hereditary proprietors or tenure holders of agricultural land and persons mairly dependent there on and residing including the sons of such parsons, shall be reparded as baving an agricultural and rural bais. Candidates claiming to fall, in: this category shall produce a certificate to this effect from the Deputy Commissions (Collector of their frequentive Districts in Form A to thead rules.

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Now rule 6. The following rate shall be substituted namely :-

‼6. AGE':⇔

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We perpon shall be appointed to the service ' unless -

- w) in the case of appointment by initial recruitment, he is more than twenty-one years and leave than twenty-eight years of age on the lat 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 lat of January of the year in which the appointment is made

by initial recruitiont -

i) the upper ace 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;

di) in the scale of a perfor whose pervices 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. SORT(S&GAD)3-16/78(Vol:I), dated 19th March, 1986.

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

"(1) by thitid recruitment unless he holds a dequee from a recognized University; and

(11) by promotion, except as provided in sub-elaune(b) (v) and (v1) of clause 13 of rule 2, miless he holds Secondary Johool Certificate from a Board of Education" shall be substituted.

Ro. SOR1 (S&GAD) 3-16/78 (Vol:1), deted 15th May, 1984 and 42th August, 1985.

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bra invitesion wetal a di bolosies enceraq (A) in the case of members spootned by initial recruthment, instants of the bard of here solves in the bard of the

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(c) In come 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 shull runk senior to the official appointed bathloga laistif of the official of a temporary vacancy.

PART - CONDUCTORS OF CRAVED.

EXTLANATION - Official projection, to may be allowed to count the totation of the part of the projection.

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τ) [] η ασαφ το ίμια been αρριτητίας δη ππάτων τεαπάτωση μάματις.

11) In chae he hus been appointed otherwise, revert him to the the transfer of the dest or the bound of the dest or the solution of the dest or the dest or the solution of the dest or the dest of the dest o

iii.) artond the period of protecton by a period not exceeding. . Whree yeeks in all, if the caus of protection by a period by thitical whree yeeks and the years in all, in the case of pername recution recontende, and the years in the same of the case of pername where a is call they on the same of the case of pername recontender of the period of a suplex of the second of the same of an in the case of the second of the second of a suplex of the second of the same of the same of the second of the second of the same of the second of the second of the second of the same of a suplex of the second of the same of the same of the second of the second of the second of the same of the second of the second of the second second of the second of the second of the second of the second second of the second of the second of the second of the second sec EXPLANATION-I. If no orders have been made by the day following the completion of the initial propationary period, the period of the probation shall be decound to have been extended.

EXPLANATION-TI. 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

(4) No person shall be conformed in the service unless he subcessfully completes such training and passes such departmental examination as may be protectived by Covernment from time to time.

(5) If a member of the service fulls to complete successfully day training or pass any departmental examination prescribed under, sub-rule (4), within such period of 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, disponsible his services; and

b) in case he has been appearted otherwise, revert him to his former post, and if there be ro such post, disparse with his services.

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

a) transfer anywhere in West Fakistan; and

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

12. GENERAL RELES - in all arbitra not expressly provided for in these vules, members of the service shull be governed by such rules as have been or may hereofter be prescribed by Government and made applicable to them.

13. REDAXIVION - Any of thesis rules may, for reasons to be recorded in writing, be relaxed in individual cases, if Governie at is natisfied that strict apply sation of the rule would cause induce hardship to the individual concerned.,

Provided that whereever such relaxation tryolves, a question on which computation with Commission is mandatory the Commission shall be consulted before the relaxation is made.

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

15. Powers of Covernor to saleguard rights of Covernment Servertewhenever 10 the application of these rules, the torus and conditions of service of any person serving in connection with the affairs of the Province of West Fakisten, as plarenteed by any, law for the time beingtin force, are likely to be adversely affacted the Governor of West Pakistan shell make appropriate orders to safeguard the constitutional and legal rights of such i percons.

> 3) order of the Soyoinor of West Tall: S. FIDA HASSAN Chief Scorebary to Governmont of WEST FALISTAN

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AFFENDIX (See Hules 2(15) and

Hulep 2(15) and .5(3)(b)

AnnexUre-

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

NOTUFICATION

DATED, PESHAWAR, THE 27th NOVE MB1 No. 27944 / Ad-I- In pursuance of the provisions contained in Sub-rule (2) of rule 3 of the North-West Frontier Province Civil Sérvants (Appcintment, Promotion and Transfer) Rules, 1989, read with the Cabinet Division Notification No. SRO 475(1)/2001, date: 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 frown 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.

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

- 20

Dated: 27-11-200%

A copy is forwarded for information and necessary uction to -

- 1. The Secretary's to Govt: of NWFP:-
 - (1) 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.

N4

- 6. The Private Secretary to Minister for Revenue, NWFP.
- 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 SECRATARY TO COVE OF THE NWEP, REVENCE DUP ARTMENT

Annexire-

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

Peshawar dated the 30/03/2011*

Recollent of the plat

11. <u>10</u> <u>10</u> <u>10</u> <u>1</u>/Admit/J/296/Amendment. In pursuance of provisions contained in Cub-Rule (2) of rule 3 of the North West Frontier Province Civ-Convents (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & butate Department in consultation with the Establishment and Finance Departments beliefy directs that in this Departments Notification No. 32102/Admit/135/SSRC, dated to 10,2008, the following further amendments shall be made, namely :-

AMENDMENTS

In the Appendix -

Note-

(ii)

Note:

1. Sec. 1.

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

(b) Ry promotion on the basis of seniority-cumfitness in the following manuer:

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

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

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.

The officials in sub-clause (ii), so promoted schall undergo Settlement / Revenue Training and pass'"Kanungo Rettificate Examination."; (2). after serial No. 1, as so amended, the following new entries shall be inserted in the respective columns, namely;

<u> </u>	2	3	۷).	5	6.	7 :
"1-A	Reader to		-		-	By transfer from
	Senior	ļ				amongst
	Member /					Tehsildars and,
	Members					
	Board of		·			;
. •	Revenue					

(3) against <u>(SNo. 25</u> 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.

> 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

> twenty percent from amongst graduate the offices of Assistants of Additional Commissioners, Commissioners District Coordination District Officer Officers, (R&E)/Collectors, and Executive District Officers (F&P), Political Moharries of the office of Political Agents and Assistant Political Agents (FR), with at least five years service as such.

Note:

(i)#

(ji)

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 Tehsildari and Naib Tehsildar Departmental Examination and Training Rules, 1969 shall remain intact;

han

SECRETARY.

1,2,4,2,9 /Admin:1/1/296/Amendment Barla 12390-

Copy torwarded 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.
- 4. Secretary to Government of Khyber Pakhtunkhwa Law Department.
- 1 Constany Ehyber Pakhtunkhwa Public Service Commission.
- 1. Cogistian Poshawar High Court.
- 6 Accountant General Khyber Pakhtunkhwa.
- 7 All Commissioners / Political Agents in Khyber Pakhtunkhwa.
- E All Physics Officers (R&E)/Collectors, in Khyber Pakhtunkhwa.
- 9 Private Cecretary 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.

Julmil reno

DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA REVENUE & ESTATE DEPARTMENT GOVERNMENX

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Extraordinar



REGISTERED NO. PIII

AnnexUre

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 00000000000, 00TH SEPTEMBER, 2012.

GOVERNMENT OF KHYE ER PAKHTUNIKHWA UOARD OF REVENUE/REVENUE & ESTATE DEPARTMENT

<u>NOTIFICATION</u>

Dated Peshawar, this 2nd December, 2011.

No. Estt:///296/Amondment/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 & Estatu Department in consultation with the Establishment, Finance and Law Departments hereby directs that in this Department Notification No. 32102/Admin://135/SSRC, dated 26-12-2008 read with Notification No. 12389/Admin://296/Amendment, dated 30.03.2011, the following further amendments shall be made, namely:-

AMENDN ENTS

in the Appendix:-1. Tehslldar (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 porcent by initial recruitment, through Public Service Commission, based on the result of a Competitive Examination conducted by it in accordance with syllabus, and Sixty percent by promotion, on the basis of joint teniority-cum-fitness (b) , from amongst Naib-Tehsidars, District Revenue Accountants, District Kanungos and SLb-Registrar with at least five years service. 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 yearsservice. 2 Nalb Tehsildar (BPS-14) Against S.No. 2, in column No. 7, for the existing entries, at clause (b), (c) and (Divisional Cadre) (d), the following shall be substituted, namely: (b) Twenty five percent by promotion, on the basis of seniority-cum-fitness from amongst Kanungos will) at least five years service as such and have passed the departmental examination of Naib Tenslidar. Twenty-five cordint by promotion on the busis of Joint seniority-cum-(C) 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.

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		(d) The official so appointed shall successfully complete Settlement/ levenue training and pass Kanungo Certificate Examination
		EXPLANATION:- Min-sterial employees of the Board of Revenue eligible fro appointment to the rost of Nalb 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.
:3	Distrit Kanungo (BPS-14)	Note:- Vacancy in a division will be filled on respective divisional basis. Against S.No, 3, in column No. 7, for the existing enfries, the following shall be substituted, namely:
		By selection of seniority-cum-fitness with due regard to seniority from amongst intermediate passed Kanungos with at loss to 3 years.
4.	Head Clerk (Revenue) BPS-14 (Divisional cadre).	Against S.No. 4; in column No. 7, for the existing entries, the following shall be substituted, namely:
		Assistant having dealt with revenue or acquisition matters for at least 03 years:
5,	District Reven ie Accountant (BPS+14)	Against S.No. 5: In column No. 7, for the existing entries, the following shall be substituted; namely:
		By promotio) on the basis of selection on seniority from amongst Kanungos with at least 03 years service.
6:	Kanungo (BPS-9)	Against S.No. 6, In column No. 7, for the existing entries, the following shall be substituted, namely (
<u> </u>		By promotion, on the basis of joint seniority-cum-fitness, on District level from amongs, the patwarls/Tehsil Revenue Accountant who have passed, the Departmental Examination of Kanungo.
7.	Pátwari (BPS-5)	Against S. No. 8, in column No. 7, for the existing entries, at clause (a) and (b) the following shall be substituted, namely:
•		(a) By initial appointment from amongst the Patviari 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.
		(b) Successfully completed 09 months Settlement training. This condition will be applied be w.e.f. January, 2014.

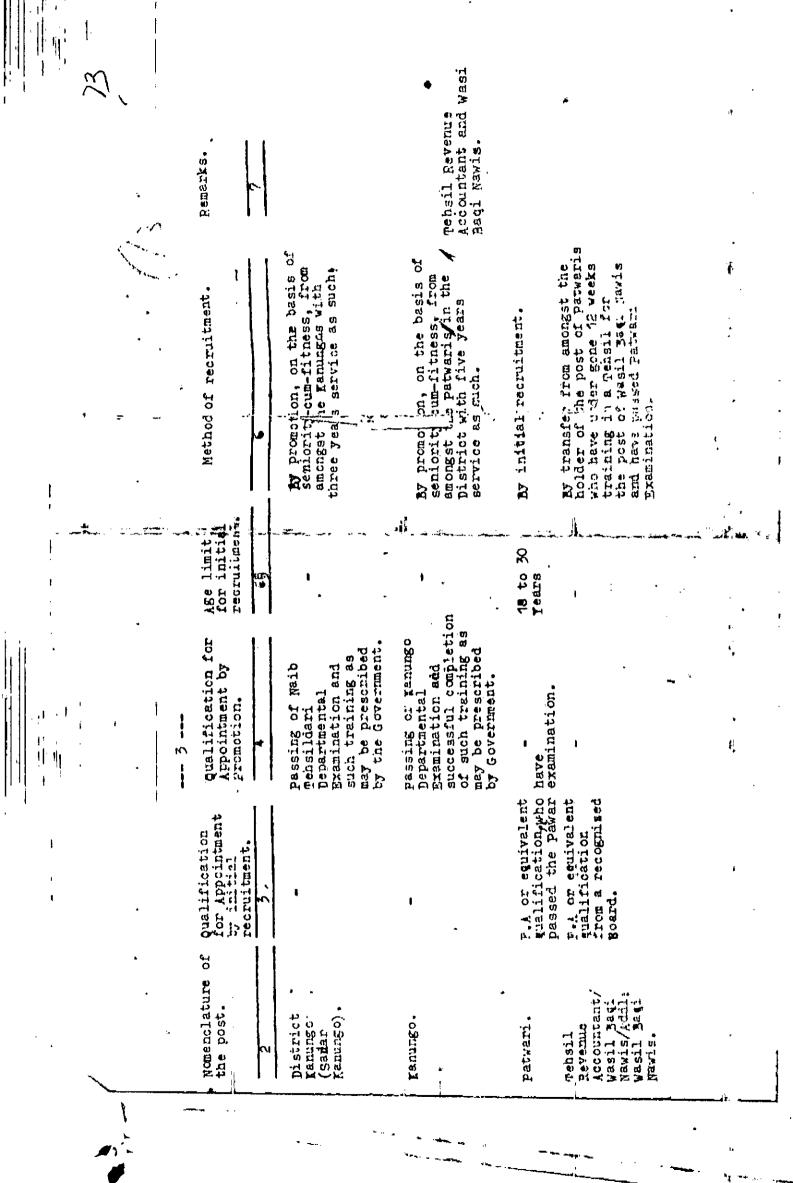
Sd/-x-x-c SECRETARY.

Printest and public test by the Manager, State & Pth. Dept. Kinder Parationshina, Poshawar,

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	À	APPENDIX BOTHELATE	and the second	• • • - •	· ·
The post.	for Appointment a	alification for . pointment by comotion.	for initial recruitment.	Method of recruitment.	Accarga.
reheilder	from a Exa recognized Suc University. of be	4 sing of Tehsidari ertmental mination and cessful completion training as may prescribed by Government.	5 21 to 28 Years. (b (c	 50% by promotion on the of senitrity-cum-fitness amongst (aib Tehsildars; the remaining 30% vacance shall be filled in by selection) 	basis seniority from list of and personnel of ies Subordinate
1) ir ir	NOTIFICATION NO. 2 n the entries in col	3428/Admn:1 dated		on merit irom amongst; (4) Assistant; and Senior So Stenographers working The officevof Board of Revenue and District Collectors who are grad and have atleast three	cale of promotion against 30% in quota of the to post of the to Tehsildars duates shall be-
(8)	for the existing and (ii), the fol namely:	entries of sub-clau lowing shall be sul	uses(i) bstituted	 (ii) District Kanungos with atleast three years set as such; and (iii) Head Clerks (Revenue) in the District Collector) 	reference to 7 their rvice respective date of in <u>eligibility</u> .
	Land Becords & H and Junior Scale of District Offi graduate & have as such, and	Board of Revenue, D colitical Agents, g Stenographers of Cers, (R&E)/Collect at least five year	irector Assistants the offices tors, who are a service	offices with at least three years service as Deleter	such; so appointed "as Tehsildar shall undergo a training course in the Revenue School shal have to pass the prescribed examinati
(b)	SEIVICE AS SUCH Clause(iii) shall	be deleted.		and 	Hithit

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						43-5
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	Nomenclature of	Qualification	Qualification for	1 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1		
· ř	the post.	for Appointment. by initial	Appeintment by Promotion.	Age limit	Method of recruitment.	Benarks.
	2	recruitment,		initial recruitme 2		
	Naib Tebsildar	Graduation from			6	7
		" a recognized University.	Passing of Naib Tehsildari Departmental	21 to 23 ·	(a) 50% by initial recruitment, of which	t and the second se
		g	Examination and such training		10% shall be reserved for ex-	ran di
			as may be prescribed by the Government.	Ì	service.man, through Public Service	
	NCTIF	TCATION NO. 23428/	Admn:I dated 31-10-2	000	Commission based on the result of a	
	3 N · · ·		gainst serial Nc.2.		competitive examination conducted by it in accordance with the	і
ĺ	(a) in clause	(b). for the words	alfive veench the) ords	syllabus.	
			erituted. ing shall be substitu		(b) 38% by promotion on the basis of seniority cum- fiture for a fiture	· · · · · ·
4	(C) 1276	by selection on me	mit from omonost		fitness from amongst Kanungos in the	Ì
	- Dire	Ctor Lend Decorde	ners of Board of Re	venue,	five vears service as	
f.	in t	he offices of nist	Tirt Officer(Derest	enceraphers	(c) 125 by selection on	•
				20 3	. Assistants and Steno-	Montra -
2 2 2	existing	entries as amended	added in column 6 h above, namely;	pelow the '	A offices of Board of	"The official so
					Collectors and Director Land Pecords who have	TEHOYYGGY DUGYY
•,		•		14	G five years service as such;	undergo a training course in the Revenu
an and a sector as		ب مهم م		-		School have to pess
				14.	¢.	examination within the probationary
					· · · · · · · · · · · · · · · · · · ·	period"

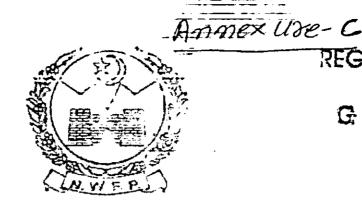


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EXTRAORDINARY

GOVERNMENT



REGISTERED NO. PIII

GAZETTE

North-West Mrontier Frovince

Published by Authority

PESHAWAR, WEDNESDAY, 4TH FEBRUARY, 2009.

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

NOTIFICATION Peshawar, dated 26th December, 2908

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) Rule. 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 spin appendix:-

		N-W.F.P. GO	VERNMENT GAZI	ETTE EXTR	
<u> </u>			APPENDIX		
5. N. 1972	3 inting athority	4 Minimum Qualification for appointment by Ini ⁺ ial recruitment or by transfer	Minimum Qualification For appointment by Promotion.		is had of recruitmen
1 Tebs tor	Ad ain istrative 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.	for initial	(a) Twenty percent by initial recruitmen (b) Sixty percent by promotion, on the t cum-litness from amongst the Graduat with at least Five Years Service as such Graduation will be applicable after fiv date of issuance of this Notification; and
					(c) Twenty percent by Promotion, on t Seniority-cum-fitness from amongst Assistants/Senior Scale Steragraphe Revenue NW r'P Director Land Record Appellate Court/Sub-Registrar with at Service as such.
2. Naib Tehsildar (27** 11)	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) Fifty percent by initial recruitment Public Service Commission based on Competitive Examination conducted by with syllabus, and (b) Thirty percent by promotion, on the l cum-fitness from amongst Graduate K least Five Years Service as such, who Departmental Examination of Naib cumdition of Graduation will be applicab from the date of issuance of this Notification
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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.

والمستعمين والمعالي المعجور والالا

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.

Through

Appellant 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 noting has been concealed from this honorable court.

Deponent

rict Court Pe

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IN RE; C.M.NO. \2014

IN Service Appeal No.752/2013

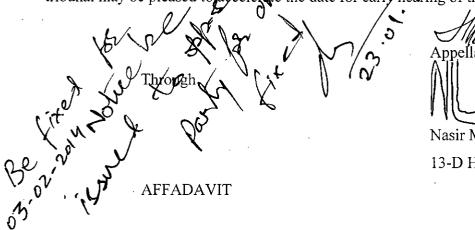
Habibullah WazirAppellant Versus

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.



ellant Nasir Mahmood Advocate,

13-D Haroon Mansion Peshawar

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.

l'ut up to the Court with relevant appeal 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

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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

nnellant Nasir Mahmood Advecate,

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.

ut up to the Court with relevant appeal. Const. -Deponent Court Pas

BEFORE THE SERVI	ICE TRIBUNAL K	LPK, PESHAWAR		'n
IN RE; C.M.NO.	\2014			1
IN Service Appeal No.	.752/2013	. •		
Habibullah Wazir			Appellant	
	Ver		. .	
1.Govt. of KPK and ot	hers		Responden	its
·		v		

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 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.

int up to the Court with relevant appeal. (min. Deponent Court Pe

Before The Service Tubunal Perhawar Source Appeal No. 894 / 2013 Hobibullah V/S Chief Secretary & others Application On Behalf of Kespandent No. 1 & 3 For Keliance On the Reply Alseady Submitted By SMBR(R.2) Kespectfully Sheweth, 1. That the titled case is pending before this Tribund which is Fixed tor taday i.e. 01/10/13 tor reply. 21. That the Respondent No. 2 (SMBR) has already submitted keply in the titled Case, in clear violation of Establishment Deptt. Rules, havener

· Respondent No. 1 and 3 Kely on the Keply alledy submitted by the Respondent No.2. It is thelefore humbly played that On acceptance of this application, Keply alleady submitted by Respondent No.2 may also be Cansidered On behalf of Respondent No. 1 (Chief Sectedary) and Respondent Nr. 3 (Secretary) Establishment Dept. Applicant Shakicullah 5.0 (Lt) EEAD Dated : 01/10/13

http://www.pakistanlawsite.com/LawQnline/law/content21.asp?Cas...

3006-5 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

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 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 leaned 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

http://www.pakistanlawsite.com/LawOnline/law/content21.asp?Cas...

reproduced hereunder:--

Dovernment of the Punjab Services, General Administration and Information department

NOTIFICATION

1.18

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:--

	-					
	of Appointing Qu	alification for	Promotion	Method of	Age limit	-
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		cruitment or by			Min Max	
		ansfer			<u></u>	4
	4 5		6	7	89	
3	Director of	(i) B. Tech. Pass	s or equivalent	By initial	19 35 Not	e: Only
SST (Tech) BS-16	Education	auglification OR	M.Ed. (Tech.) recruitment		idates will for
	(Schools)	Industrial Arts)	OR M.A. (Tec		shall recruitmen	nt who are
	concerned	Edu.) (Industria Matric with Dip	Arts) UK (1) Jome in Indust	rial he filled from	m bona fide	residents of
	,	Arts. Edu. from	Government	amonesiau	110 0 10 10 10 10	
		Technical Teac	hers Training	service tead	hers vacancies	exist.
		College, F.Aba	d	possessing	the	
				qualification prescribed	n for	
				initial		
		· .		recruitmen	t in	I
				column 5.		
•		with 2 years to	eaching exp. fr	om a By initial	18 35	
		Government I	nstitution after	recruitmer		
		acquiring the l	diffication, F.A.	with provided f	that	
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12.	DEO(M)		ct with Arabic	amongst i		
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(Malar)		lgbal Open		qualificat prescribe		
(Males) BS-9		University/	sity OR Honor			
20 -		Agri. Univer	teachers Traini	ing recruitm	ent in	
		Course		column :	5.	
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	DEO(F)	from A llama	Jobal Univers	ity/Agri		
13.	222(1)	1 Iniversity (University OR Ilonour in Arabic from recognized University Board and O.T.			
			University Boa			
		-do-		-do) - ·	
Arabic Teachers	concerne	u			18	35
(Female) BS-9						

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

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3 of 4

12/11/2013 9:08 AM

The material and the second second Before the Survice Tubunal Perhawai Savice Appeal No. 814 (2013 M. Ayaz V/S Chief Secretary & others Application On Behalf of Kespendent No. 1 & 3 For Keliance On the Reply Alleady Submitted By SMBR(R.2) Kespectfully Sheweth, 1. That the titled case is pending before this Tribund which is Fixed For taday ".e. 01/10/13 tor reply. 21. That the Respondent No. 2 (SMBR) has already submitted septy in the titled Case, in clear violation of Establishment Dept. Rules, havener

Respondent No. 1 and 3 Kely on the Leply alkedy submitted by the Respondent No.2. His therefore humbly played that On acceptance of this application, Reply alleady submitted by Respondent No.2 may also be Considered On behalf of Respondent No. 1 (Chog Sectedary and Kaspandent Nr. 3 (Secretary) Establishment Deptt. Applicant Shakikullah 5.0 (Lt) EEAD Dated : 01/10/13

Before the Service Tubunal Perhawar Savice Appeal No. 814 / 2013 M. Ayaz V/S Chief Secretary & others Application On Behalf of Kespandent No. 1 2 3 Far Keliance On the Reply Already Submitted By SMBR(R.2) Kespectfully Sheweth, 1. That the titled case is pending before this Tribunal which is Fixed For taday ".e. 01/10/13 tor reply. 21. That the Respondent No. 2 (SMBR) has already submitted keply in the titled Case, in clear violation of Establishment Deptt: Rules, havener

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Beple The Service Tubunal Perhawar Source Appeal No. 2 12073 Habibullah 1/5 Chief Secretary & others Application On Behalf of Kespandent No. 1 2 3 Fac Keliance On the Reply Alserdy Submitted By SMBR(R.2) Kegpectfully Sheweth, 1. That the titled case is pending before this Tiebund which is Fixed Far taday ".e. 01/10/13. For reply. 21. That the Respondent No. 2 (SMBR) has already submitted kepty in the titled Case, in clear violation of Establishment Deptt: Kules, havener

et and have a construction of the

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

IN RE: AMENDED SERVICE APPEAL NO 752/2013

VERSUS

- 1) Govt: of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
- 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.

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 Amj

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

VERSUS

- 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)	Maha ID C		

- 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

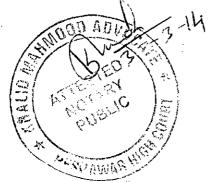
Through Counsel Amijkl) Klian

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.





BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE C.M No \2013

IN S.A NO. 752 \2013

Habibullah Wazir.....Appellant.

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

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.

Tda Mohammad Banzash 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

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.

ppellant

Through

ir Mahmood Advocate

13-D Haroon Mansion Peshawar.

Affidavit

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

d Bangash ocate Notary Public Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

<u>VERSUS</u>

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.

Å

- 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 2001were 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).

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.

<u>ON GROUNDS</u>

14.

- 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.

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 Hom'ble Tribunal

Service Appeal, P-I 234

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.

 \mathcal{S}

SECRETARY TO GOVERNMENT OF THE NORTH-WEST FRONTIER PROVIN REVENUE DEPARTMENT

Z.

3.

1 COMPANY 27945-51

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

The Secretary's to Govt: of NWFP:-

E&A Department. (1)

Finance Department. (ii)

(iii) Law Parliamentary Affairs Department.

The Secretary's NWFP, Public Service Commission.

The Registrar, Peshawar High Court, Peshawar:

The Accountant General, NWFP Peshawar. а.

The All D.O (R/E)/ Collector, NWFP. 5

The Private Secretary to Minister for Revenue, NWFP. S.,

The Controller, Govt: Printing Press, NWFP, Peshawar with the Ϊ. request that the notification may be published in the official gazette and to supply lifty printed copies to the undersigned.

DEPUTY SECRETARY TO GOVT: OF THE NWFP, REVENUE DEPARTMENT

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-					APPENDIX		· · · · · · · · · · · · · · · · · · ·	· ·	· · · · · · · · · · · · · · · · · · ·
-	S.NO.	Nomenclatu the pos		qualification for Appointment by initirl recruitment.	Qualification for t appointment by Promotion.	Age limit I for initial recruitment.	Method of recruit	· · · · · · · · · · · · · · · · · · ·	Remarks.
	.1	2		3	4	5	. 6	·	<u>1969</u> 7
	1/	Tehsildar		eraduation from a recognised yniversity,	Passing of Tehsidari Departmental Examination and Successful completion of training as may be prescribed by the Government.	1	 b) 50% by promotion of senirrity-of senirrity-of amongst valb Technology the remaining shall be filled on merit from senir from	I recruitment:- ion on the basis cum-fitness from chsildars; and 30% vacancies. d in by selection amongst; ad Senior Scale	Joint seniority list of personnel of Subordinate
:		1)		the entries in clause (c) for the existi	N. 23428/Admn:I dated column 6 against ser: ing entries of sub-cla	rial No.1, .auses(i)	(ii) District Mar atleast three	l District who are graduates cleast three ce as such; nungos with ce years service	quota of the post of Tehsildars shall be caused with reference to their respective
				and (ii), the namely;	following shall be su	substituted	as such; and iii) Head Clerks the District	(Revenue) in t Collectorts	date of eligibility. NOTE: The official
			(2	the offices Land Records and Junior S of District	& Senior Scale Stenogr of Board of Revenue,I s & Political Agents, Scale Stenographers of Officers,(R&E)/Collec have at least five yea d.	Director & Assistants of the offices ctors, who are	Delete	service as such; 2d:	so appointed "as Tehsildar shall undergo a training course in the Revenue School shall have to pass the
			(11)	i) District Kan Head Clerks(service as s	nungos,District Revenu (Revenue), with at lea such", and.	le Accountants ast five years	3 8.10 5	Ŵ	prescribed examinants, within the probable - nary period"
			(b)	clause(iii) st	hall be deleted.	. t	· .		

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comenclature of the post.	Qualification for Appointment by initial <u>recruitment</u>	Qualification for Appointment by Promotion.	Age limit for initial <u>recruitment.</u>	Method of recruitme	ent. Sentr	
2	3	4	5	6	-7	
aib Tehsildar	Graduation from a recognized University.	Passing of Naib Tehsildari Departmental Examination and such training as may be prescribed by the Government.	Years.	 (a) 50% by initial recruitment, of 10% shall be reserved for ex serviceman, th Public Service Commission base the result of a 	r- hrough don	*
?) in the entr (a) in clause	ies in column 5 a	Admn:I dated 31-10-20 gainst serial No.2. s"five years", the wo		 competitive exa conducted by it accordance with syllabus. (b) 30% by promotio 	mination in the	校
(b) for claus (c) 12% Seni Dire Agen in th	e (c), the follow by selection on m or Scale Stenograp ctor Land Records ts and Assistants he offices of Dist	ing shall be substitu erit from amongst Ass phers of Board of Rev and the offices of t and Junior Scale Ste trict Officer(Revenue years service as suc	sistants and tenue, the political mographers	basis of senior fitness from am Kanungos in the Division with a five years serv such; (c) (12% by selectio merit from amon Assistants and S	ity cum- ongst t least ice as n on gst teno-	·
(c) the follow existing (ving Note shall be entries as amended	e added in column 6 b 1 above, namely;	elow the	Gradiers workin Revenue. Distri Collectors and Land Febords wh	g in the <u>NOTE:</u> d of "The of ct appoin Director Tehsil o have underg	ficial so ted as Naib dar shall o a training
· · ·			·	V (1177 STROS Serv Such ;	- course School the pr examin	in the Reve have to pur escribed ation within chationary

		•				
A		-	ал на на на на на на			
	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		7
3/	pistrict Kanungo (Sa d ar 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 Kanungas with three years service as such,	
47/ 	Kanungo.	-	Passing of Kanungo Departmental Examination and successful completion of such training as may be prescribed by Government.	n	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,
	Patwari.	F.A or equivalent qualification, who passed the Pawar	have examination.	18 to 30 Years	By initial recruitment.	
	Tehsil Revenue Accountant/ Wasil Bagi Nawis/Addl: Wasil Bagi 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 it a Tehsil for the post of Wasil Bagi. Tawis and have passed Patwari Examination.	

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GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE REVENUE AND ESTATE DEPARTMENT

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

Peshawar dated the 12/2008.

Admn:I/135/SSRC. In purs ance 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:-

<u>Appendix</u>

1	2	3		8		
S.No	Nomenclature of the post	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
	Téhsildar (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

Ad-i-i) 67

2	3	4	5	6	7
Jab Tehsildar	Administrative	Second class	Second class	21-30 years	(a) Fifty percent by initial recruitment, through NW
(BPS 14)	Secretary	Graduation from any	Graduation from	For initial	Public Service Commission based on the result of
· · · · · · · · · · · · · · · · · · ·	(SMBR)	University recognized	any University	recruitment	Competitive Examination conducted by it in accorda
		by the Higher	recognized by the		with syllabus, and
1		Education Commission	Higher Education		
			Commission		(b) Thirty percent by promotion, on the basis of Senior
		· · ·			<u>- cum - fitness from amongst Graduate Kanungos with</u>
					least Five Years Service as such, who have passed
					Departmental Examination of Naib Tehsildar. 7
					condition of Graduation will be applicable after five ye
		· ·			from the date of issuance of this Notification.
					(c) Twenty percent by promotion, on the basis of jo
					Seniority – cum – fitness from amongst Junior Sc
		· ·	· · ·		Stenographer and Assistants in the office of Politi
					Agent and Assistant Political Agent Frontier Regio
-					Assistant / Junior Scale Stenographer of Ex – Depu
					Commissioner / Commissioners offices presently worki
					in the offices of DCO / ACO / EDO (F&P) and DO
- Alai			,		who are Graduate with five Years Service as such.
District Känungo	· - ·	-		-	By transfer from amongst Naib Tehsildar
(Saddar Kanungo)					
(BPS 14)					
Head Clerk	-	-	•	-	By transfer from amongst Naib Tehsildar
(Revenue)				·	
(BPS 14)					· · ·
District Revenue		-	<u> </u>	-	By transfer from amongst Naib Tehsilder
Accountant					
(BPS 14)					

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						<u>an an a</u>
· • /	~ <u>}</u> '	3	<u> </u>	5	6	
- 1. E -	anungo	District	-			By promotion, on the basis of joint Seniority -cum -
	(BPS – 09)	Officer		,	:	fitness, on District level from amongst the Patwaris /
	-	(Revenue &				Tehsil Revenue Accountant and Wasil Baqi Nawis who
	,	Estate)				have passed the Departmental Examination of Kanungo
	· /	/Collector,				with at least five Years Service as such.
	Senior Tehsil	-		-	-	By transfer from amongst Patwaris
-	Revenue	-		· · · · _		
	Accountant	1				
• -	(BPS 07) and		, , , , , , , , , , , , , , , , , , ,		· · ·	
	Junior Tehsil		,		· · · ·	
.	Revenue		,	•		
	Accountant Wasil	· · ·	· · · · · · · · · · · · · · · · · · ·		· .	
	Baqi Nawis /					
	Additional Wasil	.:.	·			
	Baqi Nawis	·*.			•	-
	(BPS - 05)				-	
<u> </u>	Patwari :	District	Intermediate or	18 to 30	By initial	By initial appointment for amongst the Patwari passed
	(BPS - 05)	Officer	equivalent		recruitment	candidates entered in Register maintained by the District
- I	$\nabla \mathbf{P} \mathbf{S} = \nabla \mathbf{J} \mathbf{J}$	(Revenue &	qualification, who have			Collector of the District Concerned having one year
	, *.) \$	Estate)	passed the Patwari			diploma in information technology from any institution
)	/Collector,	Examination having			recognized by Board of technical education. The
	1					condition of diploma will be applicable after three years
Į	1		one year diploma in			from the date of issuance of Notification.
	1		information technology			from the date of issuance of inourication.
	. 1		from any institution			
	1		technology from any			
	ł	1	institution recognized			
	- 1		by Board of technical			
	Ţ		education			

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

/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

Deputy Secretary Government of NWFP Revenue & Estate Department

GOVERNMENTOF 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-cumfitness in the following manner:

 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:-

- e:- 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

Noie:

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		-	-	1 -	By transfer from
	Senior .				1	amongst
	Member /			Į	1	Tehsildars and;
	Members				1	:
	Board of					
	Revenue			<u> </u>	<u> </u>	

(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

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

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

twenty percent from amongst graduate the offices of Assistants o,f Additional Commissioners: Coordination District Commissioners Officer District Officers, (R&E)/Collectors, and Executive District Officers (F&P), Political Moharrits of the office of Political Agents and Assistant Political Agents (FR), with at least five years service as such.

Note:

(b)

(i)

(ii)

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;

SECRETARY

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 Kl:yber Pakhtunkhwa Law Department.
- 4. Secretary Khyber Pakhtunkhwa Public Service Commission.
- 5. Registrar Peshawar High Court.

No.

6. Accountant General Khyber Pakhtunkhwa.

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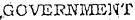
dmn:I/I/296/Amendment

- 7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
- 8. All District Officers (R&E)/Collectors, in Khyber Pakhaunkhwa.
- 9. Private Secretary to Minister for Revenue Khyber Pakhunkhwa.
- 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.

NOR

DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA REVENUE & ESTATE DEPARTMENT

EXTRAORDINAP!"



in the Appendice,



REGISTERED NO. PIII

GAZETTE Annek-E

19

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, 000000000000, 00TH SEPTEMBER, 2012.

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

NO ILICATION

Dated Peshawar, the 2nd December, 2011.

No. Estt:///296/Amendment/29174.—In purs rance of provisions contained in Sub-Rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rulus, 1989, the Revenue & Estate Department in consultation with the Establishment, Finance and Law Departments hereby directs that in this Department Notification, No. 32102/Admn://135/S3RC, dated 26-12-2008 read with Notification Nc. 12389/Admn://296/Amendment, dated 30.03.2011, the following further amendments shall be made, namely:-

AMENDMENTS

:		
1	Tehsildar (BPS: 10)	Against S.No. 1, in ce umn No. 7, for the existing entities, at clauses (a), (b) and (d), the following of all bo substituted, namely:
! •		(a) Twenty purcent by initial recruitment, through Public Service Commission, Jased 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 amorgst Halb Tehsidais, District Revenue Accountants, District Kanuugos 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 Lind Settlement & Consolidation Department) Commissioners, DOR find. Polltical Agents and Senior Scale Stenegraphers of the offices of Board of Revenue, Commissioners, Additional Commissioners, DCOs and Political Agents having five years service.
1	2 Naib Tehsildar (BPS-14) (Divisional Cacto)	(d), the following shall be substituted at manifest
		(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.
		Twenty-five percent by promotion on the basis of joint seniority-cum- fitness from ar rongst Assistants of the office of BOR, Commissioners, Additional Commissioners, DCOs, DOR office and Executive District Officers (F&P), with at least five years service, Political Moharrirs of the office of Politics' Agent/Assistant Political Agents, with 10 years service.

21c Ma

KHYBER PAKHTUNKHWA GOVERNMENT GAZEFFE, EXTRAORDINARY, 29th SEPTEMB 71 DEFON official so (d) The appointed shall successfully Settlement/Revenue training and pass Kanungo Examination. EXPLANATION: - Ministerial employees of the Board of Revenue e. 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 divis zone respectively in which their home district is situate. Note:- Vacancy in a ofvision will be filled on respective divisional basis. Against S.No. 3, in column No. 7, for the existing entries, the following shak Distrit Kanungo (BPS-14) 3 substituted, namely: By selection on seniority-cum-fitness with due legard to seniority from amongst Interniculate passed Kanungos with at lenst 03 years. 4. Hond Clork (Rovenue) Against S.No. 4, in citium No. 7, for the existing entries, the following shall be **BPS-14 (Divisional cadre)** substituted, namely: \ Assistant having dealt with revenue or acquisition matters for at least 03 years. 5. **District Revenue** Against S.No. 5, in column No. 7, for the existing entries, the following shall be Accountant (BPS-14) substituted, namely: By promotion on the basis of selection on seniority from amongst Kanungos with at least 03 years-service. Against S.No. 6, in column No. 7, for the existing entries, the following shall be 6. Kanungo (BPS-9) substituted, namely: By promotion, or 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. 7. Patwarl (BPS-5) Against S.No. 8, In column No. 7, for the existing entries, at clause (a) and (b) the following shall be substituted, namely: By initial appointment from amongst the Patwari passed candidates (a)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. Successfully completed 09 months Settlement training. This condition (b) will be applicable w.e.f. January, 2014.

> Sd/-x-X-): SECRETARY.

Printed and published by the Manager, Staty, & Pig. Ought, Khyber Pablitunkhwa, Poshawar,

etv. Mhy

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.752\2013

.....Appellant Habibullah Wazir.....

Versus

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

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;

Para-lof the reply needs no rejoinder.

In reply to para-2 it is submitted that the performance of the appellant is like shinning 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.

2. 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.

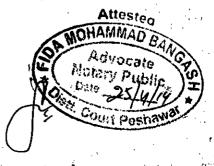
Through

nellant Nasir Mehmood Advocate \$515/14

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.



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-1of the reply needs no rejoinder.

In reply to para-2 it is submitted that the performance of the appellant is like shinning 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.

Appellant

Through

Nasir Mehmood Advocate **25** *P*// 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.

eponent



) § BEFORE THE SERVIC				Bench NO.I
M DEFORE THE SERVIC	E IRIBUNAL K	rk, peshawar	e e e e e e e e e e e e e e e e e e e	
IN RE; C.M.NO.	\2014	•		A.W. Preview
IN Service Appeal No.75	52/2013			
Habibullah Wazir	••••••		År	$\begin{array}{c} \hline \hline$
,	Vers	sus		• .
1.Govt. of KPK and othe	ers		R	espondents

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.

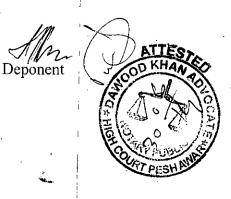
Through

Appellant 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.



ار مرتبون مایی نے لیتا ور بعدالت من Appellant 1:5:2 11/02/2015 vie برتندوز/بنام كورمند فراف اي س مقدمه دعونى ج م Serve Appeal. ماء في تحرير آكر مقدمة مندرجة عنوان بالامين الني طرف ف داسط بيروى وجواب داى دكل كاروائى متعلقه من كل من فر مارين آن مقام مسلم مرسب كيليخ صب والرجمن در **الروكم من سبب من كل مارين** مقرر کر بے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار: وگا۔ نیز وکیل صاحب کوراضی نامه کرنے وتقرر ثالت ہ فیصلہ برحلف دیئے جواب دہی اورا قبال دعو کی اور بصورت د گری کرنے اجراءاورصولی چیک درویہ ارعرضی دعوی ادر درخواست ہوشم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈ گری یکطرفہ یا اپل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی د پیروی کرنے کا اختیار ہوگا۔از بصورت ضرورت مقدمہ مذکور کے کل پاجز دی کاروائی کے داسطےاور دکیل پامختار قانونی کواپنے ہمراہ پااپنے بجائے تقرر کا اختیار ہوگا۔اورمیا حب مقررشدہ کوبھی وہی جملہ ندکورہ بااختیارات حاصل ہوں سے اوراس کا سا خبتہ پر داخته منظور قبول ہوگا۔ دوران مقدمہ میں جوخر چہ دہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہویا حد ہے باہر ہوتو دکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔لہذادکالت نامہ کھوریا کہ سندر ہے۔ المرقوم <u>ال فرمرون</u> 2015 کے لئے منظور ہے / شراور بمقا aster

A CARLES AND A STATE Ph: 9220581. REGISTERED Fax:9220406. No. C.A.955/2015-SCJ (Imp) Supreme Court of Pakistan Islamabad. _Oct., 2015. From The Registrar, Supreme Court of Pakistan, Islamabad. То A.W.F. Frevill Borvice Tribus

The Registrar, KPK Service Tribunal, Peshawar. % DRD1

Phony No. Catal.

Subject:-

<u>Civil</u> 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.

10/15.

Encl: Judgment:

Yours faithfully

(NAZAR ABRAS) ASSISTANT REGISTRAR (IMP) FOR RECHSTRAR

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updt:

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

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Superintendent Supreme Coult of Pakistan Islamaaad CP 800/15

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

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CP 800/15

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. If Sarmad falal amany



Certified to be True Copy Suprem nahad

Muhamman Klan

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

1539 No /ST

<u>/ð</u> :_/2015 Dated 7

The Registrar, Supreme Court of Pakistan, Islamabad.

Subject:-

To,

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.

OC

REGISTRAR[~] KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.