


07/09/2017


Due to general strike of the bar and bench is incomplete,  
the case is adjourned for arguments on 31/10/2017 before DB.

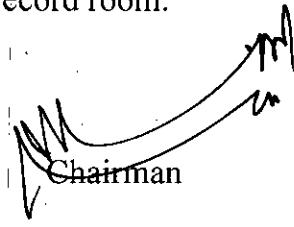
  
MUHAMMAD HAMID MUGHAL  
MEMBER

31.10.2017

None is preset on behalf of the appellant. Even on previous date i.e. on 16.05.2017, none was present on behalf of the appellant. Called several times till last hours of the court but none appeared on behalf of the appellant. Mr. Usman Ghani, District Attorney for the respondents present.

In view of the above, the present appeal is dismissed for want of prosecution. File be consigned to the record room.

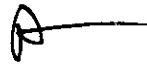
  
Member

  
Chairman

ANNOUNCED  
31.10.2017

24.08.2016

None for the appellant present. Mr. Muhammad Jan, GP for respondents present. Fresh notices be issued to the appellant and his counsel. To come up for rejoinder and arguments on 29.12.2016.



Member



Member

29.12.2016

Counsel for the appellant and Addl. AG for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 16.05.2017 for rejoinder and arguments before D.B.

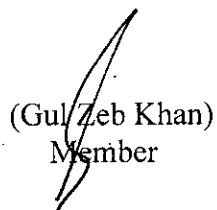


Chairman

16.05.2017

No one present on behalf of appellant. Mr. Kabir Ullah Khattak Assistant AG for the respondents present. Notice be issued to the appellant and his counsel for attendance. To come up for arguments on 07.09.2017 before D.B.

Note  
Always



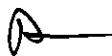
(Gul Zeb Khan)  
Member



(Muhammad Amin Khan Kundi)  
Member

01.09.2015

Clerk of counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk of counsel for the appellant requested for adjournment. To come up for rejoinder and arguments on 4.2.2016



Member



Member

04.02.2016

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents present. Request made on behalf of the appellant for submission of rejoinder. To come up for rejoinder and arguments on 29.04.2016.



MEMBER



MEMBER

29.04.2016

None for the appellant present. Mr. Ziaullah, GP for respondents present. Notices be issued to the appellant/counsel for the appellant. To come up for rejoinder and arguments on 24.08.2016.

Member



Member

17.2.2015

Counsel for the appellant, Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the official respondents and counsel for private respondents No. 5 & 11 present. Counsel for the appellant requested for time to be granted for submission of written to application of private respondents No. 5 & 11. To come up for reply/arguments on application on 24.3.2015.

  
MEMBER

24.03.2015

Counsel for the appellant, Mr. Mukhtiar Ali, Supdt. for respondent No.2 alongwith Addl: A.G for official respondents and counsel for private respondents No. 5 and 11 present. Requested for adjournment. Last opportunity granted for submission of written reply of private respondents No.5 & 11 and reply to application by the appellant. To come up for written reply on behalf of private respondents No.5 & 11 as well as reply to application and arguments thereon before S.B on 22.5.2015.

  
Chairman

22.05.2015

None present for appellant. Mr. Mukhtiar Ali, Supdt. for respondent No. 2 Addl: A.G for official respondents No. 1 to 4 present. Neither private respondents No. 5 and 11 are in attendance nor submitted written reply despite last chance, hence proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing for 1.9.2015.

  
Member

8.12.2014

Clerk to counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents and junior to private respondents No. 5 & 11 present. The Tribunal is incomplete. To come up for the same on 2.1.2015.

  
READER

2.1.2015

Junior to counsel for the appellant and Mr. Ziaullah, GP with Mukhtiar Ali, Supdt. for the official respondents and clerk to counsel for private respondents No. 5 & 11 present. The Tribunal is incomplete. To come up for the same on 04.02.2015.

  
READER

4.2.2015

Clerk of counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Mir Qasam, Assistant Secretary for the official respondents and clerk of counsel for private respondents No. 5 & 11 present. Counsel for the appellant requested for time to file reply to application submitted on 5.11.2014 on behalf of private respondents No. 5 & 11. Case to come up for reply/arguments on 17.2.2015.

  
MEMBER

20.10.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the official respondents present who already filed written reply. Private respondents No. 5 & 11 in person present and requested for further time and assured submission of their written reply on the next date positively. The learned counsel for the appellant submitted before the court that private respondents No. 5 & 11 have been given last chances in three consecutive dates of hearing but they failed to file their written reply and liable for strike of their defence. He also stressed for restraining the respondents from further promotions of Naib Tehsildars.

Perusal of record would reveal that there is no application on behalf of the appellant for interim relief, therefore, the respondents cannot be restrained from making departmental promotions at this stage. So far as the defence of respondents No. 5 & 11 is concerned, in the interest of justice and on assurance of respondents No. 5 & 11, another chance is given to them for submission of written reply on 05.11.2014. In case they failed to file written reply on the date fixed, no other chance will be given to them and they will be placed ex-parte.



MEMBER

5.11.2014.

Counsel for the appellant, Mr. Muhammad Jan, GP with Mir Qasam, Assistant Secretary for the official respondents and private respondents No. 5 & 11 with their counsel present. Counsel for private respondent No. 5 & 11 submitted application for rejection of appeal. Copy handed over to counsel for the appellant for reply/arguments on 8.12.2014.



MEMBER

557/2014

11.7.2014.

Counsel for the appellant; Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for respondents No. 1 to 3 and Clerk to counsel for respondents No. 5 and 11 present. Written reply of official respondents No. 1 to 3 already filed but request made on behalf of private respondents No. 5 & 11 for adjournment to file written reply. Request is accepted but this will be the last opportunity for them. To come up for written reply of respondents No. 5 and 11 on 29.8.2014.

MEMBER

MEMBER

29.08.2014

Appellant in person and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for official respondents No. 1 to 4 present who already filed written reply. Clerk to counsel for private respondents No. 5 & 11 present and requested for further time. Another last chance is given to them for submission of written reply on 26.09.2014.

26.09.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for official respondents present who already filed written reply. Private respondents No. 5 and 11 present with their counsel and requested for further time to file written reply. Request is accepted. To come up for written reply of private respondents No. 5 & 11 on 20.10.2014 but this will be the last opportunity for them.



MEMBER



18.06.2014

Appellant in person, AAG with Mir, Qasam, Assistant Secretary for official respondents No. 1 to 3 present and reply filed. Copy handed over to appellant Mr. Sajid Amin, Advocate/counsel for private respondents No. 5 and 11 present and Wakalatnama placed on file. He requested for further time. None is available on behalf of other private respondents nor their written reply received, despite proper service, hence placed ex-parte. To come up for written reply of private respondents No. 5 and 11 on 11.7.2014.

MEMBER

MEMBER

11.7.2014



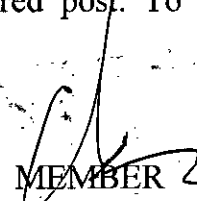

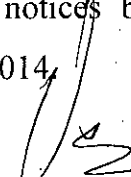
Counsel for the appellant, Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for respondents No. 1 to 3 and Clerk to counsel for respondents No. 5 and 11 present.

MEMBER

**Form- A**  
**FORM OF ORDER SHEET**

Court of \_\_\_\_\_

Case No. 557/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	<p>18/04/2014</p> <p>18.4.2014</p> <p>19.5.2014</p>	<p>The appeal of Mr. Noor-ul-Aziz presented today by Mian Afrasiab Gul Kakakhel Advocate may be entered in the Institution register and put up to the Court for further order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>Counsel for the appellant present and submitted separate service appeal on proper format. Notice be issued to the respondents through registered post. To come up for written reply on 19.5.2014.</p> <p style="text-align: center;">MEMBER </p> <p style="text-align: right;">MEMBER </p> <p>Counsel for the appellant and AAG with Mukhtiar Ali, Supdt, Sultan Shah, Assistant and Muhammad Irshad, Supdt. for respondents No. 1 to 4 present and requested for time. None is available on behalf of private respondents. Fresh notices be issued to them. To come up for written reply on 18.6.2014.</p> <p style="text-align: center;">MEMBER </p> <p style="text-align: right;">MEMBER </p>

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PUKHTUNKHWA, PESHAWAR

Appeal No. 557/2014

Noor-ul-Aziz

VERSUS

Government of KPK and others

I N D E X

S NO	DESCRIPTION	ANNEX	PAGE
1.	Grounds of Appeal alongwith Affidavit	-	01 - 11- <del>41-5</del>
2.	Copy of the seniority list	'A'	12 - 15
3.	Copy of the Notification dated 27-11-2001 alongwith better copy	'B'	16 - 18
4.	Copy of the Notification dated 31-10-2002 alongwith better copy	'C'	19 - 27
5.	Copy of the Notification dated 26-12-2008 alongwith better copy	'D'	28 - 34
6.	Copy of the Notification dated 30-03-2011	'E'	35 - 37
7.	Copy of the letter dated 19-07-2011	'F'	38
8.	Copy of the letter dated 29-09-2011	'G'	39
9.	Wakalat Nama (In original)	-	40

Appellant

Through:

(MIAN AFRASIA B GUL KARAKHEL)  
Advocate,  
High Court, Peshawar  
Cell # 0333-9215562

Dated: -17-04-2014

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PUKHTUNKHWA, PESHAWAR

Service Appeal No 557 2014

588  
18/4/2014

Noor-ul-Aziz Assistant, Office of the Commissioner Peshawar  
Division, Peshawar.....(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar
3. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department and Administration Department, Civil Secretariat, Peshawar
4. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar
5. Hazrat Khan
6. Imdad Khan
7. Jan Alam
8. Samin Khan
9. Chandi Khan
10. Ihsan-ud-Din
11. Shehreyar Khan

~~Handwritten signature~~

18/4/2015

EX-Parte  
18-6-14

E2e-part e  
order sheet  
18-6-14

12. Gohar Ali
13. Badr-uz-Zaman
14. Muhammad Sher, Junior/Senior Clerks, Office of the Political Agent, Mohmand Agency
15. Iqbal Hussain
16. Mufti Mumtaz Jan
17. Ghazi Khan
18. Dina Dar
19. Bismillah
20. Ali Raza
21. Muhammad Ibrar
22. Shah Jehan
23. Inayat Ullah
24. Farid Ullah Khan
25. Muhammad Saeed
26. Zareen Khan
27. Turkistan
28. Salim Javed, Junior/Senior Clerks, Office of the Political Agent, Khyber Agency.....(Respondents)

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**Appeal under Section 4 of  
Service Tribunal Act, 1974**

PRAYER IN APPEAL:-

On acceptance of instant appeal, the Notification dated 30<sup>th</sup> March, 2011 may please be interpreted and implemented strictly in accordance with law and Respondents may please be restrained from selection and considering Junior Clerk (BPS-7) and Senior Clerk (BPS- 9) for promotion to Naib Tehsildar (BPS-14) against the 20% quota specified for Assistants (BPS-14) and Political Moharrirs (dot posts), so as to secure the ends of justice.

Respectfully Sheweth:-

Fact giving rise to the present appeal are as under:-

- 1) That the Appellant is the employee of the Revenue and Estate Department and serving as Assistant (BPS-14) with effect from his respective date of appointment in the present cadre with full zeal and zest.
- 2) That seniority list No 6/4 (E.A)/III dated 31-12-2013 of Assistants working in Peshawar Division was issued by the Office of the Commissioner Peshawar Division Peshawar, in which the present Appellant is at serial No 25. (Copy of the seniority list is attached as Annex 'A').
- 3) That as per the Notification dated 27-11-2001 (Annex 'B') issued by the Revenue and Estate Department, the posts of Naib Tehsildars were to be filled in as under:-

(4)

- (a) *50% by initial recruitment of which 10% shall be reserved for ex-servicemen through Public Service Commission based on the result of competitive examination conducted by it in accordance with the syllabus.*
  - (b) *38% by promotion on the basis of seniority-cum-fitness from amongst Qanoongos in the division with at least five years service as such.*
  - (c) *12% by selection on merit from amongst Assistants and Stenographers working in the office of the Board of Revenue, District Collectors and Director Land Records, who have five years service as such.*
- 4) That the rules *ibid*, were then amended vide Notification dated 31-10-2002 (Annex 'C'), wherein *inter-alia* amendment was brought about in the relevant column of Naib Tehsildars to the following effect:-
- (a) *Three years instead of five years*
  - (b) *12% by selection on merit from amongst the Assistants and Senior scale Stenographers of the Board of Revenue, Director Land Record and the offices of Political Agent and Assistants and Junior Scale Stenographers in the offices of District*

*Officers (R&E)/Collector with three years service as such.*

5) That subsequently in the year 2008 further amendments were introduced in the said rules vide Notification dated 26-12-2008. (Annex 'D') with regard to the recruitment of Naib Tehsildar to the following effect:-

- (a) *50% by initial recruitment of which 10% shall be reserved for ex-servicemen through Public Service Commission based on the result of competitive examination conducted by it in accordance with the syllabus; and*
- (b) *30% by promotion on the basis of seniority-cum-fitness from amongst the graduate Qanoongo with at last five years service as such, who have passed departmental examination of Naib Tehsildar. The condition of graduation will be applicable after five years from the date of issuance of this Notification.*
- (c) *Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Junior scale Stenographers and Assistants in the office of Political Agent and Assistant Political Agent, Frontier Region, Assistant/Junior Scale*



⑥  
*Stenographers of Ex-Deputy Commissioner/ Commissioners Offices presently working in the offices of DCO/ACO/EDO (F&P) and DOR who are graduate with five years service as such.*

6) That finally the impugned Notification dated 30-03-2011 (Annex 'E') was issued by the department, wherein the method of recruitment to the post of Naib Tehsildar was once again changed viz;

(a) *50% by initial recruitment; and*

(b) *50% by promotion on the basis of seniority-cum-fitness in the following manner within the division:-*

(i) *30% from amongst Qanoongo of Division concerned with at least five years service as such, who have passed the departmental examination of Naib Tehsildar; and*

(ii) *20% from amongst the graduate Assistants of the offices of Commissioners, Additional Commissioners, District Coordination Officers, District Officers (R&E)/Collector and Executive District Officers (F&P) Political Moharrirs of the Offices of Political Agents*

⑦

*and Assistant Political Agents with at least five years service as such.*

- 7) That in the last impugned Notification for the first time Political Moharrirs have been inserted whereas no sanctioned post of Political Moharrir is in existence in Khyber Agency as well as in Mohmand Agency as is evident from the letter dated 19-07-2011 (Annex 'F') issued by the Commissioner Peshawar Division and addressed to the Assistant Secretary (Estt Board of Revenue. Although the posts of Junior Clerks (BPS-7) and Senior Clerks (BPS-9) are available in both the Agencies but the rules ibid to not cater for the same.
- 8) That vide letter dated 29-09-2011 (Annex 'G') Respondent No 2 has called for the ACRs alongwith synopsis of ACRs of Respondents No 5 to 28 a total 24 Junior Clerks (BPS-7)/ Senior Clerks (BPS-9) described as Political Moharrirs, while Appellant being Assistant (BPS-14) and eligible in all respect to the post of Naib Tehsildar was ignored and has not been shown in the list.
- 9) That Appellant being aggrieved of the acts and actions of Respondents, the impugned Notification No 12389/Admn/1/296 amendment dated 30-03-2011 and the impugned letter dated 29-09-2011 of Respondent No 2, having no other adequate and efficacious remedy, invoke the

8

Appellate jurisdiction of this Honourable Court on the following ground inter-alia:-

**GROUNDS:-**

- A) That the Respondents have not treated Appellant in accordance with law, rules and policy on subject and unlawfully issued the impugned notification and letter, which are unjust, unfair and hence not sustainable in the eye of law.
- B) That there exists no sanctioned post of Political Moharrir in the offices of Political Agents, Khyber and Mohmand Agencies, therefore, the very inclusion of the Political Moharrirs in the impugned notification and the letter is without lawful justification and as such not sustainable in the eye of law.
- C) That combination of the Junior/Senior Clerk (BPS 7 & 9) alongwith Assistants (BPS-14) for the purposed of promotion to the next higher grade is highly discriminatory in as much as both the categories have got different and unmatched service lines, therefore, the impugned notification being unconstitutional, arbitrary and mala-fide is not tenable under the law.
- D) That equals cannot be treated differently and under the same principle unequal can also be not treated equally,

following the same principle the impugned notification is discriminatory in its nature and violation of fundamental rights; hence the same is liable to be struck down.

- E) That under Service Rules a Junior Clerk (BPS-7) is promoted to the post of Senior Clerk (BPS-9) and a Senior Clerk (BPS-9) is further promoted to post of Assistant (BPS-14), therefore, keeping both Senior/Junior Clerks and Assistants on the same pedestal for promoting to the posts of Naib Tehsildar is totally irreconcilable, unwarranted, improper, unjust and therefore not maintainable under any canons of law justice, fair play and good conscience.
- F) That previously as many as 46 Junior/Senior Clerks in Mohmand and Khyber Agency have been promoted to the post of Naib Tehsildars during the period 2001-2010 initially in own pay scales and then regularized without observing the legal formalities, inspite of the fact, rules then in vogue did not provide for them in the promotion quota and now through the impugned letter 24 more Junior / Senior Clerks are going to be promoted to the posts of Naib Tehsildars due to non-existence of the sanctioned posts of Political Moharrirs.
- G) That it is worth mentioning here that the present Appellant alongwith others have earlier filed Writ Petition No 3023/2011 before Honourable Peshawar High Court, Peshawar,

(10)

which was decided in favour of present Appellant vide order and judgment dated 12-3-2013.

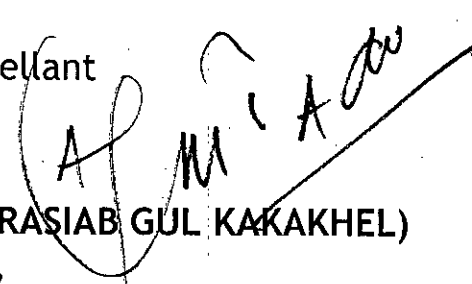
- H) That from ibid order of Honourable Peshawar High Court, Peshawar; the Respondents filed leave to appeal before the august Supreme Court of Pakistan, which was granted and the case was remitted to the Honourable Service Tribunal for decision in accordance with law, after considering all the factual and legal pleas raised before it.
- I) That any other grounds will be raised at the time of arguments with the permission of this Tribunal.

It is, therefore, most respectfully prayed that on acceptance of this Appeal, the Notification dated 30<sup>th</sup> March, 2011 may please be interpreted and implemented strictly in accordance with law and Respondents may please be restrained from selection and considering Junior Clerk (BPS-7) and Senior Clerk (BPS- 9) for promotion to Naib Tehsildar (BPS-14) against the 20% quota specified for Assistants (BPS-14) and Political Moharrirs (dot posts), so as to secure the ends of justice.

Any other relief, which this Honourable Tribunal deems fit in the circumstances of the case may kindly be granted.

Appellant

Through:

  
(MIAN AFRASIAB GUL KAKAKHEL)  
Advocate,  
High Court Peshawar

Dated: -17-04-2014

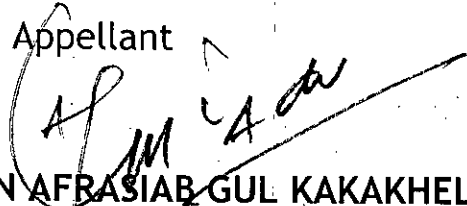
(11)

INTERIM RELIEF:-

By way of interim relief, this Honourable Tribunal may please restrain the Respondents from promoting Junior/Senior Clerks to the post of Naib Tehsildars till the final disposal of the instant appeal.

Through:

Appellant



(MIAN AFRASIAB GUL KAKAKHEL)  
Advocate,  
High Court Peshawar

Dated: -17-04-2014

⑪ A

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PUKHTUNKHWA, PESHAWAR

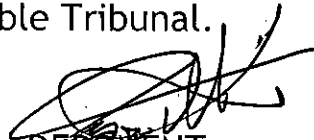
Noor-ul-Aziz

VERSUS

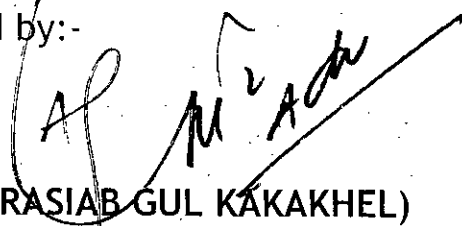
Government of KPK and others

AFFIDAVIT

I, **Noor-ul-Aziz** Assistant, Office of the Commissioner Peshawar Division, Peshawar, do hereby solemnly affirm and declare on Oath that all the contents of Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

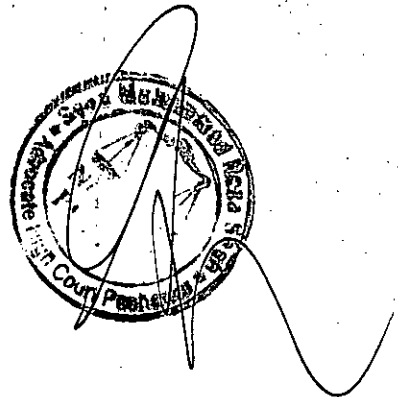
  
DEPONENT

Identified by:-



(MIAN AFRASIAB GUL KAKAKHEL)  
Advocate  
High Court, Peshawar

ATTESTED



11 B

CERTIFICATE

It is certified that no such like appeal u/s 4 of Service Tribunal Act 1974 has been filed before this honourable Tribunal.

Date: 17.04.2014

Advocate

*AP*  
*M S*  
*Adv*



12

Alex A



OFFICE OF THE  
COMMISSIONER PESHAWAR DIVISION  
PESHAWAR

Dated: 31.12.2013

OFFICE ORDER:

No.6/4/EA/III:

In pursuance of Section 3(1) of the Khyber Pakhtunkhwa Civil Servants Act 1973, the final Seniority list of Assistants (BPS-14) working in Peshawar Division as it stood on 31.12.2013 is hereby circulated for the information of all the concerned.

-sd-

Commissioner Peshawar Division

No.5/4/EA/III/

3431-39

Dated: 31.12.2013

Copy with a copy of the Seniority list is forwarded to:-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. Secretary Admin. & Coordination, TATA Secretariat, Warsak Road, Peshawar
3. Deputy Commissioners Peshawar, Charsadda & Nowshera districts.
4. Political Agents Khyber & Mohmand Agencies.
5. Officials Concerned.

ASSISTANT TO COMMISSIONER (REV/GA)  
PESHAWAR DIVISION PESHAWAR

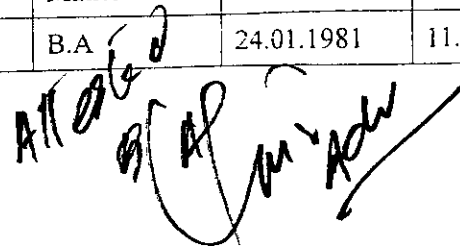
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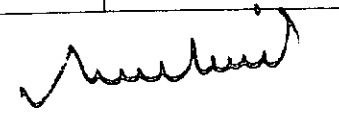
2/11

(13)

**FINAL SENIORITY LIST OF ASSISTANTS BPS-14 WORKING IN PESHAWAR DIVISION AS IT STOOD ON 31.12.2013**

S.#	Name of Official	Domicile / Date of Birth	Qualification	Date of First entry into Govt: Service	Date of Promotion / Appointment against the present post	Method of Recruitment	Present Place of Posting	Remarks
1.	Mr. Zahid Kamal	Charsadda / 18.05.1964	B.A	01.03.1990	01.03.1990	Direct	Commissioner Peshawar Office	Opted to forgo promotion as Superintendent
2.	Mr. Aslam Khan	Peshawar /01.01.1955	Matric	17.01.1978	29.05.2001	Promotion	EDO(F&P) Peshawar	
3.	Mr. Muzammil Shah	Nowshera/ 01.12.1957	Matric	18.08.1990	05.07.2003	Promotion	DC Nowshera	Corrected as per order No 3151-61-b-4-AA Vol-I dated 25.04.2011
4.	Mr. Muhammad Sadiq	Peshawar /09.01.1960	M.A	09.04.1984	12.07.2003	Direct	EDO(F&P) Peshawar	
5.	Mr. Sajjad Ali Shah	Nowshera /04.01.1956	B.A	04.03.1977	01.10.2005	Promotion	DC Nowshera	
6.	Mr. Amal khan	Nowshera /08.02.1955	M.A	01.01.1981	01.10.2005	Promotion	DC Nowshera	
7.	Mr. Javed Ashraf	Nowshera /01.04.1958	Matric	01.02.1981	01.10.2005	Promotion	(F&P) Deptt: Nowshera	
8.	Mr. Shah Nawaz	Nowshera /20.09.1958	M.A	03.09.1985	01.10.2005	Promotion	(F&P) Deptt: Nowshera	
9.	Mr. Yar Muhammad	Mohmand Agency /08.01.1956	Matric	16.08.1974	10.06.2006	Promotion	PA Mohmand Office	
10.	Mr. Muhammad Ishfaq	Peshawar /24.05.1959	B.A	25.01.1981	04.10.2006	Promotion	EDO(F&P) Peshawar	
11.	Mr. Rahid Gul	Khyber Agency / 11.01.1957	Matric	01.12.1975	19.01.2007	Promotion	PA-Khyber Office	
12.	Mr. Noor-ul-Amin	Charsadda /15.06.1955	Matric	13.04.1977	10.04.2007	Promotion	EDO F&P Deptt Charsadda	
13.	Mr. Fazal Elahi	Peshawar /08.12.1957	F.A	01.04.1977	01.08.2007	Promotion	EDO(F&P) Peshawar	
14.	Mr. Pir Muhammad Azam	Peshawar /01.10.1959	Matric	01.01.1981	01.08.2007	Promotion	DOR Peshawar	
15.	Mr. Aitahullah	Charsadda / 31.01.1958	Matric	01.01.1981	31.08.2007	Promotion	DC Charsadda	
16.	Mr. Abusufyan	Charsadda / 15.06.1960	B.A	24.01.1981	11.10.2007	Promotion	DC Charsadda	

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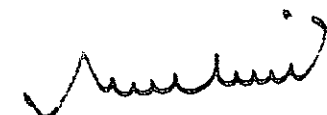
17.	Mr. Iqbal Hussain	Peshawar / 13.04.1954	Matric	16.05.1978	24.04.2008	Promotion	Jamrud Tehsil Khyber Agency
18.	Mr. Obaidullah	Peshawar / 18.10.1962	Matric	01.01.1981	19.05.2008	Promotion	DOR Peshawar
19.	Mr. Fayaz Ali	Peshawar / 08.07.1982	M.Sc (Comp Sc)	01.09.2008	01.09.2008	Direct	APA FR Peshawar
20.	Mr. Zardad Khan	Peshawar / 22.03.1984	M.Com	01.09.2008	01.09.2008	Direct	DC Peshawar
21.	Mr. Irfanullah Shams	Charsadda / 16.01.1979	B.A	15.11.2008	15.11.2008	Direct	EDO F&P Deptt Charsadda
22.	Mr. Khalid Hameed	Peshawar / 01.02.1981	M.A	02.01.2009	05.01.2009	Direct	Commissioner Peshawar Office
23.	Mr. Qaiser Khan	Peshawar / 15.04.1982	B.A(LLB)	02.01.2009	05.01.2009	Direct	Commissioner Peshawar Office
24.	Mr. Asad Humair	Peshawar / 02.09.1985	B.A	02.01.2009	05.01.2009	Direct	Commissioner Peshawar Office
25.	Mr. Noor-ul-Aziz	Peshawar / 30.06.1989	B.A	02.01.2009	06.01.2009	Direct	Commissioner Peshawar Office
26.	Mr. Inamullah	Peshawar / 21.11.1976	B.A	02.01.2009	09.01.2009	Direct	Commissioner Peshawar Office
27.	Mr. Masood Khan	Peshawar / 28.04.1980	B.A. LLB	27.01.2009	27.01.2009	Direct	DC Peshawar
28.	Mr. Zafeerullah	Peshawar / 01.09.1965	M.A	01.04.1984	09.03.2009	Promotion	EDO(F&P) Peshawar
29.	Mr. Mukarram Khan	Charsadda / 23.08.1955	Matric	03.09.1978	30.04.2009	Promotion	LandiKotal Tehsil Khyber Agency
30.	Mr. Javed Khan Khalil	Peshawar / 04.05.1956	F.A	03.09.1978	30.04.2009	Promotion	Jamrud Tehsil Khyber Agency
31.	Mr. Abdur Rehman	Peshawar / 18.12.1982	B.A	04.07.2009	04.07.2009	Direct	Commissioner Peshawar Office
32.	Mr. Imran Khan	Peshawar / 07.05.1983	B.Sc	04.07.2009	21.07.2009	Direct	Commissioner Peshawar Office
33.	Mr. Zahir Gul	Mohmand Agency / 08.01.1956	Matric	01.02.1980	14.12.2009	Promotion	PA Mohmand Office
34.	Mr. Shah Mahmood	Mohmand Agency /	Matric	01.02.1980	14.12.2009	Promotion	PA Mohmand Office

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35.	Mr. Abdul Hanan	Peshawar / 20.10.1956	B.A	01.01.1981	14.05.2010	Promotion	DC Peshawar	
36.	Mr. Kabeer Khan	Peshawar / 01.01.1960	B.A	09.02.1981	14.05.2010	Promotion	DC Peshawar	
37.	Mr. Fawad Ali	Swabi / 08.03.1987	B.A	18.01.2011	18.01.2011	Direct	DC Nowshera	
38.	Mr. Zia ur Rehman	Swabi / 25.05.1988	MBA	28.05.2011	28.05.2011	Direct/deceased son quota	Commissioner Peshawar Office	
39.	Mr. Hidayatullah	Peshawar / 16.04.1964	B.A	15.03.1983	29.03.2012	Promotion	Commissioner Peshawar Office	
40.	Mr. Asad Ullah	Charsadda / 15.10.1955	M.A	03.02.1981	06.04.2012	Promotion	DC Charsadda	
41.	Mr. Altaf Hussain	Charsadda / 10.04.1963	Matric	01.07.1982	06.04.2012	Promotion	DC Charsadda	
42.	Mr. Abdul Muqsit	Swabi / 20.01.1965	MA	28.08.1988	12.07.2012	Adjustment	DC Nowshera	Adjusted vide BOR letter No.Estu/14622 dated 12.07.2012
43.	Mr. Faiz Muhammad	Peshawar / 02.02.1965	Matric	01.01.1985	04.08.2012	Promotion	DC Peshawar	
44.	Mr. Saif ur Rehman	Peshawar / 15.12.1965	M.Sc	26.01.1986	04.08.2012	Promotion	DC Peshawar	
45.	Mr. Muhammad Saeed	Peshawar / 10.04.1967	F.A	10.09.1987	04.08.2012	Promotion	DC Peshawar	
46.	Mr. Shahid Hussain	Peshawar / 02.02.1967	F.A	12.03.1990	04.08.2012	Promotion	DC Peshawar	
47.	Mr. Shah Wali	Nowshera / 14.04.1963	S.S.C	01.12.1982	28.09.2012	Promotion	DC Nowshera	
48.	Mr. Muhammad Saiman	Charsadda / 25.10.1992	B.A	18.04.2013	18.04.2013	Direct	DC Charsadda	



ANEX  
B

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

NOTIFICATION

(18)

DATE: 27<sup>th</sup> NOVEMBER 2001

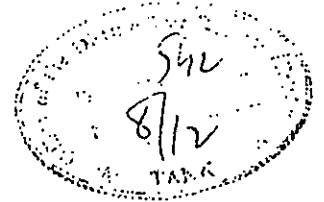
No. 27944 / Ad-I. In pursuance of the provisions contained in Sub-rule (2) of rule 3 of the North- West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, read with the Cabinet Division Notification No. SRO 475(1)/2001, dated the 28<sup>th</sup> June, 2001, and in succession 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 in 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.

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

**NOTIFICATION**

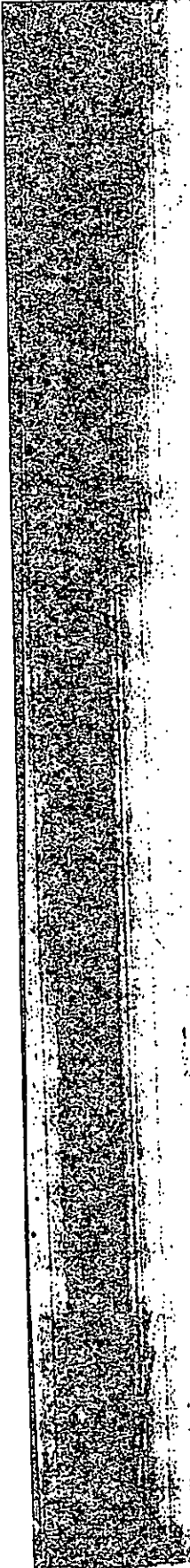
Dated, Peshawar the 27<sup>th</sup> November 2001

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 28<sup>th</sup> 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 born on the cadre strength of Revenue and Estate Department specified in column 2 of the Appendix.

Secretary to Government  
Of the north west frontier province  
Revenue Department.

ATTESTED

Attested  
*[Handwritten Signature]*



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

The Secretary's to Govt of NWFP:-

- (i) E&A Department.
- (ii) Finance Department.
- (iii) Law Parliamentary Affairs Department.

The Secretary's NWFP, Public Service Commission.

The Registrar, Peshawar High Court, Peshawar.

The Accountant General, NWFP Peshawar.

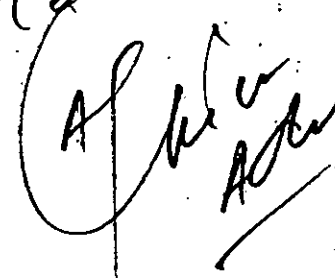
The A/D.O ( R/E ) / Collector, NWFP.

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 SECRETARY TO GOVT OF  
THE NORTH WEST FRONTIER PROVINCE

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*Attested*  


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GOVERNMENT OF THE NORTH WEST FRONTIER PROVINCE,  
REVENUE DEPARTMENT

NOTIFICATION

Peshawar dated the 31/ 04.10.2002

No. 23428/Admn I/135. In exercise of the powers conferred by Sub rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue Department in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. 27944/AD-I dated the 27<sup>th</sup> November, 2001, the following amendments shall be made namely:

Amendments

1. In the Schedule appended to the said Notification, for the word "SCHEDULE", the word "APPENDIX" shall be substituted.
2. In the Appendix so substituted:--
  - (1) In the entries in column 6 against serial No.1, in clause (C),
    - a. for the existing entries at sub clauses (i) and (ii), the following shall be substituted, namely:
      - i. Assistant and Senior Scale Stenographers in the offices of Board of Revenue, Director Land Records and Political Agents, and Assistant and Junior Scale Stenographers in the offices of District Officers (Revenue & Estate) Collectors, who are graduate and have at least five years service as such, and
      - ii. District Kunungos, District Revenue Accountants and Head Clerks (Revenue), with at least five years service as such",  
And
    - b. clause (iii) shall be deleted.
    - c. The following Note shall be added in column 6 below the existing entries as amended above, namely.

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

- (2) In the entries in column 6 against serial No.2,
  - a. In clause (b), for the words five years, the words three years, shall be substituted.
  - b. For clause (sic

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

NOTIFICATION

Peshwar dated the 31/10/2001

No. 23427/Admn:V135. In exercise of the powers conferred by sub rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue Department in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. 27944/Ad-I dated the 27<sup>th</sup> November, 2001, the following amendments shall be made namely:

Amendments.

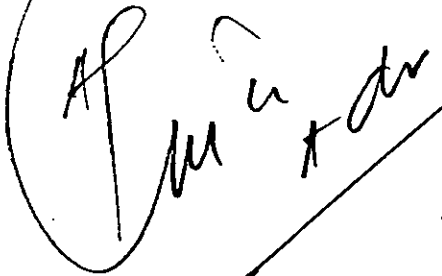
1. In the Schedule appended to the said Notification, for the word "SCHEDULE", the word "APPENDIX" shall be substituted.
2. In the Appendix so substituted, --

- (1) in the entries in column 6 against serial No. 1, in clause (a) --
  - (a) for the existing entries at sub-clauses (i) and (ii), the following shall be substituted, namely:
    - (i) Assistant and Senior Scale Stenographers in the offices of Board of Revenue, Director Land Records and Political Agents, and Assistant and Junior Scale Stenographers in the offices of District Officers (Revenue & Estate) Collectors, who are graduate and have at least five years service as such; and
    - (ii) District Kamungos, District Revenue Accountants and Head Clerks (Revenue), with at least five years service as such; and
    - (iii) clause (iii) shall be deleted.
  - (c) The following Note shall be added in column 6 below the existing entries as amended above, namely:

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

- (2) in the entries in column 6 against serial No. 2,
  - (a) in clause (a), for the words "five years", the words "three years" shall be substituted.
  - (b) for clause (b) the words "three years" shall be substituted.

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(c) 12% by selection on merit from amongst Assistants and Senior Scale Stenographers of Board of Revenue, Director Land Records and the Offices of the Political Agents and Assistants and Junior Scale Stenographers in the offices of District Officers (Revenue & Estate) Collector, with three years service on each".

(d) the following Note shall be added in column below the existing entries as amended above, namely:

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

(3) in the entry in column 6 against serial No. 4, after the word "Patwaris" the comma and the words", Tehsil Revenue Accountant and Wasil Baqi Nawis" shall be inserted;

(4) in the entry in column 3 against serial No. 5, the following shall be added after the word "qualification".

", who have passed the Patwar Training Course".

Sd/-  
SECRETARY TO GOVERNMENT,  
THE NORTH-WEST FRONTIER PROVINCE,  
REVENUE DEPARTMENT.

Enclat: No. 23429-60 Admin: P. 135 dated the 10/2/2002.

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

1. Secretary to Government of NWFP, Establishment Department.
2. Secretary to Government of NWFP, Finance Department.
3. Secretary to Government of NWFP, Law Department.
4. Secretary NWFP Public Service Commission.
5. Registrar, Peshawar High Court, Peshawar.
6. Accountant General, NWFP.
7. All the District Officers (Revenue & Estate) Collectors in NWFP/FA's for NWFP.
8. PS to Minister for Revenue, NWFP.
9. 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.

*D. M. Khan*  
DEPUTY SECRETARY TO GOVT. OF NWFP,  
REVENUE DEPARTMENT.

*Accepted*  
*Ch. M. Khan*

APPENDIX  
SCHEDULE

1. No. Nomenclature of the post.	2. Qualification for Appointment by initial recruitment.	3. Qualification for appointment by Promotion.	4. Age limit for initial recruitment.	5. Method of recruitment.	6. Remarks.
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1. Tehsildar	Graduation from a recognized University.	Passing of Tehsildari Departmental Examination and successful completion of training as may be prescribed by the Government.	21 to 28 (a) Years. (b) (c)	20% by initial recruitment; 50% by promotion on the basis of seniority-cum-fitness from amongst sub-tehsildars; and the remaining 30% vacancies shall be filled in by selection on merit from amongst;	Joint seniority list of personnel of subordinate service for the purpose of promotion against 30% quota of the post of Tehsildars shall be caused with reference to their respective date of eligibility.
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NOTIFICATION NO. 23428/Adm:I dated 31-10-2012.

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

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

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

(ii) District Gamergos, District Revenue Accountants and Head Clerks (Revenue), with at least five years

(b) clause(iii) shall be deleted.

- (i) Assistant and Senior Scale Stenographers working in the office of Board of Revenue and District Collectors who are graduates & have at least three years service as such;
- (ii) District Gamergos 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;

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

Attested  
A. P. K. M. A. M.

S. No	Nomenclature of the post.	Qualification for appointment by initial recruitment.	Qualification for appointment by promotion.	Age Limit for initial recruitment	Method of recruitment.	Remarks
1	2	3	4	5	6	7
1/	Tehsildar	Graduation from a recognized University	Passing Tehsildari Departmental Examination and Successful completion of training as may be prescribed by the Government.	12 to 28 years.	(a). 20% by initial recruitment b. 50% by promotion on the basis of seniority -cum- Fitness from amongst Naib Tehsildars; and c. the remaining 30% vacancies shall be filled in by selection on merit from amongst i. Assistants and seniority scale stenographers working in the office of Board of Revenue and District Collectors who are graduates and have at least three years service as such; and iii. Head Clerks (Revenue) in the District Collector's offices with at least three years service as such;	Joint Seniority list of personnel of Subordinate service for the purpose of promotion against 30% quota of the post of Tehsildars shall be caused with reference to their respective date of eligibility.  NOTE The official so appointed as Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed examination within the probationary period"
<p>Notification No. 2348/Admn, 1 dated 31.10.2002.</p> <p>1) in the entries in column 6 against serial No. i, in clause (c)</p> <p>(a) for the existing entries of sub clauses (i) and (ii), the following shall be substituted namely;</p> <p>(i) Assistants &amp; Senior Scale Stenographers in the offices of Board of Revenue, Director land records &amp; Political Agents, &amp; Assistants and Junior Scale Stenographers of the offices of District Officers, (RTE)/ Collectors, who are graduate &amp; have at least five years service as such, and.</p> <p>(ii) District Kanungos, District Revenue Accounts and Head Clerks (Revenue), with at least five years</p> <p>(b) clause (iii) shall be deleted.</p>						

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1	2	3	4	5	6	7
	Post.	Appointments by initial recruitment.	Appointments by Promotion.	Initial recruitment.		
2/	Naib Tehsildar	Graduation from a recognised University.	Passing of Naib Tehsildari Departmental Examination and such training as may be prescribed by the Government.	24 to 28 Years.	(a) 50% by initial recruitment, of which 10% shall be reserved for ex-service men, through Public Service Commission based on the result of a competitive examination conducted by it in accordance with the syllabus.	

NOTIFICATION NO. 23-28/ADM-I dated 31-10-2002.

- (2) in the entries in column 5 against serial No.2.
- (a) in clause (a) for the words "five years", the words "three years" shall be substituted.
  - (b) for clause (b), the following shall be substituted namely
  - (c) 2% by selection on merit from amongst Assistants and Senior scale stenographers of Board of Revenue, Director Land Records and the offices of the Political Agents and Assistants and Junior scale stenographers in the offices of District Officer (Revenue & Estate) collectors with three years service as such;
  - (c) the following Note shall be added in column 6 below the existing entries as amended above, namely;

- (b) 4% by promotion on the basis of seniority cum-fitness from amongst Karamogas in the Division with at least five years service as such;
- (c) 12% by selection on merit from amongst Assistant and Steno-graphers working in the office of District Collector and Director of Land Records who have five years service as such;

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

**REVISED**

*Attested*  
*A. P. Amin*  
*ADM*

S. No	Nomenclature of the post.	Qualification for appointment by initial recruitment.	Qualification for appointment by promotion.	Age Limit for initial recruitment	Method of recruitment.	Remarks
1	2	3	4	5	6	7
2/	Naib Tehsildar	Graduation from a recognized University	Passing Naib Tehsidari Departmental Examination and Successful completion of training as may be prescribed by the Government.	21 to 28 years	50% by initial recruitment, of which 10% shall be reserved for: Ex service man, through Public man, through Public Service commission based on the result of a competitive examination conducted by it in accordance with the syllabus. b. 30% by promotion on the basis of seniority on cum fitness from amongst Kanungos in the Division with at least five years service as such c. 12% selection on merit from amongst Assistants and stenographers working in the office of board of (sic, District Collectors and Director Land records who have five years service as such	NOTE The official so appointed as Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed examination within the probationary period"
<p>Notification No. 23428/Admn, I dated 31.10.2002. in the entries in column 6 against serial No.2</p> <p>(a) in clause (b) for the words five years, the words three years shall be substituted.</p> <p>(b) For clause (C ), the following shall be substituted namely</p> <p>(c) 12% by selection on merit from amongst Assistants and senior Scale Stenographers of Board of Revenue, Director Land records and the offices of the Political Agents and Assistants and Junior Scale Stenographers in the offices of District Officer (Revenue &amp; Estate)/ Collectors with three years service as such.</p> <p>(c) the following Note shall be added in column 6 below the existing entries as amended above, namely:</p>						

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S.No.	Nomenclature of the post.	Qualification for Appointment by initial recruitment.	Qualification for Appointment by promotion.	Age limit for initial recruitment.	Method of recruitment.	Remarks.
1	2	3	4	5	6	7
3/	District Kenung (Sadar Kenung).		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 Kenungs with three years service as such.	
4/	Kenung.		Passing of Kenung Departmental Examination and successful completion of such training as may be prescribed by Government.		By promotion, on the basis of seniority-cum-fitness, from amongst the Patwaris in the District with five years service as such.	Tehsil Revenue Accountant, District Revenue.
5/	Patwari.	F.A. or equivalent qualification who have passed the Pawan examination.		18 to 30 Years	By initial recruitment.	
6/	Tehsil Revenue Accountant/ Wasil Saqi Nawis/ Addl. Wasil Saqi Nawis.	F.A. or equivalent qualification from a recognised Board.			By transfer from amongst the holder of the post of Patwari who have undergone 12 weeks training in a Tehsil for the post of Wasil Saqi Nawis and have passed Pawan Examination.	

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S. No	Nomenclature of the post.	Qualification for appointment by initial recruitment.	Qualification for appointment by promotion.	Age Limit for initial recruitment	Method of recruitment.	Remarks
1	2	3	4	5	6	7
3	District Kanungo Sadar Kanungo		Passing Naib Tehsildari Departmental Examination and Successful completion of training as may be prescribed by the Government.		By promotion, on the basis of seniority- cum-fitness, from amongst the Kanungos with three years service as such	
4	Kanungo		Passing Kanungo Departmental Examination and Successful completion of training as may be prescribed by the Government.		By promotion, on the basis of seniority- cum-fitness, from amongst the patwaris in the District with five years service as such	Tehsil Revenue Accountant and Wasil Baqi now
5	Patwari	F.A or equivalent qualification who has passed the Pawar examination		18- 30 years	By initial recruitment	
	Tehsil Revenue Accountant/ Wasil Baqi Nawis/ Addl Wasil Baqi Nawis	F.A or Equivalent qualification from a recognized Board.			By transfer from amongst the holder of the post of Patwairs who have under gone 12 weeks training in a tehsil for the post of Wasil Baqi Nawis and have passed Patwari Examination	

Attested  
A. P. [Signature]  
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 Annex 'D'

Reshwar dated the 26/12/2008.

In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Service (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. ERO. 457 (4) / 2011 dated 28<sup>th</sup> June, 2011 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 specify the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts borne on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

Appendix

1 S.No	2 Nomenclature of the post	3 Appointing Authority	4 Minimum Qualification for appointment by initial recruitment or by transfer	5 Minimum Qualification for appointment by promotion	6 Age limit	7 Method of recruitment
1.	Tehsildar (BPS 16)	Administrative Secretary (AS/ER)	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 Maib 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.

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

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recognition by the Higher Education Commission. any other recognized by the Higher Education Commission.

for initial recruitment

in fifty percent by initial recruitment, the Public Service Commission based on the results of Competitive Examination conducted by it in consultation with Habus, and

(b) Thirty percent by promotion, on the basis of Seniority - cum - fitness from amongst Graduate Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. The condition of Graduation will be applicable after five years from the date of issuance of this Notification.

(c) Twenty percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Junior Scale Stenographer and Assistants in the office of Political Agent and Assistant Political Agent Frontier Region, Assistant / Junior Scale Stenographer of Ex - Deputy Commissioner / Commissioners offices presently working in the offices of DCO / ACO / EDO (F&P) and DOR, who are Graduate with five Years Service as such.

By transfer from amongst Naib Tehsildar

By transfer from amongst Naib Tehsildar

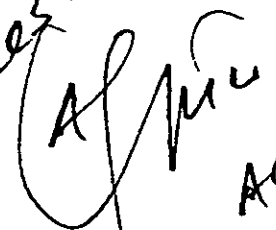
By transfer from amongst Naib Tehsildar

District Kanungo  
(Addl Kanungo)  
(B.S. 14)  
District Clerk  
(Revenue)  
(B.S. 14)  
District Revenue  
Accountant  
(B.S. 14)

Alleslu  
AP  
M  
Adm

1	2	3	4	5	6	7
2	Naib Tehsildar BPS 14	Administrative Secretary (SMBR)	Second Class Graduation from any University recognized by the Higher Education Commission	Second Class Graduation from any University recognized by the Higher Education Commission	21 - 30 years For Initial recruitment	(a) Fifty percent by initial recruitment through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it accordance with syllabus, and (b) Thirty percent by promotion, on the basis of Seniority -cum- fitness from amongst Graduate Kanungos with at least Five years Service As such, who have passed the Departmental Examination of Naib Tehsildar. The condition of Graduation will be applicable after five years from the date of issuance of this Notification. © Twenty percent by promotion, on the basis of joint Seniority - cum- fitness from amongst Junior Scale Stenographer and Assistants in the office of Political Agent and Assistant Political Agent Frontier Region, Assistant/ Junior Scale Stenographer of Ex Deputy Commissioner/ Commissioners offices presently working in the offices of DCO, ACO /EDO (F&P) and DOR, who are Graduate with five years service as such.
3.	District Kanungo (Saddar Kanungo) BPS 14					By transfer from amongst Naib Tehsildar
4.	Head Clerk (Revenue) BPS 14					By transfer from amongst Naib Tehsildar
5.	District Revenue Accountant BPS 14					By transfer from amongst Naib Tehsildar

ATTESTED

Attested  
  
 Ade

Senior Tehsil Revenue Accountant (BPS-57) and Junior Tehsil Revenue Accountant Wasil Baqi Patwis / Additional Wasil Baqi Patwis (BPS-55)					with at least five Years Service as such. By transfer from amongst Patwaris
Patwari (BPS-95)	District Officer (Revenue & Estate) /Collector	Intermediate or equivalent qualification, who have passed the Patwari Examination having one year diploma in information technology from any institution technology from any institution recognized by Board of technical education	18 to 30	By initial recruitment	By initial appointment for amongst the Patwari passed candidates entered in Register maintained by the District Collector of the District Concerned having one year diploma in information technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

Ad-88/19

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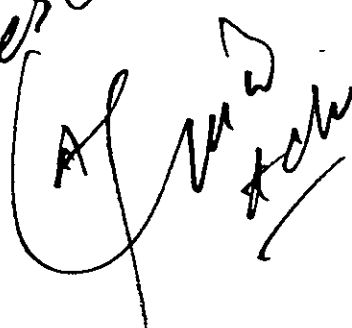
Sd/-  
 Secretary to Government of NWFP  
 Revenue and Estate Department

*Attested*  
*AP [Signature]*

1	2	3	4	5	6	7
6.	Kanungo BPS -09	District Officer (R & E) Collector				By promotion on the basis of joint Seniority cum Merit. On District level from amongst the Patwaris/ Tehsil Revenue Accountant and Wasil Baqi Nawis who have passed the Departmental Examination of Kanungo with at least five years Service as such.
7.	Senior Tehsil Revenue Accountant (BPS07) and Junior Tehsil Revenue Accountant Wasil Baqi Nawis Additional Wasil Baqi Nawis (BPs- 05)					
8.	Patwari BPS- 05	District Officer (R & E) Collector	Intermediate or equivalent qualification, who have passed the Patwari Examination having one year diploma in information technology from any institution technology from any institution recognized by Board of technical education	18 to 30	By Initial Recruitment	By initial appointment for amongst the Patwari passed candidates entered in Register maintained by the District Collector of the District Concerned having one year diploma in information technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

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

~~ATTESTED~~

Attested  


Copy forwarded for information and necessary action.

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

*Table file*

Deputy Secretary  
Government of NWFP  
Revenue & Estate Department

ATTESTED

*ice*  
*A. Khan*  
*ACW*

(35)

Anex "E"  
(25)

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

Peshawar dated the 30/03/2011

NOTIFICATION

12389/Admn:1/1/296/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, 1980, the Revenue & Estate Department in consultation with the Establishment and Finance Departments hereby directs that in this Departments Notification No. 32102/Admn:1/135/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 entries, at clauses (b) and (c), the following shall substituted, namely;

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

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

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

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

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

AP  
A. H. Khan



(36)

(27)

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

80

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

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

- (a) Fifty percent; by initial recruitment; and
- (b) Fifty percent by promotion, on the basis of seniority-cum-fitness, in the following manner within the Division.
  - (i) thirty percent, from amongst Kanungos of the Division concerned with at least five years service as such who have passed the Departmental Examination of Naib Tehsildar; and
  - (ii) twenty percent from amongst graduate Assistants of the offices of Commissioners, District Commissioners, District Coordinating Officers, District Office (R&E)/Collectors, and Executive District Officers (F&P), Political Moharrirs of office of Political Agents and Assistant Political Agents (FR), with at least 5 years service as such.

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

*Attested*  
*[Signature]*

~~ATTACHED~~

*[Signature]*

SECRET

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1/1/296/Amendment

Copies are provided for information and necessary action to the :-

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

*Subir*

DEPUTY SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT

*Accessed*  
*AP*  
*Mic*  
*Adm*

*9*

(38) (31) **OFFICE OF THE  
COMMISSIONER PESHAWAR DIVISION  
PESHAWAR**

(AA)/vol-II/ 5850

Dated: 19.07.2011

*Alex 15*

The Assistant Secretary (Estt.),  
Govt. of Khyber Pakhtunkhwa,  
Board of Revenue & Estate Department.

**JOINT SENIORITY LIST OF ASSISTANT AND POLITICAL  
MOHARRIRS.**

Reference your office letter No. Estt:-V/(seniority list)/17835 dated  
2011 on the subject cited above.

Political Agent, Khyber has furnished list of Graduate Ministerial  
of his office vide letter No. 6654/Acctt: dated 01.06.2011 which is  
closed. The Political Agent has further informed over telephone that no  
sanctioned post of Political Moharrar exists in Khyber Agency.

Similarly Political Agent, Mohmand vide letter No. 2614/Acctt:  
07.2011 (copy enclosed) has also informed that no sanctioned post of  
Moharrir exists with them. The seniority lists of Graduate Senior Clerks  
and Clerks as provided by Political Agent Mohmand vide letter No.  
Acctt: dated 18.06.2011 is enclosed.

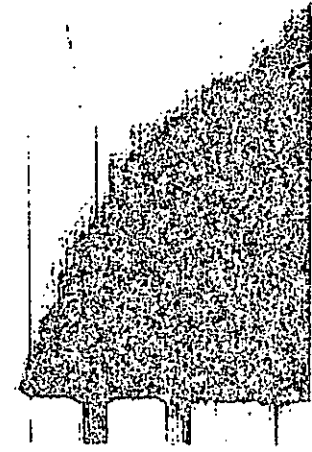
Apart from the above seniority list of the Assistant in Peshawar  
are circulated vide this office No. 1019-29/G/1(AA)Vol-I dated  
2011 is also sent herewith.

*o/c*

*Far 2 dms*

**ASSISTANT TO COMMISSIONER(R/GA)  
FOR COMMISSIONER PESHAWAR DIVISION**

*Attested*  
*AP*  
*Mu*  
*Adv*  
**ATTESTED**



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Amex 16/11

GOVERNMENT OF KHYBER PAKHTUN  
BOARD OF REVENUE  
REVENUE & ESTABLISHMENT DEPARTMENT

No. Est: V/Seniority list 2496  
Peshawar dated the 29/11/2011

To  
The Commissioner,  
Peshawar Division Peshawar.

Subject: Provision of ACRs and Synopsis of ACRs.

I am directed to refer to the subject noted above and to request you to furnish me with synopsis of ACRs for the entire service in respect of the following officials within a fortnight:-

No.	Name of officials	Office	Remarks
1	Hazrat Khan	Political Agent Mohmand Office	Promoted as Naib Sub-Divisional Officer through Administrative
2	Iqbal Hussain	Political Agent Khyber Office	Political Mohmand
3	Imdad Khan	Political Agent Mohmand Office	Political Mohmand
4	Jam Alam	Political Agent Mohmand Office	Political Mohmand
5	Samir Khan	Political Agent Mohmand Office	Political Mohmand
6	Mufti Mumtaz Jan	Political Agent Khyber Office	Political Mohmand
7	Ghazi Khan	Political Agent Khyber Office	Political Mohmand
8	Moen Dar	Political Agent Khyber Office	Political Mohmand
9	Chandi Khan	Political Agent Mohmand Office	Political Mohmand
10	Ishaquddin	Political Agent Mohmand Office	Political Mohmand
11	Sheyyar Khan	Political Agent Mohmand Office	Political Mohmand
12	Gohar Ali	Political Agent Mohmand Office	Political Mohmand
13	Badruz Zaman	Political Agent Mohmand Office	Political Mohmand
14	Bismillah Khan	Political Agent Khyber Office	Political Mohmand
15	Afi Raza	Political Agent Khyber Office	Political Mohmand
16	Muhammad Iqbal	Political Agent Khyber Office	Political Mohmand
17	Shah Jehan	Political Agent Khyber Office	Political Mohmand
18	Imyazullah Khan	Political Agent Khyber Office	Political Mohmand
19	Faridullah Khan	Political Agent Khyber Office	Political Mohmand
20	Muhammad Saeed	Political Agent Khyber Office	Political Mohmand
21	Zarin Khan	Political Agent Khyber Office	Political Mohmand
22	Turkistan	Political Agent Khyber Office	Political Mohmand
23	Saifem Javed	Political Agent Khyber Office	Political Mohmand
24	Arshad Kamal	DCO Office Peshawar	Assistant
25	Muhammad Sher	Political Agent Mohmand Office	Political Mohmand
26	Zahid Kamal	Commissioner Office Peshawar	Assistant

A certificate to the effect that there is no judicial / Departmental inquiry or disciplinary proceedings are not pending against the officials may also be given.

No. Est: V/Seniority list

D. No 13838

Copy forwarded to the:-

Political Agent Mohmand

Political Agent Khyber Agency

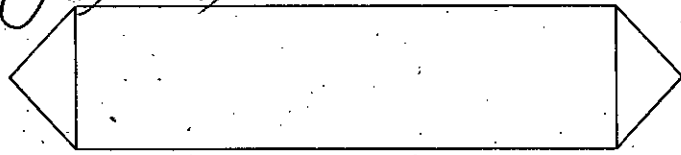
For similar necessary action

Attested  
Adm

RECEIVED

Handwritten signature and date

بعدالت صفا۔ سروس ٹریڈ یونین خیرین فوآہ لکھنؤ



2014ء منجانب اہلکار

نور العزیز بنام گورنمنٹ خیرین فوآہ لکھنؤ

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام لکھنؤ کیلئے صبا اسٹریٹ گل کمانڈر صاحب کے مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے وہ ہوگا۔ کوئی تاریخ پیش مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

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Handwritten signatures and dates: '2014', '17/04/2014', and '17/04/2014'.

Handwritten signature and name 'نور العزیز' in the bottom right margin.

17301-6766991-1

POWER OF ATTORNEY

In the Court of CPK Service Tribunal Peshawar

Muhammad Aziz

} For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

VERSUS

Govt of CPK and others

} Defendant  
} Respondent S, II  
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. 557 of 2014  
Fixed for 18/6/2014

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

**IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN**

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

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

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

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

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_ the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_

Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

*[Handwritten signatures]*

*[Handwritten signature]*

**Ijaz Anwar**

Advocate High Courts & Supreme Court of Pakistan

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

*[Handwritten signatures]*  
Saad Amin Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 557/2014.

Noor-ul-Aziz Assistant Office of the Commissioner, Peshawar Division .....Appellants

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, SMBR and 25 others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 4 ARE AS UNDER:-

PRELIMINARY OBJECTIONS

1. The appellant had challenged Notification dated 11.03.2011 before the Peshawar High Court on 28.11.2011 i.e. after 8 ½ months. Therefore the appeal before Service Tribunal is badly time barred.
2. The appellant is estopped by his conduct to bring the present Appeal.
3. That the instant appeal is barred by law and not maintainable.
4. That the instant appeal is bad for mis-joinder and non-joinder of necessary parties.

ON FACTS.

1. Incorrect. The appellant is employee of office of the Commissioner, Peshawar which is an Attached Office of the Revenue & Estate Department. The recruitment of Assistants of Attached Offices is made by the office itself and not by the Public Service Commission.
2. No comments. Relates to record of the office of Commissioner, Peshawar Division.
3. Partially correct. The Notification enforcing Rules for Revenue & Estate Department in 2001 repealed all existing rules including the West Pakistan Tehsildari and Naib Tehsildari Service Rules 1962, if they had been adopted by Provincial Government. Furthermore, the Notification of 2001 does not contain any provision for promotion of Assistants of office of Commissioner to the post of Naib Tehsildar.
4. Correct. The amendment of 2002 also did not create any provision for promotion of Assistants of the Office of Commissioner to the post of Naib Tehsildar.
5. Correct. The amendment of 2008 also did not create any provision for promotion of Assistants of the Office of Commissioner to the post of Naib Tehsildar.
6. Correct. The amendment was necessitated for two reasons. Firstly, with the creation of Office of Commissioner, Assistants employed in offices of Commissioner were made eligible for promotion to the post of Naib Tehsildars. Secondly, during turmoil in tribal areas it was noticed that the Tehsildars and Naib Tehsildars being recruited/promoted after 2001 did not have the requisite experience to deal with tribal matters. The policies of the Government are implemented and law & order at grassroots is maintained through the Political Moharirs (Junior Clerks) who deal directly with the tribal populace. Due to their experience gained in handling complex situations they were made eligible for promotion to post of Naib Tehsildar which is the government's second interface with tribals, therefore Political Moharirs were again made eligible for promotion to post of Naib Tehsildar.

The appellants cannot take benefit of a portion of the amendment and at the same time oppose another portion which creates competition for them. Furthermore, the appellants cannot claim promotion against posts that are not on the strength of Revenue and Estate Department i.e. posts of Political Tehsildars/Naib Tehsildars on budget of FATA.

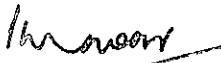
incorrect. The post of Political Moharir was included in the panel of post holders eligible for post of Naib Tehsildar since the promulgation of Tehsildar /Naib Tehsildar Service Rules 1962, and was unlawfully omitted in 2001. The mistake was rectified with insertion of amendment in March 2011. Political Moharirs are in fact junior clerks who have experience of field in tribal-areas matters.


8. As the eligibility is on joint seniority as indicated in "subject" of the Annexure, therefore the appellant has been placed at the correct position on the basis of Tehsildar/Naib Tehsildar Service Rules.
9. In case the appellant is aggrieved of any act of the respondents which affect their/his terms and conditions of service, the appellants has to approach proper forum in time.


#### GROUNDNS

- A. Incorrect. The respondents have acted according to law, rule and Constitution. The impugned notification is legally issued which is just, fair, and sustainable in the eye of law.
- B. Incorrect. Junior Clerks having field experience in tribal affairs are designated as Political Moharirs. The appellants are trying to create confusion un-necessarily.
- C. Incorrect. The question here is not of parity, but of requisite experience. Detail reply has already been given in para 6 above. Senior Clerks are not designated as Political Moharirs.
- D. Incorrect. The appellant was treated according to law and the impugned notification does not violate Articles of the Constitution.
- E. Incorrect. The logic forwarded by appellant is misconceived and speaks of ignorance of requirements of posts in tribal areas. During testing times in tribal areas, Political Moharirs were given charge of post of Naib Tehsildar in OPS to handle the situation as Naib Tehsildars recruited from Public Service Commission and ministerial quota, due to inexperience of tribal societies and influences, miserably failed and employed extraneous pressures to avoid such transfers.
- F. Incorrect. Assistants of Office of Political Agent do not have requisite experience to handle tribal situations. Furthermore, none of the affected Assistants has objected to the rectification of mistake by respondents.
- G. Correct to the extent that writ petition of the appellant was accepted, but the order of Peshawar High Court was assailed before Supreme Court of Pakistan, whereby the order of Peshawar High Court was set aside and the writ petition was converted into appeal before this Tribunal.
- H. As in 'G' above.
- I. Respondents will also raised additional grounds at the time of arguments.

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

  
Senior Member, BOR  
Respondent #1

  
Secretary Establishment  
Respondent #3

  
Secretary Finance  
Respondent #4



FAX

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

No. Estt:V/Seniority list 24966.  
Peshawar dated the 29/09/2011

To The Commissioner,  
Peshawar Division Peshawar.

Subject: Provision of ACRs and Synopsis of ACRs

I am directed to refer to the subject noted above and to request you to furnish original ACRs alongwith synopsis of ACRs for the entire service in respect of the following officials within two days positively.

S No	Name of officials	Office	Remarks
1	Hazrat Khan	Political Agent Mohmand Office	Promoted as Naib Tehsildar through Administrative order
2	Iqbal Hussain	Political Agent Khyber Office	Political Moharrir
3	Imdad Khan	Political Agent Mohmand Office	Political Moharrir
4	Jan Alam	Political Agent Mohmand Office	Political Moharrir
5	Samin Khan	Political Agent Mohmand Office	Political Moharrir
6	Mufti Muntaz Jan	Political Agent Khyber Office	Political Moharrir
7	Ghazi Khan	Political Agent Khyber Office	Political Moharrir
8	Mecna Dar	Political Agent Khyber Office	Political Moharrir
9	Chandi Khan	Political Agent Mohmand Office	Political Moharrir
10	Ihsanuddin	Political Agent Mohmand Office	Political Moharrir
11	Sheryat Khan	Political Agent Mohmand Office	Political Moharrir
12	Gohar Ali	Political Agent Mohmand Office	Political Moharrir
13	Badruz Zaman	Political Agent Mohmand Office	Political Moharrir
14	Bismillah Khan	Political Agent Khyber Office	Political Moharrir
15	Ali Raza	Political Agent Khyber Office	Political Moharrir
16	Muhammad Ibrar	Political Agent Khyber Office	Political Moharrir
17	Shah Jahan	Political Agent Khyber Office	Political Moharrir
18	Imayatullah Khan	Political Agent Khyber Office	Political Moharrir
19	Faridullah Khan	Political Agent Khyber Office	Political Moharrir
20	Muhammad Saeed	Political Agent Khyber Office	Political Moharrir
21	Zarin Khan	Political Agent Khyber Office	Political Moharrir
22	Farkistan	Political Agent Khyber Office	Political Moharrir
23	Sakeem Javed	Political Agent Khyber Office	Political Moharrir
24	Ushad Kamal	DCO Office Peshawar	Assistant
25	Muhammad Slet	Political Agent Mohmand Office	Political Moharrir
26	Z. Al Kamal	Commissioner Office Peshawar	Assistant

A certificate to the effect that there is no judicial / Departmental inquiry or other proceedings are not pending against the officials may also be given.

No. Estt:V/Seniority list

D. No 13838

Assistant Secretary

Copy forwarded to the:-

1. Political Agent Mohmand
2. Political Agent Khyber Agency

For similar necessary action

Assistant Secretary (R&E)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

In the matter of:

Service Appeal No. 557/2013

Noor-Ul-Aziz ..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa & others. . . Respondents

**APPLICATION FOR REJECTION OF**

**THE SERVICE APPEAL UNDER**

**ORDER-7 RULE-11 C.P.C**

**Respectfully Sheweth:**

1. That the above noted service appeal is pending adjudication and is fixed today for reply of the replying respondents.
2. That the service appeal besides being barred by law have become infructuous, inter alia, on the following grounds;

It is, therefore, requested that on acceptance of this application, the filed appeal may kindly be dismissed with costs.

*[Handwritten mark]*

*[Handwritten signature]*

Respondents No. 211

Through

*[Handwritten signature]*

LAZ ANWAR

Advocate, Peshawar

Dated: 02.11.2014

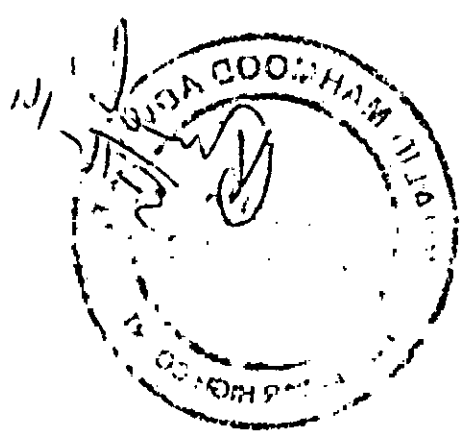
AFFIDAVIT

It is stated on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

*[Handwritten mark]*

*[Handwritten signature]*

D. ARSHAD



**GRUNDS:**

- A. That the appellant has to exercise his option as to whether he is to be considered for the post of Tehsildar BPS-16 or Naib Tehsildar BPS-14, since his name is under consideration for promotion of Tehsildar BPS-16, he has got no cause of action to question the reserve quota for promotion of Naib Tehsildar BPS-14.
- B. That the appeal of the appellant is hopelessly barred by time, no application for condonation is filed, the appeal is thus liable to be dismissed on this score alone.
- C. That the Government is empowered to amend the rules and the same cannot be validly questioned in service appeal.
- D. That the appeal in hand has become infructuous after inclusion of the post of Assistant of the Commissioner Office in the feeding cadre for promotion to the post of Tehsildar BPS-16, besides on this amendment the appellant was left with no cause of action/ locus standi to challenge the amendment notification dated 30.03.2011.

It is, therefore, requested that on acceptance of this application, the titled appeal may kindly be dismissed with costs.

*[Handwritten signature]*

Respondents No. 5, 11

Through

*[Handwritten signature]*

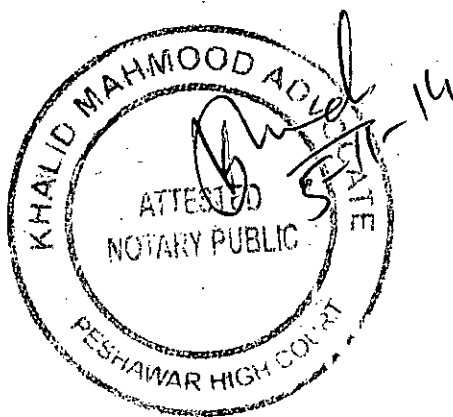
**IJAZ ANWAR**  
Advocate, Peshawar

Dated: 05.11.2014

**AFFIDAVIT**

It is stated on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

*[Handwritten signature]*  
DEPONENT



B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

In the matter of:

Service Appeal No. 557/2013

Nasir-ul-Aziz

.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa & others. . . Respondents

APPLICATION FOR REJECTION OF  
THE SERVICE APPEAL UNDER  
ORDER-7 RULE-11 C.P.C

Respectfully Sheweth:

1. That the above noted service appeal is pending adjudication and is fixed today for reply of the replying respondents.
2. That the service appeal besides being barred by law have become infructuous, inter alia, on the following grounds;

**GROUNDS:**

- A. That the appellant has to exercise his option as to whether he is to be considered for the post of Tehsildar BPS-16 or Naib Tehsildar BPS-14, since his name is under consideration for promotion of Tehsildar BPS-16, he has got no cause of action to question the reserve quota for promotion of Naib Tehsildar BPS-14.
- B. That the appeal of the appellant is hopelessly barred by time, no application for condonation is filed, the appeal is thus liable to be dismissed on this score alone.
- C. That the Government is empowered to amend the rules and the same cannot be validly questioned in service appeal.
- D. That the appeal in hand has become infructuous after inclusion of the post of Assistant of the Commissioner Office in the feeding cadre for promotion to the post of Tehsildar BPS-16, besides on this amendment the appellant was left with no cause of action/ locus standi to challenge the amendment notification dated 30.03.2011.

It is, therefore, requested that on acceptance of this application, the titled appeal may kindly be dismissed with costs.

Through Respondents No. 5, 11

Dated: 05.11.2014

**IJAZ ANWAR**  
Advocate, Peshawar

**AFFIDAVIT**

It is stated on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 557/2014

Noor-ul-Aziz Assistant Office of the Commissioner, Peshawar Division .....Appellants

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, SMBR and 25 others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 4 ARE AS UNDER:-

PRELIMINARY OBJECTIONS

1. The appellant had challenged Notification dated 11.03.2011 before the Peshawar High Court on 28.11.2011 i.e. after 8 ½ months. Therefore the appeal before Service Tribunal is badly time barred.
2. The appellant is estopped by his conduct to bring the present Appeal.
3. That the instant appeal is barred by law and not maintainable.
4. That the instant appeal is bad for mis-joinder and non-joinder of necessary parties.

ON FACTS.

1. Incorrect. The appellant is employee of office of the Commissioner, Peshawar which is an Attached Office of the Revenue & Estate Department. The recruitment of Assistants of Attached Offices is made by the office itself and not by the Public Service Commission.
2. No comments. Relates to record of the office of Commissioner, Peshawar Division.
3. Partially correct. The Notification enforcing Rules for Revenue & Estate Department in 2001 repealed all existing rules including the West Pakistan Tehsildari and Naib Tehsildari Service Rules 1962, if they had been adopted by Provincial Government. Furthermore, the Notification of 2001 does not contain any provision for promotion of Assistants of office of Commissioner to the post of Naib Tehsildar.
4. Correct. The amendment of 2002 also did not create any provision for promotion of Assistants of the Office of Commissioner to the post of Naib Tehsildar.
5. Correct. The amendment of 2008 also did not create any provision for promotion of Assistants of the Office of Commissioner to the post of Naib Tehsildar.
6. Correct. The amendment was necessitated for two reasons. Firstly, with the creation of Office of Commissioner, Assistants employed in offices of Commissioner were made eligible for promotion to the post of Naib Tehsildars:  
Secondly, during turmoil in tribal areas it was noticed that the Tehsildars and Naib Tehsildars being recruited/promoted after 2001 did not have the requisite experience to deal with tribal matters. The policies of the Government are implemented and law & order at grassroots is maintained through the Political Moharirs (Junior Clerks) who deal directly with the tribal populace. Due to their experience gained in handling complex situations they were made eligible for promotion to post of Naib Tehsildar which is the government's second interface with tribals, therefore Political Moharirs were again made eligible for promotion to post of Naib Tehsildar.

The appellants cannot take benefit of a portion of the amendment and at the same time oppose another portion which creates competition for them. Furthermore, the appellants cannot claim promotion against posts that are not on the strength of Revenue and Estate Department i.e. posts of Political Tehsildars/Naib Tehsildars on budget of FATA.

incorrect. The post of Political Moharir was included in the panel of post holders eligible for post of Naib Tehsildar since the promulgation of Tehsildar /Naib Tehsildar Service Rules 1962, and was unlawfully omitted in 2001. The mistake was rectified with insertion of amendment in March 2011. Political Moharirs are in fact junior clerks who have experience of field in tribal areas matters.

8. As the eligibility is on joint seniority as indicated in "subject" of the Annexure, therefore the appellants has been placed at the correct position on the basis of Tehsildar/Naib Tehsildar Service Rules.
9. In case the appellant is aggrieved of any act of the respondents which affect their/his terms and conditions of service, the appellants has to approach proper forum in time.


#### GROUNDS

- A. Incorrect. The respondents have acted according to law, rule and Constitution. The impugned notification is legally issued which is just, fair, and sustainable in the eye of law.
- B. Incorrect. Junior Clerks having field experience in tribal affairs are designated as Political Moharirs. The appellants are trying to create confusion un-necessarily.
- C. Incorrect. The question here is not of parity, but of requisite experience. Detail reply has already been given in para 6 above. Senior Clerks are not designated as Political Moharirs.
- D. Incorrect. The appellant was treated according to law and the impugned notification does not violate Articles of the Constitution.
- E. Incorrect. The logic forwarded by appellant is misconceived and speaks of ignorance of requirements of posts in tribal areas. During testing times in tribal areas, Political Moharirs were given charge of post of Naib Tehsildar in OPS to handle the situation as Naib Tehsildars recruited from Public Service Commission and ministerial quota, due to inexperience of tribal societies and influences, miserably failed and employed extraneous pressures to avoid such transfers.
- F. Incorrect. Assistants of Office of Political Agent do not have requisite experience to handle tribal situations. Furthermore, none of the affected Assistants has objected to the rectification of mistake by respondents.
- G. Correct to the extent that writ petition of the appellant was accepted, but the order of Peshawar High Court was assailed before Supreme Court of Pakistan, whereby the order of Peshawar High Court was set aside and the writ petition was converted into appeal before this Tribunal.
- H. As in 'G' above.
- I. Respondents will also raised additional grounds at the time of arguments.

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

  
Senior Member, BOR  
Respondent #1 & 2

  
Secretary Establishment  
Respondent #3

  
Secretary Finance  
Respondent #4

FAX

32

413  
9

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

No. Estt:V/Seniority list 24966.  
Peshawar dated the 29/09/2011

To  
The Commissioner,  
Peshawar Division Peshawar.

Subject: Provision of ACRs and Synopsis of ACRs.

I am directed to refer to the subject noted above and to request you to furnish original ACRs alongwith synopsis of ACRs for the entire service in respect of the following officials within two days positively:

S No	Name of officials	Office	Remarks
1	Hazrat Khan	Political Agent Mohmand Office	Promoted as Naib Tehsildar through Administrative Order
2	Iqbal Hussain	Political Agent Khyber Office	Political Moharrir
3	Imdad Khan	Political Agent Mohmand Office	Political Moharrir
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5	Samia Khan	Political Agent Mohmand Office	Political Moharrir
6	Miftu Mumtaz Jan	Political Agent Khyber Office	Political Moharrir
7	Ghazi Khan	Political Agent Khyber Office	Political Moharrir
8	Mecna Dar	Political Agent Khyber Office	Political Moharrir
9	Chandi Khan	Political Agent Mohmand Office	Political Moharrir
10	Ibrahim Idin	Political Agent Mohmand Office	Political Moharrir
11	Sheryar Khan	Political Agent Mohmand Office	Political Moharrir
12	Gohar Ali	Political Agent Mohmand Office	Political Moharrir
13	Badruz Zaman	Political Agent Mohmand Office	Political Moharrir
14	Bismillah Khan	Political Agent Khyber Office	Political Moharrir
15	Ali Raza	Political Agent Khyber Office	Political Moharrir
16	Muhammad Ibrar	Political Agent Khyber Office	Political Moharrir
17	Shah Jahan	Political Agent Khyber Office	Political Moharrir
18	Imayatulh Khan	Political Agent Khyber Office	Political Moharrir
19	Lardullah Khan	Political Agent Khyber Office	Political Moharrir
20	Muhammad Saeed	Political Agent Khyber Office	Political Moharrir
21	Zarif Khan	Political Agent Khyber Office	Political Moharrir
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23	Suleem Javed	Political Agent Khyber Office	Political Moharrir
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25	Muhammad Slet	Political Agent Mohmand Office	Political Moharrir
26	Zaid Kamal	Commissioner Office Peshawar	Assistant

A certificate to the effect that there is no judicial / Departmental inquiry or other pending cases are not pending against the officials may also be given.

No. Estt V/Seniority list

D. No 13838

Assistant Secretary

Copy forwarded to the:-

28-9-11

1. Political Agent Mohmand
2. Political Agent Khyber Agency

For similar necessary action

Assistant Secretary (DCCO)

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Chief Secretary  
Respondent #1

*In view*  
Senior Member, BOR  
Respondent #1 & 2

*Secretary*  
Secretary Establishment  
Respondent #3

*Secretary*  
Secretary Finance  
Respondent #4  
*Super*

FAX

32

113  
9

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

No. Estt:V/Seniority list 24966.  
Peshawar dated the 29/09/2011

To  
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7	Glazi Khan	Political Agent Khyber Office	Political Moharrir
8	Meena Dair	Political Agent Khyber Office	Political Moharrir
9	Chand Khan	Political Agent Mohmand Office	Political Moharrir
10	Ihsanuddin	Political Agent Mohmand Office	Political Moharrir
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20	Muhammad Saeed	Political Agent Khyber Office	Political Moharrir
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Assistant Secretary

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For similar necessary action

Assistant Secretary