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.

<u>Chairman</u>

Member

<u>ANNOUNCED</u> 31.10.2017



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.

0

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.

May Sold

(Gul Zeo Khan)

(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 $\mu - 2 - 2016$.

D---

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.

✓ MBER

MILMBER

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.

vlember

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

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.

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.

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

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

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 exparte.



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.

MEMBE

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

Counsel for the appellant 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.

MEMBER

Form- A FORM OF ORDER SHEET

Case No. 558/2014	

	· · · · · · · · · · · · · · · · · · ·	
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
. 1	18/04/2014	The appeal of Mr. Qaisar Khan 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. REGISTRAR
	18.4.2014	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.
		MEMBER MEMBER
•		
	19.5.2014	Counsel for the appellant and AAG with Mukhtiar Ali,
-	Su	pdt, Sultan Shah, Assistant and Muhammad Irshad, Supdt. for
	res	pondents No. 1 to 4 present and requested for time. None is
	av	ailable on behalf of private respondents. Fresh notices be
, •		ued to them. To come up for written reply on 18.6.2014.
		MEMBER MEMBER
•		(>

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Appeal No. 558/2014

Qaisar Khan

<u>V E R S U S</u>

Government of KPK and others

INDEX

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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
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Through:

Dated: -17-04-2014

(MIAN AFRASIAB GUL KAKAKHEL)

Advocate

High Court, Peshawar Cell # 0333-9215562

Appellant

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Service Appeal No <u>558</u> 2014



Qasir Khan Assistant, Office of the Commissioner Peshawar

Division, Peshawar.....(Appellant)

<u>V E R S U S</u>

- The Government of Khyber Pakhtunkhwa through Chief
 Secretary, Civil Secretariat, Peshawar
- 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

18/4 Ex-parto 18-6-14 Expants

- 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)

Appeal under Section 4 of Service Tribunal Act, 1974

PRAYER IN APPEAL:-

On acceptance of instant appeal, the Notification dated March, 2011 may please be interpreted implemented strictly in accordance with 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:-

- 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 23. (Copy of the seniority list is attached as Annex 'A').
- 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:-

- (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-cumfitness 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.
- 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

317 4.

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

- 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-cumfitness 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 present 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

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-cumfitness 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

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.
- 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.
- P) 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

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 Mohannd 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.
- 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,

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 30th 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.

Through:

(MIAN AFRASIAB GUL KAKAKHEL)

Advocate,

High Court Peshawar

Appellant

Dated: -17-04-2014

INTERIM RELIEF:-

Dated: -17-04-2014

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:

(MIAN AFRASIAB GUL KAKAKHEL)

Advocate,

High Court Peshawar

Appellant



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Qaisar Khan

<u>V</u>ERSUS

Government of KPK and others

<u>AFFIDAVIT</u>

I, Qaisar Khan 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





CERTIFICATE

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

Date:17.04.2014



Anex A;



OFFICE OF THE COMMISSIONER PESHAWAR DIVISION PESHAWAR

OFFICE ORDER:

Dated: 31.12.2013

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.

No.5/4/EA/III/ 3932-36

Commissioner Peshawar Division

Dated: 31.12.2013

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

- 1. Senior Member Board of Revenue, Khyber Pakhturikhwa.
- 2 Secretary Admini & Coordination, FATA Secretarist, Warsait Road Peshawar
- 3. Deputy Commissioners Poshawar. Charsadda & Nowshera districts.
- a Political Agents Khyber & Mohmand Agencies.
- . Officials Concerned.

ASSISTANT TO COMMISSIONER (REV/GA

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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
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
	Peshawar /01.01.1955	Matric	17.01.1978	29.05.2001	Promotion	EDO(F&P) Peshawar	
Mr. Aslam Khan Mr. Muzammil	Nowshera/ 01.12.1957	Matric	18.08.1990	05.07.2003	Promotion	DC Nowshera	Corrected as per orde No 3151-64 6/4-AA Vo dated 25 64 2013
Mr. Muhammad	Peshawar /09.01.1960	M.A	09.04.1984	12.07.2003	Direct	EDO(F&P) Peshawar	
Sadiq	Nowshera /04.01.1956	B.A	04.03.1977	01.10.2005	Promotion	DC Nowshera	
5. Mr. Sajjad Ali Shah	Nowshera /08.02.1955	M.A	01.01.1981	01.10.2005	Promotion	DC Nowshera	
6. Mr. Amal khan	Nowshera /01.04.1958	Metric	01.02.1981	01.10.2005	Promotion	(F&P) Deptt: Nowshera	
7. Mr. Javed Ashraf	Nowshera /20.09.1958	M.A	03.09.1985	01.10.2005	Promotion	(F&P) Deptt: Nowshera	
8. Mr. Shah Nawaz	Mohmand Agency /08.01.1956	Matric	16.08.1974	10.06.2006	Promotion	PA Mohmand Office	
9. Mr. Yar Muhammad Mr. Muhammad	Peshawar /24.05.1959	B.A	25.01.1981	04.10.2006	Promotion	EDO(F&P) Peshawar	
10. Ishtaq	i.	 Matric	01.12.1975	19:01:2007	Promotion	PA-Khyber-Office-	
11. Mr. Rahid Gul12. Mr. Noor-ul-Amin	Khyber Agency / 11.01.1957 Charsadda /15.06.1955	Matric	13.04.1977	10.04.2007	Promotion	EDO F&P Deptt Charsadda	
	Peshawar /08.12.1957	F.A	01.04.1977	01.08.2007	Promotion	EDO(F&P) Peshawar	
Mr. Pir Muhammad	Peshawar /01.10.1959	Matric	01.01.1981	01.08.2007	Promotion	DOR Peshawar	
14. Azam		Matric	01.01.1981	31.08.2007	Promotion	DC Charsadda	
15. Mr. Attahullah16. Mr. Abusufyan	Charsadda / 31.01.1958 Charsadda / 15.06.1960	B.A	24,01,1981	11.10.2007	Promotion	DC Charsadda	

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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.Estt:IU14622 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	
17.	Mr. Shah Wali	Nowshera / 14.04.1963	S.S.C	01.12.1982	28.09.2012	Promotion	DČ Nowshera	
48.	Mr. Muhammad Saiman	Charsadda / 25.10.1992	B.A	18.04.2013	18.04.2013	Direct	DC Charsadda	

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GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE, PRY SHURES ESTATE DEPARTMENT

POTTEICATION

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DATEL BENLLOWAR HE 2774 NOVEMBER 2001

No. 27944 / Ad-1 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, rend with the Cabinet Division Notification No. SRO 475(1)/2001, dated the 28th June, 2001, and in succession of all provious 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 recraimment, and the Finance Department, hereby lays down the Method of recraimment, and the Finance Department, hereby lays down the Method of recraimment, and the Finance Department, hereby lays down applicable to peats borne and the endre wrength of Revenue and Estate Department specified in external 2 of the 2 dependix.

CERETARY 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 27th 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 28th June, 2001, and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the Method of recruitment, qualifications and other conditions specified in column 3 to 6 of the Appendix to this notification, which shall be applicable to posts 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.

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27945-51 / Ad-I,

Colod: 27-11-2001.

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

The Secretary's to Govt: of NWFP:-

- (1) E&A Department
- (II) Finance Department.
- (III) . Law Parliamentary Affairs Department.

The Secretary's NWFP. Public Service Commission.

The Registrar, Peshavar High Court, Peshawar.

The Accountant General, NWFP Peshawar.

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

The Private Secretary is 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 the printed copies to the undersigned.

DEPUT GECRETARY TO GOVE OF THE NOW TO VEVENUE DEPARTMENT.

ATTESTED

A Mily

GOVERNMENT OF THE NORTH WEST FRONTIER PROVINCE, REVENUE DEPARTMENT

NOTIFICATION

Peshawar dated the **03**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 27th November, 2001, the following amendments shall be made namely:

Amendments

- In the Schedule appended to the said Notification, for the word 1. "SCHEDULE", the word "APPENDIX" shall be substituted.
- 2. In the Appendix so substituted:--
- In the entries in column 6 against serial No.1, in clause (C, (1)
 - 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 Kanungos, District Revenue Accountants and Head Clerks (Revenue), with at least five years service as such",
 - b. clause (iii) shall be deleted.
 - The following Note shall be added in column 6 below the existing entries as amended above, namely.

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

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



(33)

OVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE, REVENUE DEPARTMENT

NOTHECATION

Peshawar dated the

3/ //0200.

No. 23 4/20 /Admm: 1/135. In exercise of the powers conferred by sub-rule (2) of state 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 27th November, 2001, the following smendments shall be made namedy:

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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, --
 - in the entries in column 6 against serial No. 1, in crause con-
 - (a) for the existing entries at sub-clauses (1) and (ii), the following shall be substituted, namely:
 - (i) Assistant and Senior Sente Stemographers in the offices of Board of Revenue, Director Land Records and Political Agents, and Assistant and Junior Scale Stemographers in the offices of District Officers (Revenue & Estate). Collectors, who are graduate and have at least five year service as such and
 - (ii) District Ramingos, District Revenue Accountants and Head Clerks (Revience), with at least five years service as such", and
 - (iv) clause (iii) shall be deleted.
 - (c) The following Note shall be added in coloring a 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 prescribal 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"
 - (b) for clause and the restricted of the standard many and the standard of the

Ausle Mary



- 1296 by selection on merit from amongst Assistants and (c) 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 yearn norvice manneting
- the following Note shall be added in column to below the existing (B) entries an amended above, namely:

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

- (3) in the entry in column 6 against serial No. 4, after the word "Patroaris" the comma and the words", Tehsil Revenue Accountant and Wasil Bauj Navvis" shall be inserted;
- in the entry in column 3 against serial No. 5, the following shall be added (4) after the word "qualification".

", who have passed the Patwar Training Course".

SECRETARY TO GOVERNMENT, THE NORTH-WEST FRONTIER PROVINCE, REVENUE DEPAR IMENT.

/Admir:P135 dated the /10/2002.

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

Secretary to Government of NWFP, Establishment Department,

Secretary to Government of NWIP, Finance Department.

Secretary to Covernment of NWIP. Law Department,

Secretary NWFP Public Service Commission.

Registrar, Peshawar High Court, Peshawar.

Accountant General, NWPP

All the District Officers (Revenue & Estate) Collectors in NWFP/EA, 101 1915

PS to Minister for Revenue, NWFP.

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.

DEPUTY SECRETARY TO GOVE OF NWFP, REVENUE DEPARTMENT.

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Method of recognituent. ítus.z. 2" to 22 (6) 200 by initial recruitment:-Tears. (b) laciat 500 by importion on the besis seniorio, co semitrity-oun-fitness from . by 10 En Government. amongst maib Pehsilders; end list of personnel of to receining 30% vacancies Subcroinere she i be filled in by selection service for on verit from amongst; the purpose (a) ssignant; and Senior Scale of promotion NOTIFIC:TION NO. 23428/Adon:I dated 31-10-2012. a Henomathers working in against 50% ine cline of Board of Quote of the Sumeren.e and District post of in the entries in column 6 against serial year. 6 Tollerocce who are graduates Tebsilders in clause (c) 12 175 have attemen three shall te ofire service es such; Caused with for the existing entities of pub-clauser(i) and (ii), the following shall be substituted (11) mistrice vanuages with coleany targe Tears service reference to: their restect_vas svab; and dete of tii) (desd planks (Revenue) in bligibility. Assistants & Senior Scale Stenographers in The Fistrics Collector's the offices of Board of Revenue, Director offices with at least NOTE: The official Lend Decords & Political Agents, & contaction ighten reals service as such: and Junior Scale Stenographers of the offices so appointed المراز والمراز of District Officers, (ReE)/Collecters, who are tas Poherider small Ereducte & have at least five years service underge a training course in the Revenue Achool shall (ii) District Ramurgos, District Revenue Accountants and have to pass the Head Clerks(Revenue), with at least five Jears prescribed exemination within the probatioclause(iii) shall be leleted. nerr period"

Nested Warm

Method of recruitment. Remarks Nomenclature | Qualification for (a).20% by initial recruitment Joint Seniority list of appointment by b. 50% by promotion on the initial recruiment ion of personnel of Tebsildar basis of seniority -curi-Subordinate service Fitness from amongst Naib for the purpose of Graduation raining as may re Tehsildars: and recognizpromotion against c. the remaining 30% 30% quota of the post prescribed by the vacancies shall be filled in by of Tehsildars shall be Government. selection on merit from caused with reference dated 31.10.2002 amonest as in column 6 against serial No.1, in clause (c) to their respective date Notificati i. Assistants and seniority for the existing entries of sub clauses (i) and (ii), the following of eligibility. scale stenographers working in 1). shall be substituted namely; the office of Board of Revenue (i) Assistants & Senior Scale Stenographers in the offices of Board of NOTE and District Collectors who Revenue, Director land records & Political Agents, & Assistants The official so · · · · are graduates and have at least and Junior Scale Stenographers of the offices of District Officers, appointed as Tehsildar. three years service as such; (R7E)/ Collectors, who are graduate & have at least give years shall undergo a and training course in the service as such, and. iii. Head Clerks (Revenue) in (ii) District Kanungos, District Revenue Accounts and Head Clerks Revenue School shall the District Collector's offices (Revenue), with at least five years have to pass the with at least three years clause (iii) shall be deleted. prescribed service as such: examination within the probationary period"

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· <u> </u>	2	tr initial recruitment.	Pronotion.	initis1			
2/	Naib Tebaildar	Graduation from a recognised thiversity.	Passing of Naib Tehsilderi Departmental Examination and such training as may be prescribed by the Government.	21 to 28 Tears.	(+)	Figs by initial promitment, of which the shall be removed for expension and through public Service Consission basel on the result of a	
	(2) in the anti- (a) in clause "three yo (b) for clause (c) 12% Ten (in the control of the fill (c) the fill (c) the fill (c) the fill (c)	ries in column 6 sector shell be subset of the followed by selection on the followed by selection from the followed by selection of the followed by selections of the foliose of the foliose with three sectors with the sectors with the sectors with three sectors	ing shall be substituerit from amongst as there of Roard of Resident the offices of and the offices (Revenutation offices as surprise as some sided in column 6	rated namely said yenue, the Folitical sensorablers of Estate / chr	` '	contestitive examination accordance with the mylabus. 38 by production on the busis of seniority confitness for enterpt confitness for enterpt Kunungos in the Division with at least five resus service as 1985. 128 in salaritin on merit from accrest Assistantian Stenoform in the off i	ECTS: "The official at appointed as waib rehalder shall
	Wester A	o produ) AMEST	ED	4	in thirds who have	underso a training course in the Pevenus school have to poss the prescribed examination within the predationary period"



S. No	Nomenclature of the post.	Qualification for appointment by initial recruitment.	Qualification for appointment by promotion.	Age Limit for initial recruitment	Method of recruitment.	Remarks
,	5	3	4	5	6	7
in the e	in clause (b) for substituted. For clause (C), (c) 12% by sele Stenograph of the Politi the offices of years service.	the following shall be ection on merit from an ers of Board of Revent cal Agents and Assista of District Officer (Rev ee as such.	the words three years	shall be senior Scale rds and the offices tenographers in ctors with three	50% by initial recruiment, 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 stillabus. b. 30% by promotion on the basis of seniority on cum fitness from amongst Kanungos in the Division with at least fie years service as such c. 12% selection on merit from amongst Assistants and	NOTE The official so appointed as Tehsildar shall undergo a training course in the Revenue School shall have to pass the prescribed
amend	ied above, name	ly;				

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y	r. 110	momenclature of the post.	qualification for Appointment by imital	quelification for Appointment by . promotion.	Age limit for initial recruitment.	Method of recruitment.	
			recruitment.	4		by promption, in the lesis of	
	7/	pistrict Kanung: (Sader renung:)	<u>-</u> .	passing of Naib Tebsildari Departmental Examination and such training as	. - .	by promation, in the service seniority cur-fitness, from extract the Kenungos with three years service as such three years service as such	
		Verming		may be prescribed by the Greenment.			
· · · · · · · · · · · · · · · · · · ·	<i>L</i> /	Keunui:	-	passing a Famingo pepartmental gramination and successful complet of such training of	tion as	We promotion, in the tests of teniority-bus-fitness, from amongst him patwaris in the district with five years getvice as mich.	Medical state and Authority that the Rest that the
	••			by Government.	18 to 30	New initial recruitment.	er ***
	51	patweri.	qualifications passed the Par	er examination.	Ters	By transfer Cotom amongs the hard to rectangue to many to rectangue to many to many to many the second to the seco	t pin 5
	£./	Tensil Reverue Accountant/ Wasil Baci Wasil Baci Wawis/Addi:	e.i or equival qualification from a recigni grant.			Whiles of the posts of Week that have under general for the post of radio Back the post of	
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No	Nomenclature of the post.	Qualification for appointment by initial	Qualification for appointment by	Age Limit for initial recruitment	Method of recruitment.	Remarks
	post.	recruitment.	promotion.	5.	6	
	2 District Kanungo	3	Possing Naib Tehsildari	-	By proportion, on the basis of semionty-	s.
	Sadar Kanungo		Departmental Exemination and Successful completion		with the years service as such	
			of training as may be prescribed by the			Tehsil Reveneu
			Government. Passing Kanungo		By proposition, on the basis of seniority currenteess, from amongst the patwart	s in Accountant and
+	Kanungo		Departmental Examination and		the Dirrict with five years service as s	uch Wash Dad
			Successful completion of training as may be prescribed by the			
			Government.	18- 30 years	By initial recruitment	
5	Patwari	F.A or equivalent qualification who has passed the Pawar				
· ·	1	examination F.A or Equivalent			By trusfer from amongst the holder the rest of Patwairs who have under	54,
	Tehsil Revencu Accountant/ Wasil Baqi Nawis/ Addl	qualification from a recognized Board.			of Wasil Bagi Nawis and have passed	~3·
	Wasil Bagi Nawis	,	1 .	l	Patrari Examination	

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Peshawar dated theZ6/12/2008.

Servant's (Appointment Parason a and Transfer) Rules. 1989 read with the Cabinet Division Notification No. 5180, 457 (1) 120.1 dated 28° Juni. 2271 and in supersussion of all previous riby issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Figure Department, hereby 1972 and the include of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts bettee on the ended mental of Revenue and Estate Department specified in column 2 of the said appendix:

Appendie

				STORE THE PERSON	• •		
	'	. 3	4	3	T		
S No	Nomenclature of the post	Apprinting Amounty	Minimum, Qualification for appointment l.y. initial recruitment or by transfer	Minimum Qualification for appointment by promotion	Age limit	Method of resultment	
1.	-Felisilder (BPS 16)	Administrative Secretary (SMER)	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 recognitment a (b) Sixty percent by promotion, on Seniority - com - fitness From amongst Naib Tehsilder with ht less Five Years So The condition of Graduation will be applied	the basis of the Graduate ervice as such, cable after-five
			4 = ATT	72D		years from the date of issuance of this Notifically Twenty percent by Prompter The dis-	

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1	2	3	4 .	5	6	7
S. No	Nomenclature of the post.	Appointing Authority	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum Qualification for appointment by promotion	Age Limit	Method of recruitment
1.	Tehsildar (BPS 16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission.	21-30 years For initial recruitment	(a) Twenty percent by initial recruitment and (b) sixty percent by promotion, on the basis of Seniority – cum – fitness From amongst the Graduate Naib Tehsildar with at least five years Service as such. The condition of graduation will be applicable after five years from the date of issuance of this Notification, and (C) Twenty percent by Promotion, on the basis of Joint Seniority- cumfitness 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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	Valb Tehsilder 3 Adr	Commission	Education Commission	years hitial nuitment	(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. By transfer from amongst Naib Tehsildar
5.	District Kanungo (Saddar Kanungo) BPS 14				By transfer from amongst Naib Tehsildar
4.	Head Clerk				D) 1000-0
	(Revenue) BPS 14		<u> </u>		By transfer from amongst Naib Tehsildar
5.	District Revenue Accountant BPS 14	·		<u> </u>	

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	.	by the Higher Feducation Corralission	any value of the stage of the s	For initial secretarian and PRO Percent by Initial recruitment, the eight SWI Competitive Evandination Conducted by It in secretarian.
			· · · · · · · · · · · · · · · · · · ·	b) Thirty percent by promotive, on the basis of Series of come - fitness from amongs: Graduate Kanangse with an Losa Five Years Service as such, who have pursed the Condition of Graduation will be applicable after five years from the date of issuance of this Notification.
Fystrict Kanunge Fadder Kanunge 113°S 14)				(c) Twenty percent by prometion, on the basis of joint Seniority - cum - fitness from amongst Junier Scale Agent and Assistant with the office of Political Assistant / Junior Scale Steposmotor Frontier Region.
13°S [4) d Clerk Avenue) N 14) Ariet Revenue 14)				Commissioner / Commissioners offices presently weeking in the offices of DCO / ACO / EDO (F&P) and DOR, by transfer from amongst Naib Tehsildar By transfer from amongst Naib Tehsildar
				By transfer from amongst Naib Tehsildar

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Copy forwarded for information and necessary action a

- 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 Dipartment 4. Secretary NWFP Public Service Commission
- 5. Secretary to Governor DWFP.
- 6. Registrar Perhawar High Court Peshawar
- Advocate General, NWFP.

 8. Accountant General NWFP Peshawar
- 9. Private Secretary to Citief Secretary NWFP
- 10.All District Coordination Officer, in NWFP
 11.All District Officer (Revenue & Estate) /Collector, in NWFP
- 12. Director Land Record NAVFP
- 13. The Controller, Government Printing Press, NWTP Peshawar with the request that the notification may be published in the official gazette and

Deputy Secretary Government of NWFP Revenue & Estate Department

35 Anex Es F.

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

Peshawar dated the 30/03/2011

OTHICATION

In pursuance of provisions enterined in Sub-Rule (2) of rule 3 of the North West Frontier Province Civil frants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & tate Department in consultation with the Establishment and Finance Departments reby directs that in this Departments Notification No. 32102/Admn:1/135/SSRC, ated 26:12.2008, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix:-

- (1) against S.No. I, in column No. 7, for the ext. entries, at clauses (b) and (c), the following shall substituted, namely;
 - "(b) By promotion on the basis of seniority-cumfitness 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) Iwenty 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.".

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

1,44.1						1
1 1	Render to Senior Member / Members Board of Revenue	3 4	5	. 1	Ry trans amongst Tehsilda	

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

(b)

"(a) Fifty percent; by initial recruitment; and

Fifly percent by promotion, on the basis of seniority-cum-litness, 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 Nail.

Tehsildar; and

twenty percent from amongst graduat (ii) thc οſ Addition Assistants Commissioners, Coordinatic . District Commissioners Offic District (R&E)/Collectors, and Executive Distri Officers, Officers (F&P), Political Moharries of t office of Political Agents and Assisti Political Agents (FR), with at least f years service as such.

Age and qualification for initial recruitmer
Naib Tehsildars, remain intact passing
Departmental Examination and present training as per rules 52, 53, 54 and 55 or
West Pakistan Tehsildar, and Naib Tele
Departmental Examination and Training F

ATTACTED

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J/1/296/Amendment ded for information and necessary action to the :-

Secretary in Government of Khyber Pakhtunkhwa Establishment Depa 2. Secretary to Government of Khyber Pakhtunkhwa. Finance Department

Secretary to Government of Khyber Pakhtunkhwa Law Department.

4. Scerctury Kliyber 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 public the above notification in the official Gazette and supply 50 printed copi thereof to the undersigned for record.

DEPUTY SECRETARY TO GOVERNME OF KHYBER PAKHTUNKHWA REVENUE & ESTATE DEPARTMENT

Mesier Affrica



A)/vol-11/ 5850

Dated: 19.07.2011

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 his office vide letter No. 6654/Acett: dated 01.06.2011 which is all little Political Agent has further informed over telephone that no little post of Political Moharrar exists in Khyber Agency.

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

Apart from the above seniority list of the Assistant in Peshawar are circulated vide this office No. 1019-29/6/-I(AA)Vol-I dated 2011 is also sent herewith.

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July dres

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

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man also

BOARD OF REVENUE REVENUE & ESTATE DEPARTMEN

No. Estit V/Seniority list 2494 Pedian archined the 29 (to 2013)

Peshawar Division Peshawar.

Provision of ACRs and Synopsis of ACRs

alangwith synopsis of ACRs for the entire service in respect of the following officials within two particulars of the following officials within two particulars.

й.:	Transfer to the second of the second		
ło.	Name of officials	Office ;	Remarks
į.	Hazzat Khan	Political Agent Mohmmid Office	Promoted as Naits through Administrati
į.	Ighal Hussain	Political Agent Khyber Office	Politicial Molanzia
	Imded Khan	Political Agent Molimand Office	Political Mobers
Ţ	Jan Alam	Political Agent Molimand Office	Politicial Mohanir
D	Samin Khan	Political Agent Molumand Office	Politicial Malacia
Çi:	Multi Mumtaz Jan	Political Agent Khyber Office	Politicial Malaria
₿ł.	Ghazi Klan	Political Agent Khyber Office	o difficial Medianes
Ţ	Moenn Dar	Political Agent Khyber Office	received at Notice?
	Chandi Khan	Political Agent Molonand Office	Politicial Abstracts
'n:	thusmoddin	Political Agent Molmand Office	fuldfæri Nadrac.
Ž	Sheryor Khan	Political Agent Mohmand Office	Political Malia: +
Ì	Gohar ∧li	Politicat Agem Mohnund Office	Politicia: Molecui.
	Badruz Zaman	Political Agent Mohmand Office	Paliticial Moherie
1	Bismillah Klian	Political Agent Kligher Office	Politicial Moltres
. 1	√Afi Raza	Political Agent Khyber Office	Politicut Malearii
`	Muhammad thrur	Political Agent Shyber Office	Poblici ir Violecija
.	Shah Jahan	Political Agent Khyber Office	Politicial Applicata
:	Innyatollah Khan	Political Agent Kliyber Office	Peligrani Maharra
	Feridullah Khan	Political Agent Khyber Office	Politicia: Molaria
Į	Muliammid Sneed	Political Agent Khyber Office	Politicial Stebaric
	Zarin Khan	Political Agent Khyber Office	Political Moberia
	Turkislan	Political Agent Khyber Office	Policial Glores (
٤.	Seleem Javed	Political Agent Khyber Office	Politicial Molaccia
	Arshad Kumul	DCO Office Peshawar	Assistant :
	Muhammad Sher	Political Agent Mohmmd Office	Politicial Mahairb
:	Zehid Kamal	Commissioner Office Pesbawar	Assistant

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

Fat: V/Seniority list D. No. 13.3.3.3.

Copy forwarded to the: 2-9 19

Political Agent Mohmand For similar necessary action

Political Agent Khyber Agenty

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باعث تحريرا نكه

مقدمه مندرجه عنوان بالامين اپن طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ

آن مقام لسيًا و كيلي صار الفراسا ساكل كالافرارالا مقرر کرے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وكيل صاحب كوراضى نامه كرنے وتقر رثالث وفيصله پرحلف ديتے جواب دہى اورا قبال دعوىٰ اور بصورت ڈگری کرنے اجراءاور وصولی چیک وروپیہار عرضی دعویٰ اور درخواست ہرقتم کی تصدیق زرایں پردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یاڈگری کیطرفہ یا پیل کی برامدگی اورمنسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی و پیروی کرنے کا مختار ہوگا۔ازبصورت ضرورت مقدمه مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مخار قانونی کوایے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔اورصاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اوراس کاساختہ پر داختہ منظور وقبول ہوگا دوران مقدمہ میں جوٹر چہ ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔کوئی تاریخ بیشی مقام دورہ پر ہو یا حدسے باہر ہوتو وکیل صاحب پابند ہول گے۔ کہ پیروی ندکور کریں ۔ لہذا و کالت نامہ کھدیا کہ سندر ہے۔

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لرس ا مراسس كالمتعظوري

چوك مشتشكرى پيثاورشى نون: 22ٍ20193 Mob: 0345-9223239

POWER OF ATTORNEY	
In the Court of KIK Scourse Tolbunal Peshes	7 .
Dasgas Chan For Plaintiff Appellant Petitioner Complainant Complainant Petitioner Complainant Co	nt
VERSUS	
Crown of KPIC Scottin and Shorts } Defendant Respondent } Accused	زگ ۱
Appeal/Revision/Suit/Application/Petition/Case No. 558 of 2014 - Fixed for 18/6/2016	
I/We, the undersigned, do hereby nominate and appoint	
!JAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN	
in my same and on my behalf to appear at <u>Peglus</u> to appear, plead, act answer in the above Court or any Court to which the business is transferred in the abmatter and is agreed to sign and file petitions. An appeal, statements, accounts, exhi Compromises or other documents whatsoever, in connection with the said matter or matter arising there from and also to apply for and receive all documents or copie documents, depositions etc, and to apply for and issue summons and other writs or poena and to apply for and get issued and arrest, attachment or other executions, warr or order and to conduct any proceeding that may arise there out; and to apply for receive payment of any or all sums or submit for the above matter to arbitration, an employee any other Legal Practitioner authorizing him to exercise the power authorizes hereby conferred on the Advocate wherever he may think fit to do so, any of lawyer may be appointed by my said counsel to conduct the case who shall have the spowers.	bits. any es of sub- rants and ad to and other same
AND to all acts legally necessary to manage and conduct the said case ir respects, whether herein specified or not, as may be proper and expedient.	n all
AND I/we hereby agree to ratify and confirm all lawful acts done on my/our be under or by virtue of this power or of the usual practice in such matter.	ehalf
PROVIDED always, that I/we undertake at time of calling of the case by Court/my authorized agent shall inform the Advocate and make him appear in Court, it case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not held responsible for the same. All costs awarded in favour shall be the right of the court or his nominee, and if awarded against shall be payable by me/us	f the ot be
IN WITNESS whereof I/we have hereto signed at	
the day to the year	
Accepted subject to the terms regarding fee	

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 558/2014

Qasir Khan Assistant Office of the Commissioner, Peshawar DivisionAppellant.

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.
- The appellant is estopped by his conduct to bring the present Appeal.
- 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.
- 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.

Lirect. 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.

- 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.

GROUNDS

- Α. 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.
- В. 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.
- Ε. 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.
- Ġ. 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.
- Ή. As in 'G' above.
- Ί. 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 #. 19.9.

Secretary Establishment Respondent #3

ecretary Finance espondent #4

BEARINE & ESTATE DEPARTMENT

No. Esti: V/Seniority list 2007/2011
Peshawar dated the 2007/2011

uswadzo4 noiziviO uswadzo4 The Commissioner,

Provision of ACRs and Synopsis of ACRs or stone.

alongwith synopsis of ACRs for the entire service in respect of the following officials within two days 23(3). Langing figural of nov isouper of bits evode befor recides oils of refer of betreetib rits I

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:

Service Appeal No. <u>558</u>/2013/

Quisas IchemAppellant

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.
- 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.

Respondents No. 5,11

Through

IJAZ ANWAR

Advocate, Peshawar

AFFIDAVIT

Dated: 05.11.2014

Application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.



D'ÉPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In	the	matter	Of:

Service Appeal No. 558 /20134

Quisas IchanAppellant

Versus

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Senior Member, BOR Respondent #2/22 Secretary Establishment Respondent #3

ecretary Finance Respondent #4







No. Estc V/Seniority list

Peshawar dated the 26

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 ACRsalongwith synopsis of ACRs for the entire service in respect of the following officials within 140 Gays positively

1.60	1.51		
3 190	1 Name of officials	Office	Remarks
	Hazrat Khan	Political Agent Mohmand Office	Promoted as Naily Lehs Mar
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15	Ali Raza	Political Agent Khyber Office	Politicial Mohardi
16	Muhammad Ibrar	Political Agent Khyber Office	Politicial Mobieria
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26	Zolid Kamal	Commissioner Office Pushawar	Assistant

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

No. Estt AUSeniority list

Copy forwarded to the:-

Political Agent Mohmand

Political Agent Khyber Agenty

D.NO 138

For similar necessary action