

21st Sept 2022

1. Appellant alongwith his counsel present. Mr. Kabir Ullah Khattak, Additional AG alongwith Ajmal Khan, Sr. Assistant Secretary for respondents present.


2. Arguments heard at some length. During the course of arguments it was pointed out by Mr. Ajmal Khan, representative of the Respondents that fixation of seniority and issuance of the seniority list was the job of the Commissioner Hazara Division, it was then felt that the Commissioner Hazara Division be arrayed as respondent, therefore, Commissioner Hazara Division be arrayed as respondent in this appeal and be summoned to apprise the Tribunal about the seniority position of the appellant. The office is directed to make entries in the memorandum and grounds of appeal as well as in the relevant register.


3. Ms Farah Naz, Superintendent office of the Commissioner Hazara Division put appearance alongwith a tentative seniority list, which is already placed on file as annexure-H. The learned counsel and appellant himself present in the court say that the appellant would be satisfied if the tentative list (annexure-H) is finalized by the Commissioner office within a fortnight. Mr. Muhammad Ajmal, Senior Assistant Secretary present on behalf of the respondents and Ms. Farah Naz representative of Commissioner Hazara Division have also expressed no objection if the seniority list is finalized by the Commissioner office in accordance with law. As the appellant is satisfied on the above situation and assurance of the representative of the Commissioner office that the list will be finalized as soon as possible but not later than fifteen days from today, therefore, the appeal is disposed of accordingly in the above terms.



Needless to say that the appellant may again approach the proper forum in case he feels himself aggrieved of the final seniority list issued by the Commissioner office. Consign.

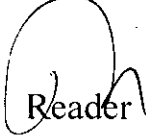
4. *Pronounced in open court in Camp Court Abbottabad and given under our hands and seal of the Tribunal on this 21st day of September, 2022.*


(Farzeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

18.02.2022


Due to retirement of the Hon'ble Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same on 19.05.2022.



Reader

19.05.2022

Learned counsel for the appellant present. Syed Naseer Ud Din, Assistant Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. To come up for arguments before D.B on 20.07.2022 at camp court Abbottabad.



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

20th July, 2022

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

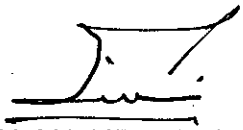
Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments on 21.09.2022 before the D.B at Camp Court Abbottabad.


(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

22.09.2021

Mr. Muhammad Aslam Tanoli, Advocate, for the appellant present. Mr. Muhammad Babar, Assistant alongwith Mr. Usman Ghani, District Attorney for the respondents present and requested for adjournment for submission of reply/comments. Last chance given with the directions to respondents to furnish reply/comments within 10 days. In case the respondents failed to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for arguments before the D.B on 23.12.2021 at Camp Court Abbottabad.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

23.12.2021

Appellant alongwith his counsel present. Mr. Muhammad Yasir, Assistant alongwith Mr. Riaz Ahmad Painsdakhel, Assistant Advocate General for the respondents present.

Joint para-wise reply on behalf of respondents No. 1 & 2 submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 18.02.2022 before the D.B at Camp Court Abbottabad.


(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

19.11.2020

Mr. Mohammad Aslam Tanoli, Advocate, for appellant is present.

The sum total of what has been emphasized at the bar by the learned counsel representing appellant is that in the absence of rules and service structure the appellant have no chances of promotion from the post of HVC in BPS-15 despite the fact that clear directions were made by the Hon'ble Peshawar High Court, Peshawar, of providing a service structure by affording a fair chance of promotion to all cadres however, no compliance of the order has been made till date.

The points so agitated at the bar need consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 17.02.2021 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee

24/12/20

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

17.02.2021

Appellant present through counsel.

Noor Zaman Khattak learned District Attorney alongwith Babar Khan Assistant for respondents present.

Written reply was not submitted. Representative of respondents requested for time to furnish reply/comments; granted. To come up for written reply/comments on 24.06.2021 before S.B at Camp Court, Abbottabad.

(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

24-6-21

Due to covid 19, the case is Adjourned
to 22-9-21 For the same.



R. S. R. S. R.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6041 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/06/2020	<p>The appeal of Mr. Muhammad Kafeel resubmitted today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19-11-20</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

To

The Registrar,
Service Tribunal,
Khyber Pakhtunkhwa
PESHAWAR.

Subject:- **REMOVAL OF OBJECTION AND COMPLETION OF FILE.**

Respected Sir,

It is submitted that file titled "Mohammad Kafeel **Versus** Chief Secretary KPK & Others" was returned to the undersigned for completion and resubmission vide your No.1031/ST dated 23-04-2020 (delivered on 08-06-2020 by post office) with the following objections:-

1. Copies of annexure B, C, D and N are illegible which may be replaced by legible/better one.

That so far as annexure B,C & D are concerned, better copies of the said pages have been attached at right place in the instant file. For copy of Annexure "N" despite enthusiastic efforts the book could not be found readily, however, the same would be provided at the time of filing of re-joinder.

That delay, if any, in re-submission of instant file may kindly be looked into/considered in the light of prevailing corona virus and non-availability of transport facility.

Since the file has been completed with these clarifications and resubmitted. Please acknowledge its receipt.


(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: -06-2020



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

091-9213989

Peshawar Dated the 29/09/2022

091-9214208

ORDER

No.Estt:V/Final Joint Seniority List/2021 12960 In pursuance of Section 8(i) of the Civil Servant Act, 1973 Final Joint Seniority List of Naib Tehsildar, District Revenue Accountant, District Kanungo and Sub Registrar (BPS-14) in Khyber Pakhtunkhwa as it stood on 31.12.2021 is hereby circulated for information of all concerned.

By order of
Competent Authority

Estt:V/Final Joint Seniority List/2021 12962

2685
26/05

Copy forwarded to the:-

1. All Divisional Commissioners in Khyber Pakhtunkhwa.
2. Officer Order file.

Hazara

~~Esdtb~~
~~Asstt~~
~~8~~

~~Noor Khan~~
Noor Khan
Assistant Secretary (Estt:)

DISTRICT KANUNGO (BPS-14) AS STOOD ON 31.12.2021

S.No.	Name of Naib Tehsildar/qualification	Date of birth/domicile	Date of first entry into government service	Date of appointment as Naib Tehsildar on regular basis	Remarks
1.	Mr. Abdul Qadeer (Msc)	15.08.1962 DIKhan	28.08.1995	28.08.1995	Tehsildar (ACB)
2.	Mr. Muhammad Iqbal (BA)	06.02.1965 Mardan	19.11.1990	05.10.2008	Sub-Registrar
3.	Mr. Shekeel-ul-Rehman	10.02.1978 Bannu	06.01.2009	11.07.2009	Naib Tehsildar
4.	Mr. Shoukat Ali sub registrar	01.01.1964 Swat	12.08.2010	12.08.2010	Sub-Registrar
5.	Mr. Khaib Gul (BA)	20.04.1966 Tor Ghar	26.10.1985	03.10.2015	District Kanungo
6.	Mr. Ahmad Sultan (Matric)	01.03.1967 Dir Lower	08.10.1987	20.01.2016	Tehsildar ACB
7.	Mr. Khurshid Shah (FA)	04.05.1964 Peshwar	11.03.1986	20.01.2016	--do--
8.	Mr. Awal Khan (BA)	05.02.1968 Haripur	20.07.1995	31.08.2016	--do--
9.	Mr. Imran Ali Shah (BA)	01.04.1981 Chitral	12.08.2009	31.08.2016	District Kanungo
10.	Mr. Fazal Karim (FA)	01.07.1968 Malakand	01.06.2006	04.09.2016	Naib Tehsildar
11.	Mr. Nek Nawaz (FA)	15.12.1964 Lakki Marwat	01.12.1989	03.01.2017	District Revenue Accountant
12.	Mr. Jamilul Hadi (FA)	04.06.1974 Nowshera	16.01.2007	27.02.2017	District Kanungo
13.	Mr. Sharif Khan	07.07.1964 Swat	22.12.1985	04.05.2017	District Revenue Accountant
14.	Mr. Khalilullah (BA)	02.01.1983 Chitral	02.01.2006	04.05.2017	District Revenue Accountant
15.	Mr. Rozi Khan (BA)	02.02.1962 DIKhan	09.08.1987	01.08.2017	Naib Tehsildar (RTD)
16.	Mr. Saaz Muhammad (BA)	01.02.1963 Bajaur	25.11.1981	11.08.2017	--do--
17.	Mr. Hummayun Khan (MA)	01.04.1967 Marda	17.07.1990	20.02.2018	Sub-Registrar
18.	Mr. Mazhar Ali (BA)	01.01.1969 Sawabi	31.12.1991	20.02.2018	--do--
19.	Mr. Riaz Muhammad (BA)	25.02.1971 Charsadda	30.04.1991	20.02.2018	--do--
20.	Mr. Muhammad Tariq (BA)	10.10.1967 Mardan	12.10.1988	20.02.2018	--do--
21.	Mr. Syed Jehan Shah	08.01.1967 Nowshera	07.03.1990	26.04.2018	District Kanungo
22.	Mr. Yar Muhammad (BA)	10.09.1978 Kohistan	22.01.2010	26.04.2018	District Revenue Accountant
23.	Mr. Saeed Ahmad (BA)	17.05.1982 Kohistan	28.06.2004	26.04.2018	Naib Tehsildar
24.	Mr. Zulfiqar Khan	07.04.1972 Peshwar	15.11.1991	25.05.2018	--do--
25.	Mr. Shakeel Ahmad (MA)	03.07.1971 Charsadda	13.09.1992	25.05.2018	--do--
26.	Mr. Shah Ahmad	11.12.1962 Bajaur	06.11.1984	25.05.2018	--do--
27.	Mr. Muhammad Jamshed	09.04.1970 Kohistan	11.07.1995	25.05.2018	--do--
28.	Mr. Muhammad Imtiaz	04.04.1963 Mansehra	27.01.1983	25.05.2018	--do--

	Asmatullah (BA)	25.05.1973 INW	01.06.1990	21.06.2016	--do--
	Mr. Maqbool ur Rehman	15.03.1962 Abbottabad	01.06.1997	05.11.2018	DK Retired
	Mr. Riaz ul Haq (BA)	11.01.1969 Bajaur	04.07.1987	22.12.2018	Naib Tehsildar
	Mr. Sajid Saleem (MA)	01.04.1978 Tank	06.11.1996	22.12.2018	--do--
	Mr. Inayat ur Rehman (BA)	31.12.1966 Peshawar	01.09.1990	22.01.2019	Naib Tehsildar Re-gained Seniority in light of Peshawar High Court order dated 17.10.2019
35.	Mr. Gohar Ali (FA)	17.02.1968 Nowshehra	19.11.1997	25.01.2019	--do--
36.	Mr. Hazrat Hussain (FA)	16.03.1979 Mardan	31.08.2005	25.01.2019	--do--
37.	Mr. Saadiq Akbar (BA)	22.02.1984 Peshawar	01.09.2007	25.01.2019	--do--
38.	Mr. Murad Ali No.1 (Matric)	01.03.1963 Bannu	05.03.1986	25.01.2019	--do--
39.	Mr. Hakim Khan (Matric)	01.06.1962 DIKhan	02.05.1987	25.01.2019	--do-- RTD
40.	Mr. Gohar Zaman (FA)	20.04.1965 DIKhan	27.07.1985	25.01.2019	--do--
41.	Mr. Sikandar Zaman (BA)	20.04.1979 Shangla	02.12.2010	12.02.2019	District Revenue Accountant
42.	Mr. Muhammad Tariq (Matric)	20.11.1962 Karak	28.05.1990	12.02.2019	--do--
43.	Mr. Rehman Gul (BA)	15.04.1968 Charsadda	03.01.1988	20.03.2019	Tehsildar ACB
44.	Mr. Faridullah Shah (BA)	15.03.1963 Bannu	05.03.1986	20.08.2019	--do--
45.	Mr. Muhammad Jamal (Matric)	15.04.1964 Bannu	05.03.1986	02.03.2019	--do--
46.	Mr. Hafeez ud din	15.06.1967 Kohat	06.02.1988	26.03.2019	--do--
47.	Mr. Fazal Iqbal (Matric)	03.01.1963 Swabi	07.11.1990	29.03.2019	District Revenue Accountant
48.	Mr. Gul Rehman (BA)	02.01.1974 Kohistan Lower	28.06.2004	29.03.2019	District Kanungo
49.	Mr. Muhammad Fayaz (FA)	25.05.1980 Kolai Palas	01.09.2007	29.03.2019	--do--
50.	Mr. Said Amin	22.10.1963 Mardan	18.06.1984	16.07.2019	Tehsildar ACB
51.	Mr. Sabz Ali	05.06.1962 Mardan	12.10.1998	16.07.2019	Tehsildar ACB
52.	Mr. Habib ur Rehman (B.com)	20.05.1968 Bannu	16.07.2002	16.07.2019	--do--
53.	Mr. Ibrar Ahmad (BA)	15.05.1967 Swat	22.12.1985	16.07.2019	--do--
54.	Mr. Shoukat Ali (Matric)	02.02.1964 Mardan	12.06.2007	16.07.2019	--do--
55.	Mr. Gul Shehzad (FA)	05.10.1988 Peshawar	07.07.2008	16.07.2019	Tehsildar ACB
56.	Mr. Dildar Khan	15.05.1975 Chitral	01.09.2003	16.07.2019	Tehsildar ACB
57.	Mr. Mian Gul Hilal (BA)	05.03.1962 Swat	06.04.1981	16.07.2019	Tehsildar ACB (RTD)
58.	Mr. Musadiq Hussain Shah (Matric)	27.10.1962 Kohat		20.08.2019	Tehsildar ACB
59.	Mr. Abdul Munim	07.04.1963 Kohat	19.02.1992	20.08.2019	Tehsildar ACB
60.	Mr. Muhammad Riaz (MA)	02.01.1985 Kolai Palas	01.09.2007	20.08.2019	Tehsildar ACB

	Mr. Muhammad Ali Zulqarnain (Matric)	17.02.1988 Kohat	26.08.1990	29.10.2019	
	Mr. Saifullah Jan (FA)	16.01.1969 Tank	26.08.1990	29.10.2019	Tehsildar ACB
	Mr. Tufail Muhammad (BA)	03.04.1969 Tank	26.08.1990	29.10.2019	Tehsildar ACB
	Mr. Sheikh Allah Nawaz (FA)	05.02.1978 Tank	01.02.1996	07.02.2020	DRA
	Mr. Muhammad Anwar (F.A)	17.04.1975 Battagram	13.01.2006	06.05.2020	NT
67.	Mr. Abdul Jabbar (FA)	12.05.1973 Nowshera	01.05.1998	06.05.2020	Naib Tehsildar
68.	Mr. Saeedullah (DAE)	05.01.1971 Peshawar	01.10.1995	06.05.2020	--do--
69.	Mr. Muhammad Hamayun (MA)	02.05.1966 Peshawar	01.09.1990	06.05.2020	--do--
70.	Mr. Fazal Habi (BA)	28.12.1967 Peshawar	01.09.1990	06.05.2020	--do--
71.	Mr. Waqif Khan (BA)	04.12.1968 Peshawar	31.07.1997	06.05.2020	
72.	Mr. Muhammad Ghufraan	08.02.1967 Malakand	10.01.2005	15.12.2021	Naib Tehsildar Re-gain Seniority with effect from 16.10.2019
73.	Mr. Zahir Muhammad (MA)	13.03.1971 Malakand	10.01.2005	06.05.2020	--do--
74.	Mr. Muhammad Tahir (FA)	11.09.1989 Peshawar	30.04.2010	06.05.2020	--do--
75.	Mr. Syed Sabir Hussain Shah (FA)	03.01.1964 Mansehra	13.04.1986	06.05.2020	--do--
76.	Mr. Zakir Rehman (BA)	20.10.1971 Haripur	23.05.1998	06.05.2020	--do--
77.	Mr. Syed Shoukat Hussain Shah (FA)	01.04.1965 Mansehra	27.07.1986	06.05.2020	--do--
78.	Mr. Bashir Muhammad	22.01.1963 Mardan	07.12.2000	20.05.2020	--do--
79.	Mr. Ghani -ur- Rehman (Matric)	02.10.1962 Bannu	23.02.1983	20.05.2020	--do--
80.	Mr. Muhammad Anwar (BA)	30.08.1972 Tank	27.07.2001	20.05.2020	--do--
81.	Mr. Ikramullah (Matric)	10.04.1964 Kohat	30.05.1988	20.05.2020	
82.	Mr. Muhammad Bilal Khattak (MS)	24.08.1991 Peshawar	04.06.2020	04.06.2020	Direct (Naib Tehsildar)
83.	Mr. Muhammad Ishfaq Khan Afridi (MBA)	01.02.1986 Peshawar	04.06.2020	04.06.2020	--do--
84.	Mr. Naqash Khan (BS)	20.01.1992 Abbottabad	04.06.2020	04.06.2020	--do--
85.	Mr. Danish Khan (BS)	17.03.1992 Peshawar	04.06.2020	04.06.2020	Direct
86.	Mr. Muhammad Shalhzad (MBA)	17.04.1993 Haripur	04.06.2020	04.06.2020	--do--
87.	Mr. Atiq U Rehman (MSC)	02.04.1990 Mardan	04.06.2020	04.06.2020	--do--
88.	Mr. Muhammad Aymon (BSC)	06.08.1992 Mohmand	04.06.2020	04.06.2020	--do--
89.	Mr. Muhammad Bilal (M.Phil)	02.03.1988 Peshwar	04.06.2020	04.06.2020	--do--
90.	Mr. Muhammad Naeem Khan (LLB)	05.05.1989 Bajaur	04.06.2020	04.06.2020	--do--
91.	Mr. Muhammad Amaad Khan (BSC)	01.10.1988 Kohat	04.06.2020	04.06.2020	--do--
92.	Mr. Wisal Ahmad (BA)	08.03.1995 Mohmand	04.06.2020	04.06.2020	--do--

	Mr. Iftikhar Ahmad (MBA)	01.06.1991 Tank	04.06.2020	04.06.2020	--do--
	Mr. Ajmal Khan (MBA)	18.10.1986 Buner	04.06.2020	04.06.2020	--do--
	Mr. Shafiqur Rehman (MA)	01.01.1989 Chitral	04.06.2020	04.06.2020	--do--
	Mr. Zakir Gulal (MA)	02.03.1989 Shangla	04.06.2020	04.06.2020	--do--
	Mr. Tauseef Nawaz (BS)	16.01.1994 Malakand	04.06.2020	04.06.2020	--do--
	Mr. Ammar Mushtaq (LLB)	01.05.1986 Mansehra	04.06.2020	04.06.2020	--do--
100.	Mr. Lubna Haleem (BS Hons)	21.01.1994 Peshawar	04.06.2020	04.06.2020	--do--
101.	Mr. Zahid Nawaz (M.A)	05.05.1982 Tank	23.01.2014	17.09.2020	--do--
102.	Mr. Muhammad Rafiq SUB REGISTRA (BA)	07.04.1963 Swat	01.06.1981	12.11.2020	District Revenue Accountant
103.	Mr. Sher Ali Khan SUB REGISTRA (BA)	15.04.1962 Shangla	19.01.1980	12.11.2020	Sub Registrar
104.	Mr. Mushtaq Ahmad SUB REGISTRA (MA)	15.02.1969 Abbotabad	01.07.1990	12.11.2020	--do--
105.	Mr. Amir Zeb SUB REGISTRA (BA)	05.02.1973 Mardan	08.11.1994	12.11.2020	--do--
106.	Mr. Mukamil Shah SUB REGISTRA (Matric)	04.03.1963 Mardan	09.03.1988	12.11.2020	--do--
107.	Mr. Abid Hussain SUB REGISTRA (BA)	07.01.1964 Haripur	05.06.1985	12.11.2020	--do--
108.	Mr. Muhammad Saleem SUB REGISTRA (FA)	09.03.1969 Buner	22.01.1992	12.11.2020	--do--
109.	Mr. Raqiaz Khan SUB REGISTRA (MSC)	07.01.1968 Bannu	01.09.1992	12.11.2020	--do--
110.	Mr. Liaqat Ali Khan SUB REGISTRA (BA)	08.06.1964 Abbotabad	24.03.1983	12.11.2020	--do--
111.	Mr. Ismail Shah SUB REGISTRA (Matric)	07.03.1965 Karak	20.06.1984	12.11.2020	--do--
112.	Mr. Zulfikar Ali SUB REGISTRA (Matric)	25.03.1980 Mardan	03.09.2005	12.11.2020	--do--
113.	Mr. Khalid Javad Ghazi SUB REGISTRA (BA)	12.04.1968 Abbotabad	31.12.1987	12.11.2020	--do--
114.	Muhammad Afsar Khan SUB REGISTRA (MA)	16.03.1973 Haripur	23.10.1994	12.11.2020	--do--
115.	Mr. Fakhr ul Islam SUB REGISTRA (BA)	01.10.1981 Nowshera	17.11.2008	12.11.2020	--do--
116.	Mr. Khalid Mahmood SUB REGISTRA (BA)	07.06.1965 Haripur	28.12.1987	12.11.2020	--do--
117.	Mr. Ashfaq Ahmad SUB REGISTRA (BA)	18.04.1975 Karak	30.10.1994	12.11.2020	--do--
118.	Mr. Ehsan Ullah SUB REGISTRA (BA)	29.09.1961 DIKhan	09.12.1980	12.11.2020	--do--
119.	Mr. Muhammad Ihsan (FA)	25.04.1963 Swat	16.12.1982	04.08.2021	Naib Tehsildar
120.	Mr. Amjad Farid	02.01.1979 Lower Chitral	06.01.2005	04.08.2021	--do--
121.	Mr. Faheem Ahmad (MA.LLB)	24.04.1981 DIKhan	21.05.2008	04.08.2021	District Revenue Accountant
130	Rashed Ahmad (MBA Finance)	12.03.1985 Dir Upper	06.08.2009	04.08.2021	--do--
131	Mr. Malik Sajjad (BA)	01.01.1965 Haripur	01.02.1993	15.12.2021	Naib Tehsildar
132	Mr. Muhammad Akhtar (Matric)	25.10.1964 Haripur	02.05.1995	15.12.2021	Naib Tehsildar
133	Syed Johar (Matric)	28.02.1965 Mardan	15.12.1985	15.12.2021	Naib Tehsildar
134	Mr. Tehseenullah (BA)	05.04.1965 Peshawar	22.04.1992	15.12.2021	Naib Tehsildar
136	Mr. Saleem Ahmad SUB REGISTRA (Matric)	02.11.1967 Peshawar	30.09.1986	15.12.2021	Sub Registrar

Mr. Zar Ali (BA)	13.01.1973 Nowshera	16.05.2000	15.12.2021	Naib Tehsildar
Mr. Habib ur Rehman SUB REGISTRAR (BA)	12.10.1974 Tank	10.10.1992	15.12.2021	Sub Registrar
Mr. Muhammad Ishfaq SUB REGISTRAR (BA)	01.01.1984 Bannu	21.09.2004	15.12.2021	Sub Registrar

Noor Khan
Assistant Secretary (Estt)

The appeal of Mohammad Kafeel received today i.e. 23.04.2020 by Mr. Mohammad Aslam Tanoli, Advocate is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

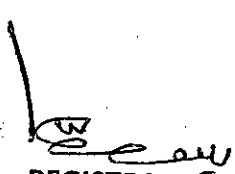
1- Copies of annexures B, C, D and N are illegible which may be replaced by legible/better one.

No. 1031 /S.T,

Dt. 23-04 /2020

Haripur

Mr. Mohammad Aslam Tanoli Adv, Peshawar.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

6041/20

Mohammad Kafeel, Head Vernacular Clerk (Revenue), Office of the Commissioner Hazara Division, Abbottabad.

(Appellant)

VERSUS

1. Government of KPK through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of KPK, Revenue & Estate Department, Peshawar.

(Respondents)

SERVICE APPEAL

INDEX

S/N	Description of Document	Annexure	Page No.
1.	Memo of Appeal and Condonation application		01-12
2.	Advertisement, Order dated 01-06-2009 and 04-06-2009.	"ABC"	13-15
3.	Order dated 10-05-2010	"D"	16
4.	Order dated 15-02-2011	"E"	17
5.	Order dated 27-02-2015.	"F"	18
6.	Order dated 11-07-2013	"G"	19
7.	Seniority List of Asstts/Head Clerks 2013	"H"	20
8.	Order dated 20-05-2014	"I"	21
9.	Judgment/Order dated 16-08-2016	"J"	22-24
10.	Order dated 30-06-2015	"K"	25-26
11.	Budget Book, Service Book & Service Rules	"L,M,N"	27-32
12.	Order dated 25-09-2012	"O"	33-34
13.	Order dated 13-05-2019, departmental appeal: 23-07-2019 & Order 12-02-2020; 6-3-20	"P,Q,R"	35-39 40
14.	Wakalatnama		

Through

M. Aslam
Appellant

M. Aslam
(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 23/11-2020

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No..... **6047/20**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. **2641**

Dated **23-4-2020**

Mohammad Kafeel, Head Vernacular Clerk (Revenue), Office of the Commissioner Hazara Division, Abbottabad.

(Appellant)

VERSUS

1. Government of KPK through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of KPK, Revenue & Estate & Estate Department, Peshawar.

(Respondents)

Filed to-day

Registrar

23/4/2020

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 12-02-2020 OF BOARD OF REVENUE KPK, PESHAWAR DELIVERED VIDE ENDORSEMENT NO.CHAD/Estab/1/2/3520-22 DATED 06-03-2020 WHEREBY APPELLANT'S DEPARTMENTAL APPEAL WAS REJECTED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL ORDER DATED 12-02-2020 MAY GRACIOUSLY BE SET ASIDE AND AMENDMENT DATED 13-05-2019 IN TEHSILDARI/NAIB TEHSILDARI/DIVISIONAL MINISTERIAL SERVICE RULES BE TREATED AS VOID, ILLEGAL AND INEFFECTIVE TO THE EXTENT OF APPELLANT AND 3% QUOTA BE RESERVED FOR HVC (REVENUE) BPS-15 FOR PROMOTION TO THE POST OF TEHSILDAR OR ITS SENIORITY BE FIXED WITH NAIB TEHSILDAR FOR PROMOTION AS TEHSILDAR OR ADJUSTED HIM AS ASSISTANT BPS-16 FROM THE DATE OF APPOINTMENT WITH ALL SERVICE BACK BENEFITS TO GIVE HIM A CHAIN OF PROMOTION.

Respectfully sheweth,

1. That in the year 2008-09 a publication for appointment against 10 posts of Assistant and 02 posts of Head Clerk both the cadres in BPS-14 requiring same educational qualifications was made in the newspaper by the

Registrar

Commissioner Hazara Division Abbottabad. Appellant applied for the post of Head Clerk (BPS-14) and was selected/appointed vide Order No. CHD/Estab/5027-29 dated 01-06-2009 and posted in Revenue Section of Commissioner Office Abbottabad vide Order No. CHD/Estab/5091-5111 dated 04-06-2009. Second post of Head Clerk (BPS-14) was occupied by one Mst. Sonia Bibi. **(Copies of Advertisement, Order dated 01-06-2009 and 04-06-2009 are attached as Annex-"A, B, & C")**.

2. That in the year 2010 both the posts of Head Clerks (BPS-14) were re-designated as HVC (Revenue) and Reader/Naib Tehsildar (BPS-14) vide KPK Finance Division Peshawar Notification No. BOVII/FD/2-3/BE 2009-10 dated 10-05-2010. **(Copy of the order dated 10-05-2010 is attached as Annex-"D")**.
3. That after re-designation of both the posts of Head Clerks (BPS-14) as HVC(Rev) and Reader/Naib Tehsildar, Mst. Sonia Bibi (Head Clerk) was adjusted against the post of Assistant BPS-14 vide order No.1/2/CHAD/Estab/ 1600-05 dated 15-02-2011 and was given seniority with the Assistants while to the extent of appellant it was mentioned in the said order that **"he would also be adjusted against the post of Assistant (BPS-14) as and when a vacancy occurs in this office; however till that time he will continue to draw his salary against one of the re-designated post"** and appellant was left without a designation. **(Copy of order dated 15-02-2011 is attached as Annex-"E")**.

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4. That as the posts of Head Clerks were re-designated and no order of appellant's adjustment was made and he was left without post/designation. Appellant assailed order 15-02-2011 and submitted several applications for his adjustment against a post as his employment was in danger. Nevertheless on the direction of Board of Revenue Peshawar the appellant was temporarily adjusted against the post of HVC (Revenue) BPS-14 vide order No. 4/3-Estab/1045-48 dated 27-02-2015. But it was not a regular solution of his problem. **(Copy of order dated 27-02-2015 is attached as Annex-"F")**.
5. That vide order No.Estt:ii/HRC/HVC/13323 dated 11-07-2013 some instructions were passed by the Board of Revenue Peshawar "that seniority of Head Clerk/HVC (Revenue) be maintained with Assistants (BPS-14) of the offices of Commissioners". **(Copy of order dated 11-07-2013 is attached as Annex-"G")**.
6. That a tentative seniority list of Assistants including the name of Appellant at S/No. 7 after the name of Mst. Sonia Bibi was issued in 2013 but no final list could be issued for un-known reasons. **(Copy of tentative Seniority List of Assistants 2013 is attached as Annex-"H")**.
7. That during this period the Government of KPK up-graded the post of Assistant from BPS-14 to BPS-16 vide Notification No. FD/SO(FR)10-22/2014 dated 20-05-2014 but the post of HVC (revenue) was left in BPS-14 as usual. **(Copy of Notification Dated 20-05-2014 is attached as Annex-"I")**.

8. That in the year 2011 the appellant filed a Service Appeal before the Honorable KPK Service Tribunal because the post of Head Clerk (BPS-14) had been re-designed as HVC (Revenue) BPS-14 and the appellant was adjusted against the said post. The Service Tribunal while accepting his appeal ordered that appellant be considered as HVC (Revenue) with effect from the date of his appointment vide judgment/order 16-08-2016. **(Copy of judgment/order Dated 16-08-2016 is attached as Annex-"J")**.
9. That during pendency of appellant's service appeal before the KPK Service Tribunal, the Government of KPK allowed 01(One) pay scale up gradation to all the Provincial employees from BPS-06 to BPS-15 through Notification dated 30-06-2015. **(Copy of Notification Dated 30-06-2015 is attached as Annex-"K")**.
10. That appellant's post of HVC (Revenue) was also upgraded to BPS-15. Since then appellant is being paid his salary in BPS-15. In his service book and budget book the post of HVC Revenue is recorded as BPS-15. The appellant time and again requested the Revenue Authorities that by amendment in Rules the post of HVC (Rev) be marked as in BPS-15 but of no avail. The matter for the purpose is now before the Honorable Supreme Court of Pakistan. **(Copies of Budget Book, Service Book and Service Rules are attached as Annex-"L, M & N")**.
11. That now the cadre of HVC BPS-15 (revenue) is stagnant one without chain of promotion. The appellant was appointed as Head Clerk (BPS-14) in the year 2009 when both the posts of Assistant as well as Head Clerk were in

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BPS-14 with the same educational qualifications. Subsequently Assistant was granted BPS-16 leaving the Head Clerk without up-gradation. However, appellant was promised that he would be adjusted against the post of Assistant BPS-16. But he was never given the post of Assistant BPS-16 till to this day.

12. That the appellant almost remained posted in the Revenue Branch of the Commissioner's Office and gained ample experience in this field. Since his appointment appellant always performed his assigned duties with devotion and honesty to the entire satisfaction of his superiors and there is no complaint against him and he has meritorious service record at his credit.
13. That post of HVC (Revenue) was a part of Revenue Agency and intact in Tehsildari/Naib Tehsildari Service Rules but the Respondent No.2 deleted the same from Tehsildari/Naib Tehsildari Rules and incorporated in Divisional Ministry Rules.
14. That the respondents totally ignored the judgment of the August High Court Peshawar in W.P. No. 44/2011 dated 07-02-2012 Circulated by Provincial Govt. through Establishment Department, KPK letter No.SOR-VI/E&AD/1-16/2011 dated 25-09-2012 wherein clear cut instructions were given to frame service structure for all employees existed with fair chances of promotion. **(Copy of letter dated 25-09-2012 is attached as Annex-"O")**.

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15. That in view of the above mentioned situation, there is no expectation and hope for appellant's promotion to any higher post through out his remaining service till retirement, there being no channel of promotion to the post of Head Vernacular Clerk (Revenue) BPS-14.
16. That appellant aggrieved of the amendment Notification dated 13-05-2019 preferred a departmental appeal dated 23-07-2019 before the Senior Member Board of Revenue KPK Peshawar which was turned down vide order dated 12-02-2020 delivered on 06-03-2020 (**Copies of Order dated 13-05-2019, Departmental Appeal dated 23-07-2019 and Order dated 12-02-2020 are attached as annex-"P, Q & R"**); hence instant service appeal, inter-alia, on the following:-

GROUND:

- A) That amendment notification dated 13-05-2019 in Tehsildari/ Naib Tehsildari Rules KPK Peshawar to the extent of appellant and order dated 12-02-2020 are illegal, without lawful authority, void-an-initio, passed in slipshod, perfunctory and arbitrary manner, against the law, rules & regulations, facts & circumstances of the matter, hence is liable to be set aside.
- B) That Notifications dated 13-05-2019 of the Board of Revenue Peshawar whereby no quota/chain is provided or reserved for promotion of HVC (Revenue) to the post Tehsildar or fixation of its seniority with Naib Tehsildar, is illegal, unlawful, perverse, arbitrary against the law and

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principle of natural justice and ineffective to the extent of appellant's rights of promotion.

- C) That for promotion to the post of Tehsildar/ Naib Tehsildar the HVC (Revenue) post was feeding cadre in Rules-1962 but subsequent amendment deleted HVC (Rev) from the chain of promotion. Now there is only one post of HVC (Rev) in KPK Revenue Department against which appellant has been working since 2009 but there is no quota of promotion for this post. There is no cadre with respondents wherein appellant wherein the HVC (Revenue) can be given his seniority.
- D) That despite of instructions vide order dated 11-07-2013 issued by Asstt. Secretary (Estt) KPK Revenue & Estate Department Peshawar that "the seniority of Head Clerk (Rev) is to be maintained with Assistant of the offices of Commissioners" and preparation of tentative seniority list of Head Clerk/Assistant could not be given effect subsequently. Even vide order dated 08-08-2014 of Asstt. Secretary (Estt) KPK Revenue & Estate Department Peshawar it was held that the posts of Assistants and Head Clerk/Head Vernacular Clerk are nearly the same and up-gradation of HVC (Rev) to BPS-16 was requested. But once again there was no action like past on the part of approving/sanctioning authorities. Appellant has been deprived of his legitimate right of promotion by departmental authorities causing tremendous loss to his future service career without any fault on his part.
- E) That the respondents have not treated appellant in accordance with law, rules, regulations and policy on the

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subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 & unlawfully issued the impugned orders and notifications, which are unjust, unfair hence, are liable to be set aside/treated as ineffective to the extent appellant's promotion to next higher grade/scale/post.

- F) That respondents have failed to abide by law and even did not take into consideration the grounds advance by appellant in the memo of departmental appeal for fixation of his seniority, promotion in next higher scale/grade and rank. Thus impugned notification dated 13-05-2019 and order dated 12-02-2020 of respondents are contrary to the law, principle of natural justice and rules regulations read with section 24-A of General Clause Act 1897 & Article 10-A of Constitution of Islamic Republic of Pakistan 1973.
- G) That appellant being qualified and fulfilling all requirements of education having degree of LLB and experience is eligible for promotion to the next higher scale BPS-16 or as Tehsildar but has been deliberately deprived of his legitimate right of promotion keeping the appellant in a stagnant cadre.
- H) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.


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PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal order of the respondents dated 12-02-2020 may graciously be set aside and Notification dated 13-05-2019 may be treated as illegal, void ab-initio and ineffective to the extent of appellant and 03% promotion quota be reserved for HVC (Rev) BPS-15 to the post of Tehsildar OR adjusted the appellant as Assistant BPS-16 OR the post of HVC be given BPS-16 OR its seniority be fixed with Naib Tehsildar for promotion as Tehsildar for providing chain of promotion to him with consequential back benefits. Any other relief which this Honorable Tribunal deems fit may also be granted.

Through:


Appellant

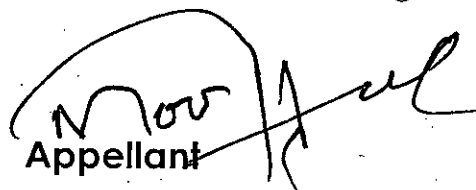

(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated 23-4-2020

VERIFICATION

It is verified that contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated: 23-4-2020


Appellant

10

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Mohammad Kafeel Head Vernacular Clerk (Revenue), Office
of the Commissioner Hazara Division, Abbottabad.

(Appellant)

VERSUS

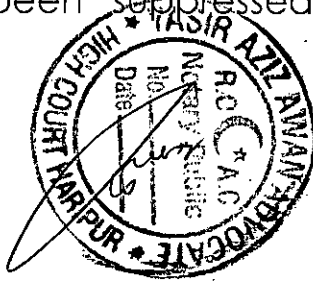
1. Government of KPK through Chief Secretary, Civil
Secretariat, Peshawar.
2. Secretary to Government of KPK, Revenue & Estate
Department, Peshawar.

(Respondents)

SERVICE APPEAL

AFFIDAVIT:

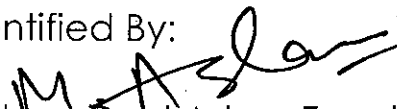
I, Mohammad Kafeel appellant do hereby solemnly declare
and affirm on oath that contents of instant Service Appeal
are true and correct to the best of my knowledge and belief
and nothing has been suppressed from this Honorable
Service Tribunal.

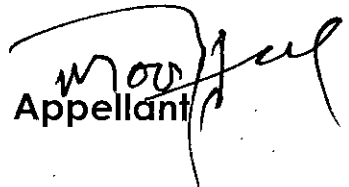



Deponent/Appellant

Dated: 23-9-2020

Identified By:


Mohammad Aslam Tanoli
Advocate High Court
At Haripur


Appellant

11

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Mohammad Kafeel Head Vernacular Clerk (Revenue), Office
of the Commissioner Hazara Division, Abbottabad.

(Appellant)

VERSUS

1. Government of KPK through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of KPK, Revenue & Estate Department, Peshawar.

(Respondents)

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been
filed in this or any other court prior to the instant one.


APPELLANT

Dated: 23-4-2020

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Mohammad Kafeel, HVC (Revenue) O/O the Commissioner, Hazara Division,
Abbottabad.

Appellant

VERSUS

1. Government of KPK through Chief Secretary, Civil Secretariate Peshawar.
2. Secretary to Government of KPK Revenue & Estate Department Peshawar.

Respondents

**APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE
THIS HONOURABLE SERVICE TRIBUNAL.**

Respectfully Sheweth:

1. That applicant/appellant has filed today the Service Appeal, which may be considered as part and parcel of this application, against orders dated 13-05-2019 and 12-02-2020 (delivered on 06-03-2020) passed by respondents respectively, whereby respondents have extinguished the quota of Head Vernacular Clerk (Revenue) for promotion as Tehsildar by amendment in departmental rules and depriving the appellant of the his right of seniority and promotion in the revenue department.
2. That as the orders of departmental authorities have been passed in violation and derogation of the statutory provisions governing the terms and condition of service of the appellant, therefore causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That impugned orders were passed by the respondents on 13-05-2019 and 12-02-2020 (delivered on 06-03-2020). Though the applicant/appellant has prepared his service appeal well intime but as there was complete lock-down in the country due corona vires the same could not be filed earlier and the appellant has been rigorously persuing his case. The delay, if any, in filing departmental as well as service appeal is due to the reason referred to above.
4. That instant application is being filed as a abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of above titled appeal may graciously be condoned.

Through:


Applicant/Appellant

(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated: ~~23-4~~ 2020

VERIFICATION:

It is verified that the contents of the instant application/appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated: 23-04-2020


Applicant/Appellant

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Annex-B



OFFICE OF THE COMMISSIONER HAZARA DIVISION ABBOTTABAD

ORDER

Consequent upon the recommendations of the Departmental Selection/Recruitment Committee Mr. Muhammad kafeel Son of Qazi Muhammad Ismail Resident H.No.938/39, Lala zar Colony, Mansehra Road Supply Abbottabad is offered employment against the temporary post of Head Clerk (BPS-14) in Commissioner's Office on the following terms and conditions:-

1. His services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vide NWFP Civil Servants (Amendment Act, 2005). He will be entitled to contributory Provident Fund in such manners and at such rates as prescribed by the government.
2. His services will be liable to termination on one-month notice from either side. In case of resignation without notice, his/her two months pay/allowances shall be forfeited to the government.
3. He will be governed by such rules and regulations as may be issued from time to time by the government.
4. He will be remain on probation for a period of one year in terms of Section-6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1989. His/her services can be terminated any time in case his/her performance is found unsatisfactory during probation period. In case of misconduct, he/she shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the rules framed by the government from time to time.
5. The appointment offer is subject to verification of his/her academic documents from the concerned Board/University.
6. He shall be bound to accept his/her adjustment/absorption in any of the departments/offices Hazara Division as ordered by the Competent Authority

Before joining the post he will have to provide (a) Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital of his/her respective district of domicile. (b) Character Certificate from local Police Station (c) Attested photo copies of academic documents.

In case the above terms and conditions of appointment are acceptable, he is required to report arrival in the office of the undersigned within seven (07) days of the receipt of this letter, otherwise, appointment would be considered cancelled.

Sd/xxx

Commissioner Hazara Division Abbottabad

File No. CHD/Estab/ 5027-29

Dated Abbottabad the 01/06/2009

- 2009

Copies to the

1. District Comptroller of Accounts Abbottabad
2. Divisional Nazir (Goods)
3. Mr. Muhammad kafeel Son of Qazi Muhammad Ismail Resident H.No.938/39, Lala zar Colony, Mansehra Road Supply Abbottabad

Attested
Nasir

For Commissioner
Hazara Division Abbottabad

Better Copy.

Annex-B

OFFICE OF THE COMMISSIONER HAZARA DIVISION ABBOTTABAD

ORDER

Consequent upon the recommendation of the Departmental Selection/Recruitment Committee Mr. Muhammad Kafeel Son of Qazi Muhammad Ismail Resident H.No.938/39, Lala Zar Colony, Mansehra Road Supply Abbottabad is offered employment against the temporary post of Head Clerk (BPS-14) in Commissioner's Office on the following terms and conditions:-

1. His services will be governed by Section 19 of the NWFP, Civil Servants Act 1973, as amended vide NWFP Civil Servants (Amendment Act 2005). He will be entitled to contributory Provident Fund in such manners and at such rates as prescribed by the government.
2. His services will be liable to termination on one month notice from either side. In case of resignation without notice, his/her two months pay/allowances shall be forfeited to the government.
3. He will be governed by such rules and regulations as may be issued from time to time by the government.
4. He will remain on probation for a period of one year in terms of Section-6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rule 1989. His/her services can be terminated any time in case his/her performance is found unsatisfactory during probation period. In case of misconduct, he/she shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the rules framed by the government from time to time.
5. The appointment offer is subject to verification of his/her academic documents from the concerned Board/University.
6. He shall be bound to accept his/her adjustment/absorption in any of the departments/offices Hazara Division as ordered by the competent authority.

Before joining the post he will have to provide (a) Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital of his/her respective district of domicile. (b) Character Certificate from the Police Station (c) Attested photo copies of academic documents.

In case the above terms and conditions of appointment are acceptable, he is required to report arrival in the office of the undersigned within seven (07) days of the receipt of this letter, otherwise, appointment would be considered cancelled.

Sd/xxx

Commissioner Hazara Division
Abbottabad

Endtt. N. CHD/Estble/ 502729

Dated Abbottabad the 01-06-2009

Copy to:-

1. District Competent Authority Abbottabad
2. Divisional Nazir of units.
3. Mr. Mohammad Kafeel S/O Qazi Muhammad Ismail Resident H.No.938/39, Lala Zar Colony, Mansehra Road Supply Abbottabad

Sd/-

For Commissioner Hazara Division
ABBOTTABAD

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Annex-C

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

The following employees of this office are hereby posted in the Branches of the office mentioned against each:-

S#	Name of Official	Designation	Branch	Remarks
1	Mr. Adnan Najam	Assistant	Development	Relieving Mr. Muhammad A. al- Assistant who will continue in Housing Branch.
2	Mr. Shahid Rafique	Assistant	Budget & Accounts	Mr. Haeem, S/C. will also continue in the same branch.
3	Mr. Sheryar Ali Khan	Assistant	Political & Local Government	Mr. Wali Dad, Asstt. will also continue in the same branch.
	Miss Sonia Bibi	Head Clerk	Establishment	Mr. Tabur Ashraf, Asstt. will also continue in the same branch.
5	Mr. Muhammad Kafuel	Head Clerk	Revenue ✓	Mr. Abdul Waheed, Asstt. will also continue in the same branch.
6	Mr. Muhammad Aman	Junior Clerk	Political & Local Government	
7	Mr. Shakeel Ahmed	Junior Clerk	Hazara	Syed Tazayab Shah, Asstt. will also continue in the same branch.
8	Sardar Altaf	Junior Clerk	Revenue	Mr. Jazbir Rehman S/C will also continue in the same branch.
9	Mr. Faisal Khilji	Junior Clerk	Establishment	Mr. M. Shakeel, J/C will also continue in the same branch.
10	Mr. Nabeel Ahmed	Junior Clerk	Development	Relieving Mr. Ghazib Rehman, Junior Clerk who will continue in Housing Branch.
11	Mr. Shoab Abbas	Junior Clerk	General	

NOTE: All the concerned employees are directed to take over the charge of their new assignments on top priority basis.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

No. CHD/Estab./5091-5111 Dated Abbottabad the 04/06/2009

Copy to all concerned for strict compliance

Admitted
Muzammas
20/4
Assistant Commissioner (Rev/GA)
Hazara Region Abbottabad

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Admitted
Muzammas

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Annex-C

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

The following employees of this office are here by posted in the Branches of this office mentioned against :-

S/No.	Name of Official	Designation	Branch	Remarks
1.	Mr. Adnan Najam	Assistant	Development	Relieving Mr. Mohammad Asif Assistant who will continue in Housing Branch.
2.	Mr. Shahid Rafiq	Assistant	Budget & Accounts	Mr. Naeem S/G will also continue in the same branch.
3.	Mr. Sheryar Ali Khan	Assistant	Political & local Government.	Mr. Wali Dad Asstt will also continue in the same branch.
4.	Miss. Sonia Bibi	Head Clerk	Establishment	Mr. Tahir Arshraf Astt. Will also continue in the same branch.
5.	Mr. Mohammad Kafeel	Head Clerk	Revenue	Mr. Abdul Wahed Astt. Will also continue in the same branch
6.	Mr. Mohammad Amin	Junior Clerk	Political & Local Government	
7.	Mr. Shakeel Ahmed	Junior Clerk	Nazafat	Syed Tayyab Shah Astt. Will also continue in the same branch
8.	Sardar Altaf	Junior Clerk	Revenue	Mr. Fazalur Rehman S/G Will also continue in the same branch
9.	Mr. Faisal Ilyas	Junior Clerk	Establishment	Mr.M. Shakeel I/C Will also continue in the same branch
10.	Mr. Nabeel Ahmed	Junior Clerk	Development	Reliving Mr. Obaidur Rehman Junior Clerk who will continue in Huusing Branch
11.	Mr. Shoaib Abbasi	Junior Clerk	General	

Note:- All the concerned employees are directed to take over the charge of their new assignments on top priority basis.

Sd/-
Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Endtt. No. CHD/Estble/ 5091-5111

Dated Abbottabad the 04/06/2009

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
No. 110/MW/19/2 3/BE 2009-10
Dated Peshawar the 10th May, 2010

Annex-D

To
The Secretary Board of Revenue,
Khyber Pakhtunkhwa, Peshawar.

Subject: RESTORATION OF REVENUE DIVISIONS/COMMISSIONERATE OF
D.I.KHAN, KOHAT, BANNU, HAZARA & PESHAWAR RE-
DESIGNATION OF POSTS.

Dear Sir,

I am directed to refer to your letter No. 7882/admn.VIR Comd dated 12/4/2010 and 9162/Admn.VI Comd dated 03/05/2010 on the subject noted above and to state that two posts of Head Clerk (B-14) were created (alongwith other various posts for Commissioners office D.I.Khan, Kohat, Bannu, Hazara & Peshawar) are re-designated as under:

Existing post	Re-designated post
Head Clerk (B-14)	i. HVC (Revenue) (B-14)
	ii. Reader/Head Tehsildar (B-14)

These posts have been correspondingly designated in the budget book 2010-11.

Yours Faithfully,

(MULHAMMAD KOHAT)
Budget Officer-VII

Encl. No. & Date even.

Copy forwarded to:

1. The Commissioners, D.I.Khan, Kohat, Bannu, Hazara & Peshawar
2. The Accountant General, Khyber Pakhtunkhwa.
3. The Director FMIU, Finance Department
4. The District Accounts Officer, D.I.Khan, Kohat, Bannu, Abbottabad
5. Master File.

Handwritten notes and signatures in the bottom left corner.

Handwritten signature: Ali Ahmad

Budget Officer VII

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Annex-D

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
NO.HOVII/FD/23/BE/ 2009-10

To
The Secretary Board of Revenue
Khyber Pakhtunkhwa, Peshawar.

Subject:- RESTORATION OF REVENUE DIVISION/COMMISSION RATE OF
D.I.KHAN, KOHAT, BANNU, HAZARA & PESHAWAR RE-
DEDESIGNATION OF POSTS.

Dear Sir,

I am directed to refer your letter No.7882 /Admn. V/R Com dated 12-04-2010 and 9162/Admn/V/Com dated 03-05-2010 on the subjected noted above and to state that two posts of Head Clerk (B-14) were created (alongwith other various posts in Commissioners Office D.I. Khan, Kohat, Bannu, Hazara & Peshawar) are re-designated as under:

Existing posts:	Re-designated post
Head Clerk (B-14)	i) HVC (Revenue) (B-14)
	ii) Reader/Naib Tehsildar (B-14)

These posts have been changed/re-designated in the budget book 2010-11.

Yours Faithfully
Sd/-
(MUHAMMAD IQBAL)
Budget Officer VII

Endst. No. & Date even.

Copy forwarded to:-

1. The Commissioners, D.I. Khan, Kohat, Bannu, Hazara & Peshawar
2. The Accountant General Khyber Pakhtunkhwa Peshwar.
3. The Director FMIU Finance Department.
4. The District Accounts Officer, D.I. Khan, Kohat, Bannu, Hazara & Peshawar
5. Master File.

17

Annex-E

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD



ORDER

In pursuance of letter No. Estt:II/1255 dated 21/01/2011 received from the Government of Khyber Pakhtunkhwa, Revenue & Estate Department Peshawar, Miss Sonia the senior most Head Clerk (BPS-14) of this office is hereby adjusted w.e.f 08/02/2011, against the vacant post of Assistant (BPS-14), due to the resignation of Miss Javeria Javed.

Mr. Muhammad Kafeel Head Clerk will be adjusted as Assistant (BPS-14) as and when a vacancy occurs in this office. However till that time he will continue to draw his salary against one of the re-designated post.

By order
Commissioner Hazara Division
Abbottabad

Endst No. 1/2-CHD (Estab:) 1600-05

Dated: 15/02/2011

Copy with reference to above is forwarded to: -

1. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar w/r to his letter No:Estt-II/1255 dated 21/01/2011 for information please.
2. District Comptroller Accountant, Abbottabad.
3. Divisional Nazir, Commissioner Hazara Division Office, Abbottabad for necessary action.
4. P.S to Commissioner Hazara Division, Abbottabad.
5. Miss. Sonia Bibi.
6. Mr. Muhammad Kafeel.

Attested
Muzaffar

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad



18

Annex - 'F'
OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

ORDER

As per direction of Board of Revenue conveyed vide No. Estt:II/HCR/V/Divisional/2490 dated 29.01.2015. Mr. Muhammad Kafeel, Head Clerk (BS-14) is hereby adjusted as Head Vernacular Clerk (BS-14) in this office against the vacant post till his final absorption as per Rules.

Commissioner,
Hazara Division, Abbottabad.

Endst No. 4/3-Estab/ 1045-48.

Dated Abbottabad the: 27/02/2015

Copy forwarded for information to the:

1. ~~RS~~ to Senior Member Board of Revenue with reference to his letter as mentioned above.
2. Accounts Officer Commissioner's Office, Abbottabad.
- ✓ 3. Official concerned for compliance.

Commissioner,
Hazara Division, Abbottabad.

Attested
M. Kafeel

19

Annex-9

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Estt:II/HCR/HVC/13323



Peshawar dated the 11/07/2013

To

The Secretary to Commissioner,
Hazara Division, Abbottabad.

SUBJECT: APPLICATION FOR CHANGING THE NOMENCLATURE OF HEAD CLERK (B-14) AS HCR/HVC (B-14).

I am directed to refer to your letter No. 1/CHD (ACR) Rev/5758-59, dated 02/07/2013, on the subject and to state that according to Tehsildari/ Naib Tehsildari Service Rules amended in 2011 (copy enclosed) the post of Head Clerk (Revenue) shall be filled in from Assistant having dealt with Revenue or acquisition matters for at least 3 years and is transferable post with Assistant, therefore, the seniority of Head Clerk (Revenue) is to be maintained with Assistants of the offices of Commissioners.

[Signature]
Assistant Secretary (Estt)

Secretary

[Signature]
18/7
Commissioner
Hazara ACR

[Signature]
22/7

HCR(A.E.)

[Signature]
ACR
22/7



Advised
[Signature]

Estt:II/2-3
P-4
18

Post of Head Clerk Revenue (HCR).

should be posted against the

SENIORITY LIST OF ASSISTANT/HEAD CLERK (B-14) OF THE OFFICE OF THE COMMISSIONER HAZARA DIVISION, 2013

S.NO	NAME	DATE OF BIRTH	QUALIFICATION	DATE OF FIRST ENTRY INTO GOVT. SERVICE	DATE OF REGULAR APPOINTEMENT/SELECTION/PROMOTION AS ASSISTANT/HEAD CLERK	METHOD OF RECRUITMENT	OFFICE	REMARKS
1	Mr. Adnan Najam	07-05-1979	MA	18-05-2009	18-05-2009			
2	Mr. Akhtar Zaman	05-04-1984	BA	18-05-2009	18-05-2009	Direct	CHD Abbottabad	
3	Mr. Shahid Rafique	25-08-1986	MBA(F)	18-05-2009	18-05-2009	Direct	CHD Abbottabad	
4	Mr. Awais Shah	10-08-1983	BA	18-05-2009	18-05-2009	Direct	CHD Abbottabad	
5	Mr. Bahadur Khan	07-02-1978	MA	18-05-2009	18-05-2009	Direct	CHD Abbottabad	
6	Miss. Sonia Bibi	03-02-1985	MSC	01-06-2009	01-06-2009	Direct	CHD Abbottabad	
7	Mr. M. Kafeel HEAD CLERK	19-03-1980	BA-LLB	01-06-2009	01-06-2009	Direct	CHD Abbottabad	
8	Mr. M. Babar	26-05-1983	MA	18-06-2007	30-06-2009	Direct	CHD Abbottabad	
9	Mr. Shabir Malik	06-12-1979	BA	30-06-2009	30-06-2009	Direct	CHD Abbottabad	
10	Mr. M Rasheed	13-04-1964	Matric	30-06-1988	30-06-2009	Direct	CHD Abbottabad	
11	Mr. Awais Ahmed	02-01-1982	MSC	11-07-2009	11-07-2009	Promotee	CHD Abbottabad	
12	Mr. Fazal ur Rehman	01-07-1959	Matric	24-12-1981	30-12-2011	Promotee	CHD Abbottabad	

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Annex-H

NOTE:- If any official has any objection he may submit his objection in writing to the undersigned within seven days of the receipt of the tentative seniority.

Dated: 30-07-2013

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Handwritten signature/initials

Handwritten signature/initials

Revenue (HCR)



21

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Annex-1

Dated Peshawar, the 20-05-2014

NOTIFICATION

NO.FD/SO(FR)10-22/2014 The competent authority has been pleased to accord sanction to upgradation of pay scales of the following posts in the Civil Secretariat of Khyber Pakhtunkhwa with immediate effect.

S. No.	Nomenclature of the post	Existing Scale	Upgraded Scale
1	Superintendent	BS-16	BS-17
2	Assistant	BS-14	BS-16
3	Senior Clerk	BS-09	BS-14
4	Junior Clerk	BS-07	BS-11

- The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
- The Establishment Department, will amend the service rules to the same effect in the prescribed manner.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges & Executive District Officers in Khyber Pakhtunkhwa.
11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
14. Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi, and Quetta
15. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and Dir Upper
16. The Senior District Accounts Officer-Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower
17. The Treasury Officer, Peshawar.
18. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
19. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
20. PSO to Chief Secretary, Khyber Pakhtunkhwa.
21. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
22. PS to Finance Secretary.
23. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department
24. All Section Officers/Budget Officers in Finance Department.
25. Abbas Khan President of Khyber Pakhtunkhwa Civil Secretariat Superintendent, Assistant Clerks Association with reference to his application No. PR/KPS/SACA/2-1/2013 dated 8-01-2014

(SHAUKAT ULLAH)
SECTION OFFICER (FR)

Accepted
Mou Jue

22

Annex-J

S.No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CAMP COURT ABBOTTABAD

APPEAL NO. 849/2011

Muhammad Kafeel Versus Board of Revenue Khyber Pakhtunkhwa
through S.M.B.R, Peshawar.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

16.08.2016

Appellant with counsel, M/S Mukhtiar Ali, Supdt. and Bahadar Khan, Assistant alongwith Mr. Muhammad Siddique, Senior Government Pleader for the respondents present.

2. Mr. Muhamad Kafeel son of Qazi Muhammad Ismail hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 15.02.2011 vide which he was to be adjusted as Assistant as and when a vacancy occurs in the office of Commissioner Hazara Division, Abbottabad.

3. Brief facts giving rise to the present appeal are that the appellant was appointed as Head Clerk in the year 2009. Establishment of commissioner was restored in the year, 2010 and thereafter nomenclature of post of Head Clerk was changed as Head Vernacular Clerk/Reader BPS-14. That after the said developments one Miss Sonia was appointed as Assistant while the appellant appointed as H.V.C.

*Aziz
Maffee*

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That despite the said orders the impugned order was passed in flagrant violation of the rules which order was also assailed in departmental appeal dated 22.2.2011 which was not responded and hence the instant service appeal on 23.05.2011.

4. Learned counsel for the appellant argued that the appellant was appointed as Head Clerk BPS-14 vide order dated 01.06.2009 and posted in the Revenue Branch. That on restoration of Revenue Division/Commissionerates of D.I.Khan, Bannu, Kohat, Mardan Hazara, and Peshawar, the said post was redesignated as H.V.C (Revenue) (BPS-14). That the appellant was adjusted against the redesignated post and serving as such till date but vide impugned order dated 15.2.2011 respondent No. 5 Commissioner Hazara Division has directed that the appellant will be adjusted as Assistant (BPS-14) as and when vacancy occurs in his office and that till then he is to continue to draw his salary against one of the redesignated post.

5. Learned Senior Government Pleader argued that the impugned order is in accordance with law and appellant obliged to serve anywhere under the subordination of Commissioner Hazara Division.

6. We have heard arguments of learned counsel for the parties and perused the record.

7. It was not disputed before us that the post of Head Clerk BPS-14 was redesignated as Vernacular Clerk (Revenue) (BPS-14). The Finance Department had also given its concurrence to redesignate the existing post of Head Clerk BPS-14 in the office of Commissioner Hazara Division Abbottabad vide letter dated 9th April, 2013. The

Alister
M. H. H.

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appellant was adjusted vide office order dated 27.2.2015 as HVC (BPS-14) against the vacant post by the Commissioner Hazara Division Abbottabad but the said office order was made conditional against the said vacant post till his final absorption as per rules.

8. Perusal of record would suggest that after restoration of Commissionerate Hazara Division, appellant serving against the post of Head Clerk was appointed as HVC (Revenue) (BPS-14) and as such the services of the appellant were to be treated as HVC (Revenue) (BPS-14) w.e.f. the date of his appointment against the redesignated post without attaching any condition to the same as all codal formalities required for the said appointment were fulfilled where-after appellant was allowed to perform his duty against the redesignated post. As keeping in view the circumstance of the case we are constrained to accept the present appeal and would therefore direct that the appellant be considered as HVC (Revenue) w.e.f. the date of his appointment against the said post without attaching any conditionality to the record room. Parties are left to bear their own costs. File be closed.

Sd/- Muhammad Azim Khan Akhidi,
Chairman
Sd/- Abdul Latif,
Member

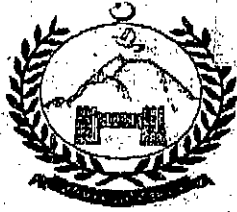
ANNOUNCED
16.08.2016

10 1500 22-08

Attested
Muzaffar

10 0
24-08

Abad



25

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 30-06-2015

NOTIFICATION

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to the upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
- b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15.
- c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
- d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
- e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
- f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40% or more of their normal pay shall not be entitled for the instant upgradation.

2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.
4. The above upgradation scheme shall not be applicable to employees of Autonomous Bodies, Semi Autonomous Bodies and Public Sector Companies.
5. Explanatory note and subsidiary instructions on the subject will be issued separately.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

P.T.O.

Abdool
Maryam

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Endst No. & Date even.Copy of the above is forwarded for information and necessary action to the: -

- 1) PS to Additional Chief Secretary, FATA.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9) Registrar, Peshawar High Court, Peshawar.
- 10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
- 11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- 12) Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13) Secretary to Govt; of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
- 21) PS to Finance Secretary.
- 22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 23) All Section Officers/Budget Officers in Finance Department.
- 24) Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa Peshawar.
- 25) Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
- 26) Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.

(MURAD AHMED)
SECTION OFFICER (FR)

Ali Akbar
Murad

Dated: 18/1/2013

Budget Book

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Annex-L

NO 21009 (006)
REVENUE & ESTABLISHMENT DEPARTMENT

011205 TAX MANAGEMENT (CUSTOMS, INCOME TAX, EXCISE ETC)

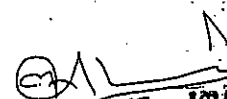
FUNCTIONAL CUM OBJECT CLASSIFICATION
AND PARTICULARS OF THE SCHEME

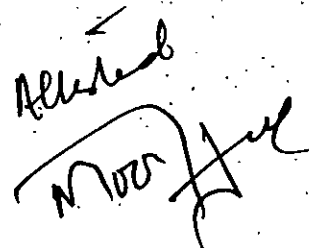
NUMBER OF
POSTS
2016-2017

BUDGET
ESTIMATES
2016-2017

RELEASED
2016-2017

		Rs	Rs	Rs
01	GENERAL PUBLIC SERVICE			
011	EXECUTIVE & LEGISLATIVE ORGANS, FINANCIAL			
0112	FINANCIAL AND FISCAL AFFAIRS			
011205	TAX MANAGEMENT (CUSTOMS, INCOME TAX, EXCISE ETC)			
AD4333 Commissioner Hazara Division				
A01	TOTAL EMPLOYEES RELATED EXPENSES.		30,713,000	30,712,000
A011	TOTAL PAY	85	17,061,000	17,061,000
A011-1	TOTAL PAY OF OFFICERS	22	8,165,000	8,165,000
A01101	Total Basic Pay Of Officer	22	8,152,000	8,152,000
C073	Commissioner (BPS-20)	1	1,130,000	1,130,000
A011	Additional Commissioner (BPS-19)	1	466,000	466,000
S017	Secretary To Commissioner (BPS-18)	1	559,000	559,000
A075	Assistant To Commissioner (BPS-17)	2	1,096,000	1,096,000
P075	Private Secretary (BPS-17)	1	483,000	483,000
S166	Superintendent (BPS-17)	1	521,000	521,000
A007	Accounts Officer (BPS-16)	1	360,000	360,000
A057	Assistant (BPS-16)	11	2,517,000	2,517,000
I056	Inspector of Stamp (BPS-16)	1	360,000	360,000
S061	Senior Scale Stenographer (BPS-16)	2	660,000	660,000
A01103	Special Pay		1,000	1,000
A01105	Qualification Pay		12,000	12,000
A011-2	TOTAL PAY OF OTHER STAFF	63	8,896,000	8,896,000
A01151	Total Basic Pay Other Staff	63	8,896,000	8,896,000
H111	Head Vernicular Clerk (Revenue) (BFS-15)	2	515,000	515,000
010	Reader (BIS-15)	1	311,000	311,000
R09	Writer/Naib Tehsildar (BIS-15)	1	280,000	280,000
J02	Junior Scale Stenographer (BIS-14)	2	335,000	335,000
S035	Senior Clerk (BIS-14)	4	1,097,000	1,097,000
C011	Cart Taker (BIS-12)	1	145,000	145,000


Budget Officer (Coord/PAC)
Finance Department
Govt. of Khyber Pakhtunkhwa


M. Noor Hameed

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Annex M

13

15

Signature of the head of the office or other attesting officer

reference to any recorded punishment of discipline or reward or praise of the Government servants

دستخط افسر مجاز

غیر مناسبت کا ردوں کا ریکارڈ

For Commissioner Hazara Div.

For Commissioner Hazara Div.

13-10 30-11-14

Services from 11-12 to 30-11-12 verified from acquaintance roll and pay bill of this office

Services from 11-12 to 30-11-12 verified from acquaintance roll and pay bill of this office

Services verified from 11-12 to 30-11-13

For Commissioner Hazara Div.

For Commissioner Hazara Div.

Admin. order Head Government clerk (B) dated 27/12/15 vide Commissioner's Hq. Hazara Div. dated 27/12/15

Admin. order scale w.e.f 11/15 vide Commissioner's Hq. Hazara Div. dated 27/12/15

For Commissioner Hazara Div.

8	9	10	11	12	13	14	15	
<p>Signature of the Head of the Government Servants Commission</p> <p>دستخط سربراہی بائیکا</p>	<p>Name and designation of the officer</p> <p>نام و درجہ افسر</p>	<p>Date of final appointment</p> <p>تاریخ انتظامی ملازمت</p>	<p>Reason of termination such as resignation transfer dismissal etc.</p> <p>بابت استعفاء یا منتقلی یا برطرفی</p>	<p>Signature of the Head of the Office</p> <p>دستخط سربراہی</p>	<p>Nature and duration of leave taken</p> <p>بابت رخصت کی مدت و معیار</p>	<p>Allocation of period of leave & average pay up to Government to be earned during 120 days to which leave salary is payable to another Government</p> <p>تعارفہ مدت رخصت و اوسط تنخواہ حکومتی جس پر 120 دنوں کے عرصے میں رخصت کی تنخواہ قابل ہے دوسری حکومت کو</p>	<p>Signature of the Head of the Office or other attesting officer</p> <p>دستخط افسر یا دیگر سربراہی افسر</p>	<p>Reference to any recorded punishment of censure or reward or praised of the Government servants</p> <p>بابت ایسا جزا یا غیر مناسب کارکردگی کا ریکارڈ</p>
					<p>Upgraded to BPS-11 Under Finance Department Notification No. SCSR-1/7-2015 date 28/6/15. w.e.f. 1/7/15.</p>			
						<p><i>[Signature]</i></p> <p>For Commissioner Hazara Divn.</p>		
				<p><i>[Signature]</i></p>				

Tehsildar / Naib Tehsildar
Ruler, 1962

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Annex - N

377

PART II

THE WEST PAKISTAN TAHSILDARI AND NAIB-TAHSILDARI SERVICE RULES, 1962

PART I - GENERAL

1. *Short title and commencement:* - (1) These rules may be called the West Pakistan Tahsildari and Naib Tahsildari Service Rules, 1962.
- (2) They shall come into force at once.
2. *Definitions:* In these rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:—
 - (1) "Appendix" means the Appendix to these rules;
 - (2) "appointing authority" means the authority specified in rule 4;
 - (3) "Board of Education" means a Board of Secondary Education established by law in Pakistan or any other educational authority or institution declared by Government in consultation with the Commission to be a Board of Education for the purposes of these rules;
 - (4) "Board of Revenue" means the full Board constituted under the West Pakistan Board of Revenue Act, 1956;
 - (5) "Commission" means the West Pakistan Public Service Commission;
 - (6) "Division" means a Revenue Division;
 - (7) "Government" means the Government of West Pakistan;
 - (8) "initial recruitment" means appointment made otherwise than by promotion or transfer from another Service/Department/Post;
 - (9) "Revenue Member" means the Member, Board of Revenue in charge of Revenue Administration;
 - (10) "recognised University" means any University incorporated by law in Pakistan or any other University declared by Government in consultation with the Commission to be a recognised University for the purposes of these rules;
 - (11) "Scheduled Castes" means the castes, races or tribes, or parts or groups within castes, races or tribes, declared to be scheduled castes, under any law in force in West Pakistan, or so declared by Government for the purposes of these rules;
 - (12) "Services" means the West Pakistan Tahsildari and Naib-Tahsildari Service;
 - (13) "subordinate service" shall mean—

- (i) for the purpose of appointment to the posts of Naib-Tahsildars, Tahsildars and Naib Tahsildars in the Revenue and Settlement Department;
 - (ii) Sadar Kanungos and Kanungos with a service which at least two years must have been spent as Kanungos;
 - (iii) District Revenue Accountants with at least three years experience as such;
 - (iv) ministerial employees (including Vernacular Assistants and Political Assistants) who have worked for at least five years in the Revenue or Settlement Department of District/Division or the Board of Revenue or the Division of Land Records; and
 - (v) Tahsildars of the Revenue and Settlement Department with at least three years' experience as such.
- (14) "Under-Developed Areas" means Quetta and Kalat Divisions, Lakha District of Baluchistan Division, the Tribal Areas of Dera Ismail Khan and Peshawar Divisions, and such other areas as Government may declare to be under-developed areas for the purposes of these rules; and
- (15) "Zone" means a Zone specified in column 2 of the Appendix.

3. *Recruitment and appointment of Service:* - (1) Recruitment shall be made to the posts of—
- (a) Tahsildars, and
 - (b) Naib-Tahsildars.
- (2) The recruitment shall be made on the basis of the following conditions:—
- (i) The candidates shall be graduates and have at least three years' service as such;
 - (ii) The candidates shall be graduates and have at least three years' service as such;
 - (iii) The candidates shall be graduates and have at least three years' service as such;
 - (iv) The candidates shall be graduates and have at least three years' service as such;
 - (v) The candidates shall be graduates and have at least three years' service as such;
 - (vi) The candidates shall be graduates and have at least three years' service as such;
 - (vii) The candidates shall be graduates and have at least three years' service as such;
 - (viii) The candidates shall be graduates and have at least three years' service as such;
 - (ix) The candidates shall be graduates and have at least three years' service as such;
 - (x) The candidates shall be graduates and have at least three years' service as such;
 - (xi) The candidates shall be graduates and have at least three years' service as such;
 - (xii) The candidates shall be graduates and have at least three years' service as such;
 - (xiii) The candidates shall be graduates and have at least three years' service as such;
 - (xiv) The candidates shall be graduates and have at least three years' service as such;
 - (xv) The candidates shall be graduates and have at least three years' service as such;
 - (xvi) The candidates shall be graduates and have at least three years' service as such;
 - (xvii) The candidates shall be graduates and have at least three years' service as such;
 - (xviii) The candidates shall be graduates and have at least three years' service as such;
 - (xix) The candidates shall be graduates and have at least three years' service as such;
 - (xx) The candidates shall be graduates and have at least three years' service as such;
 - (xxi) The candidates shall be graduates and have at least three years' service as such;
 - (xxii) The candidates shall be graduates and have at least three years' service as such;
 - (xxiii) The candidates shall be graduates and have at least three years' service as such;
 - (xxiv) The candidates shall be graduates and have at least three years' service as such;
 - (xxv) The candidates shall be graduates and have at least three years' service as such;
 - (xxvi) The candidates shall be graduates and have at least three years' service as such;
 - (xxvii) The candidates shall be graduates and have at least three years' service as such;
 - (xxviii) The candidates shall be graduates and have at least three years' service as such;
 - (xxix) The candidates shall be graduates and have at least three years' service as such;
 - (xxx) The candidates shall be graduates and have at least three years' service as such;
- (3) The recruitment shall be made on the basis of the following conditions:—
- (i) The candidates shall be graduates and have at least three years' service as such;
 - (ii) The candidates shall be graduates and have at least three years' service as such;
 - (iii) The candidates shall be graduates and have at least three years' service as such;
 - (iv) The candidates shall be graduates and have at least three years' service as such;
 - (v) The candidates shall be graduates and have at least three years' service as such;
 - (vi) The candidates shall be graduates and have at least three years' service as such;
 - (vii) The candidates shall be graduates and have at least three years' service as such;
 - (viii) The candidates shall be graduates and have at least three years' service as such;
 - (ix) The candidates shall be graduates and have at least three years' service as such;
 - (x) The candidates shall be graduates and have at least three years' service as such;
 - (xi) The candidates shall be graduates and have at least three years' service as such;
 - (xii) The candidates shall be graduates and have at least three years' service as such;
 - (xiii) The candidates shall be graduates and have at least three years' service as such;
 - (xiv) The candidates shall be graduates and have at least three years' service as such;
 - (xv) The candidates shall be graduates and have at least three years' service as such;
 - (xvi) The candidates shall be graduates and have at least three years' service as such;
 - (xvii) The candidates shall be graduates and have at least three years' service as such;
 - (xviii) The candidates shall be graduates and have at least three years' service as such;
 - (xix) The candidates shall be graduates and have at least three years' service as such;
 - (xx) The candidates shall be graduates and have at least three years' service as such;
 - (xxi) The candidates shall be graduates and have at least three years' service as such;
 - (xxii) The candidates shall be graduates and have at least three years' service as such;
 - (xxiii) The candidates shall be graduates and have at least three years' service as such;
 - (xxiv) The candidates shall be graduates and have at least three years' service as such;
 - (xxv) The candidates shall be graduates and have at least three years' service as such;
 - (xxvi) The candidates shall be graduates and have at least three years' service as such;
 - (xxvii) The candidates shall be graduates and have at least three years' service as such;
 - (xxviii) The candidates shall be graduates and have at least three years' service as such;
 - (xxix) The candidates shall be graduates and have at least three years' service as such;
 - (xxx) The candidates shall be graduates and have at least three years' service as such;

Handwritten signature/initials

Attested
M. J. J.

31
31/12/2008
(Pulw, 2008)

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE REVENUE AND ESTATE DEPARTMENT
 (Tehsildar, Naib Tehsildar / Subordinate Revenue Service Rules 2008)

NOTIFICATION

No. 32402 /Admin/I/135/SSRC

Peshawar dated the 26/12/2008.

In pursuance of the provisions contained in sub-rule (7) of rule 3 of the North West Frontier Province Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRC 457 (1) / 2001 dated 29th January 2002, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts below the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:

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

Accepted
W. M. Khan

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2 Naib Tehsildar (BPS 14)	3 Administrative Secretary (SMBR)	4 Second class Graduation from any University recognized by the Higher Education Commission	5 Second class Graduation from any University recognized by the Higher Education Commission	6 21 - 30 years For initial recruitment	7 (a) Fifty percent by initial recruitment, through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and (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 applied 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 / District Stenographer and DOR, in the office of District Commissioner and District Magistrate, who are Graduate and DOR, By transfer from amongst Naib Tehsildar By transfer from amongst Naib Tehsildar By transfer from amongst Naib Tehsildar
3	District Kanungo (Saddar Kanungo) (BPS 14)				
4	Head Clerk (Revenue) (BPS 14)				
5	District Revenue Accountant (BPS 14)				

Almas
Mansoor

Ref

33

Annex 'O'



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

No. SOR-VI/E&AD/1-16/2011

Dated Peshawar, the 25th September, 2012

To

1. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa.
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa.
7. All the District Coordination Officers in Khyber Pakhtunkhwa and Political Agents in FATA.
8. Registrar Peshawar High Court, Khyber Pakhtunkhwa.

ACR
[Signature]
Commissioner
Peshawar

Subject: INSTRUCTIONS ON WELL DEFINED SERVICE STRUCTURE AND FAIR CHANCES OF PROMOTION

Dear Sir,

I am directed to refer to the judgement of the Peshawar High Court in writ Petition No. 44/2011/ dated 07-02-2012 on the subject and to state that it is the responsibility of the Administrative Departments in the light of Rule 3(2) of Government of Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989, to ensure that a well defined service structure for all employees exist with fair chances of promotion. However in some of the departments and attached departments this responsibility is not being properly discharged.

The Provincial Government therefore has been pleased to issue the following policy instructions:-

- i) All the Administrative departments and attached departments shall look into the service structures of all their employees to ensure that no discrimination exist in service rules of similarly placed cadres/posts and fair promotion chances to different sections of employees are provided therein.

Asstt. (E)
[Signature]
Asstt.
02/11

[Signature]
Masood



[Signature]
02/10/12

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ii) In order to ensure improvement in service delivery, promotion may be linked to performance and tangible targets of achievements and where possible, performance should be clearly assessed.

iii) All the Administrative Departments and their subordinate/attached departments may expedite all pending promotion cases.

Yours faithfully

naizam

(NAJ-MUS-SAHAR)
SECTION OFFICER (REG-VI)

Copy forwarded to:-

- 1) All Additional Secretaries in Establishment and Administration Department.
- 2) All Deputy Secretaries in Establishment and Administration Department.
- 3) PS to Chief Secretary, Khyber Pakhtunkhwa.
- 4) PS to Secretary Establishment.
- 5) PS to Special Secretary Establishment.
- 6) All Section Officers Establishment and Admin Department.

naizam

SECTION OFFICER (REG-VI)

Alwida
Moufful

35

Annex - 'P'

GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT
Peshawar Dated the 13/05/2019

NOTIFICATION

No. Estr:/SSRC/2019/_____ In pursuance of provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue and Estate Department in consultation with Establishment Department and Finance Department, hereby directs that in this Department's Notification No. 32102-61/Admn:/135/SSRC, dated: 26.12.2008, the following further amendments shall be made, namely:

AMENDMENTS

In the APPENDIX,-

(a) against Serial No. 1, in column No. 7, for clauses (c) and (d), the following shall be substituted, namely:

“(c) fifteen percent by promotion, on the basis of seniority – cum – fitness, from amongst Assistants and Senior Scale Stenographers of the offices of Commissioner and Deputy Commissioner, having five years services as such;

Note: Joint seniority list shall be maintained at Provincial level for the purpose of promotion; and

(d) five percent by promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers of the Board of Revenue and Director Land Records Office having five years' service as such.

Note:- Joint seniority list shall be maintained for the purpose of promotion.”;

(b) against Serial No. 2, in column No.7.-

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

“(b) forty percent by promotion, on the basis of seniority –cum- fitness, from amongst the Kanungos with at least five years service as such, who have passed the Departmental Examination of Naib Tehsildar.”; and

(ii) clauses (c) and (e) shall be deleted.

(c) against Serial.No. 3, in column No.7, for the existing entry, the following shall be substituted, namely;

“by transfer from amongst Naib Tehsildars.”

(d) against Serial No. 9, in column No. 7, the following Note to the existing entry shall be added, namely:

“Note:- The posts of Naib Tehsil Accountants and Naib Tehsil office Kanungo shall be deemed as Dying Cadre. On vacation of the above posts by retirement or promotion of the incumbents, a person shall be appointed by transfer to the same and shall forthwith to take up with the Finance Department for their abolition.”.

Sd/-

SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Handwritten signature and date
17/05/2019

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No. Estt: I/SSRC/2019/19056-13

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. All Commissioners in Khyber Pakhtunkhwa.
6. All Deputy Commissioners in Khyber Pakhtunkhwa.
7. PS to Minister for Revenue & Estate Khyber Pakhtunkhwa.
8. Controller, Government Printing Press Peshawar with the request to publish the above notification in official gazette and supply fifty printed copies thereof to the undersigned for record.

[Handwritten Signature]

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

[Handwritten Signature]

جناب عالی!

مندرجہ ذیل حقائق آپ جناب کے علم میں لانا چاہتا ہوں۔

- 1- سال 2008-09 میں کمشنر ہزارہ ڈویژن ایبٹ آباد کی طرف سے 10 اسٹنٹ BPS-14 اور 02 ہیڈ کلرک BPS-14 کی خالی آسامیاں گنیا (Annexure-A)۔
- 2- سائل نے ہیڈ کلرک BPS-14 کی پوسٹ پر بھرتی کیلئے درخواست دی اور بذریعہ آرڈر نمبر 29-CHD/Estab/5027 مورخہ 01/06/2009 ہیڈ کلرک BPS-14 بھرتی ہوا (Annexure-B)۔
- 3- سائل کو بذریعہ آفس آرڈر نمبر 5111-5091-CHD/Estab/ مورخہ 04/06/2009 ریونیو سیکشن کمشنر آفس ایبٹ آباد میں تعینات ہوا (Annexure-C)۔
- 4- سائل کے ساتھ دوسری ہیڈ کلرک کی پوسٹ پر مسماة سونیابی بی بھرتی ہوئی۔
- 5- سال 2010ء میں فنانس ڈیپارٹمنٹ خیبر پختونخوا نے بذریعہ آرڈر نمبر 2009-10 BOVII/FD/2-3/BE مورخہ: 10/05/2010 کو ہیڈ کلرک BPS-14 کی آسامیاں ختم کر کے مندرجہ ذیل نئی آسامیاں کمشنر آفس کے لئے منظور کر دیں (Annexure-D)۔

Existing Post	Re-designated Post
Head Clerk (BPS-14)	i. HVC (Revenue) (BPS-14). ii. Reader/Naib Tehsildar

- 6- ہیڈ کلرک کی آسامیاں ختم ہونے کے بعد بورڈ آف ریونیو کی ہدایت کے مطابق مسماة سونیابی بی کو بذریعہ آرڈر نمبر 1600-05-CHD/Estab/ مورخہ 1/2/2011 اسٹنٹ BPS-14 کی خالی آسامی پرائیڈ جسٹ کر کے اسٹنٹ کی سنیاریٹی لسٹ میں شامل کر دیا گیا (Annexure-E)۔
- 7- مندرجہ بالا آرڈر نمبر 1600-05-CHD/Estab/ مورخہ 15/03/2011 میں سائل کے بارے میں حکم جاری ہوا کہ مستقبل میں جب بھی اسٹنٹ BPS-14 کی آسامی خالی ہوگی تو اس پر سائل کو تعینات کیا جائے گا۔
- 8- سائل نے مندرجہ بالا آرڈر کو چیلنج کرتے ہوئے متعدد بار درخواست گزاری کہ اگر دس سال تک اسٹنٹ کی پوسٹ خالی نہ ہوئی تو سائل کی نوکری بھی خطرے میں پڑ سکتی ہے لہذا سائل کو (HVC) Revenue کی خالی پوسٹ پر تعینات کیا جائے۔
- 9- بورڈ آف ریونیو کی ہدایت پر سائل کو بذریعہ آرڈر نمبر 48-1045-Estab/ مورخہ 27/02/2015 HVC (Revenue) کی خالی پوسٹ پر عارضی طور پر تعینات کر دیا گیا مگر مستقل حل نہ نکل سکا۔ (Annexure-F)۔
- 10- یہاں یہ بات بھی آپ کے نوٹس میں لانی ضروری ہے کہ بورڈ آف ریونیو پشاور نے بذریعہ لیٹر نمبر 13323-HVC/Estt:II/HCR/ مورخہ 11/07/2013 ہدایت جاری کی کہ HVC (Revenue)/Head Clerk کی سنیاریٹی اسٹنٹ BPS-14 کے ساتھ بنائی جائے۔ (Annexure-G)۔
- 11- مندرجہ بالا لیٹر کی روشنی میں کمشنر ہزارہ ڈویژن کی طرف سے 2013 Tentative Seniority List جاری کی گئی جس میں سائل کا نام اسٹنٹ BPS-14 کی سنیاریٹی لسٹ میں مسماة سونیابی بی کے بعد سیریل نمبر 07 پر ڈال دیا گیا مگر فائل سنیاریٹی لسٹ بغیر کسی وجہ کے جاری نہیں کی گئی۔ (Annexure-H)۔
- 12- اسی دوران بذریعہ نوٹیفکیشن نمبر 10-22/2014-FD/SO(FR) مورخہ 20/05/2014 اسٹنٹ BPS-14 کی پوسٹ کو اپ گریڈ کر کے BPS-16 دے دیا گیا مگر HVC Revenue کی پوسٹ کو اپ گریڈ نہیں کیا گیا۔
- 13- اس سارے معاملات کے دوران سائل نے ریگولر HVC Revenue کیلئے مجاز عدالت سے رجوع کیا تھا جس میں سائل کو کامیابی حاصل ہوئی اور عدالت کے حکم پر سائل کو بھرتی ہونے کے سال 2009 سے ریگولر HVC Revenue کر دیا گیا۔ (Annexure-I)۔
- 14- عدالتی کیس کے دوران فنانس ڈیپارٹمنٹ پشاور نے تمام سرکاری ملازمین (BPS-1 to 15) کو اپ گریڈ کر دیا جس کی روشنی میں سائل کو بھی سکیل 14 سے 15 میں اپ گریڈ کر دیا گیا۔ (Annexure-J)۔
- 15- سائل سکیل 15 کی تنخوا لے رہا ہے اور سروس بک و بچت بک میں HVC کی پوسٹ سکیل 15 کر دی گئی۔ (Annexure-K)۔
- 16- سائل نے کئی مرتبہ بورڈ آف ریونیو کو درخواست بھیجی کہ سروس رولز میں ترامیم کر کے HVC (BPS-15) کیا جائے مگر بورڈ آف ریونیو نے اپ گریڈیشن کو ماننے سے صاف انکار کر دیا جو کہ سائل کے ساتھ سہ ماہی نفاذی ہے۔

23/7

صاف انکار کر دیا جو کہ سائل کے ساتھ سہ ماہی نفاذی ہے۔

بورڈ آف ریونیو کی بلاوجہ ضد کی وجہ سے سائل کو کافی نقصان ہوا اور سائل کی پریشانیوں میں مزید اضافہ ہو گیا۔

18- سائل 2009ء سے ایسی منزل پر گامزن ہے جس کا کوئی اختتام نہیں کیونکہ بغیر سناری کی نوکری کرنا ایسے نیل کی مانند ہے جو سارا دن ٹیوب ویل کے گرد گھومتا رہتا ہے اور لوگ پانی استعمال کرتے ہیں مگر نیل کی کوئی منزل نہیں ہوتی۔

19- سائل سخت پریشانی کے عالم میں مبتلا تھا جس کی وجہ سے سائل ذہنی مریض بن گیا اور شوگر جیسی موذی مرض میں مبتلا ہو گیا۔

20- متعدد بار کوشش کے باوجود بورڈ آف ریونیو کو سائل کی حالت پر رحم نہ آیا اور آج تک سائل کو اس کی وجہ سمجھ نہ آئی۔ سائل بورڈ آف ریونیو کی اس نا انصافی سے بہت دلبرداشتہ ہوا کیونکہ سائل نے دن رات محنت کی اور اپنی ڈیوٹی احسن طریقے سے انجام دیتا رہا اور دس سال سروس میں کبھی بھی جواب طلبی نہیں ہوئی سائل نوکری سے معطل نہیں ہوا اور نہ ہی سائل کے خلاف کوئی انکوائری ہوئی اس کی سب سے بڑی وجہ حرام کولت مارنا اور رزق حلال کو ترجیح دینا۔ سائل نے حرام نہ کھانے کا وعدہ اپنے پیارے اللہ سے کیا ہوا ہے جس کا اجر انشاء اللہ اللہ تعالیٰ دنیا و آخرت میں ملے گا۔

21- دن رات محنت کرنے کے باوجود جس وقت کسی ملازم کے ساتھ نا انصافی ہو اور اس کی حق تلفی ہو تو خود سوچیں اس پر کیا گزرے گی۔

22- ڈاکٹر صاحبان کہتے ہیں کہ اپنے آپ کو خوش رکھنے کی کوشش کرو تا کہ اپنی بیماری سے لڑ سکو مگر افسوس سے لکھ رہا ہوں کہ بورڈ آف ریونیو کی طرف سے مسلسل نا انصافی کی وجہ سے کم عمری میں شوگر اور پھر دل کا دورہ اور انجیو پلاسٹی کا سامنا کرنا بدترین نا انصافی ہے۔

قرآن پاک میں اللہ تعالیٰ فرماتا ہے!

”بے شک اللہ تعالیٰ حکم دیتا ہے کہ امانتیں اپنے مالک کو لوٹاؤ اور جب لوگوں کے درمیان فیصلہ کرو تو انصاف کے ساتھ کرو“

23- سائل نے بورڈ آف ریونیو کے بار بار انکار سے تنگ آ کر ہائی کورٹ میں رٹ دائر کی جس کا فیصلہ بھی سائل کے حق میں آیا اور ہدایات جاری کیں کہ اپ گریڈیشن کے مطابق رولز میں ترامیم کی جائیں مگر افسوس بورڈ آف ریونیو نے پھر عدالتی فیصلے کو ماننے سے انکار کرتے ہوئے سائل کی پوسٹ BPS-15 (Revenue) HVC کو سینئر کلرکوں BPS-14 کے حوالے کر دیا جو کہ سائل کے ساتھ مذاق کرنے کے مترادف ہے۔ سکیل 15 کی پوسٹ پر سکیل 14 کا ملازم کس طرح بغیر ترقی کے تعینات ہو سکتا ہے؟ صرف سائل کے ساتھ ہی اتنی نا انصافی کیوں جو پہلے ہی اتنی پریشانیوں میں گرا ہوا ہو اور مختلف موذی بیماریوں سے لڑ رہا ہو۔ دس سے چند ہزار کی میڈیسن پوری نہ کر سکتا ہو اور اوپر سے بورڈ آف ریونیو کی ضد کی وجہ سے عدالتوں کے اخراجات علیحدہ ہیں۔ سائل مکمل طور پر قرضوں کے بوجھ تلے دب چکا ہے۔

24- سائل کے ساتھ بھرتی ہونے والے ملازمین BPS-16 کے مزے لے رہے ہوں اور سائل 10 سال سے ترقی کی راہ تک رہا ہو۔

25- جناب عالی اتنی پر سرکاری ملازم کا بنیادی حق ہے اور رولز میں غیر ضروری ترامیم سے ملازمین کی حق تلفی ہوتی ہے قانون کے مطابق سرکاری ملازم 5 سال سروس کے بعد ترقی کا حق رکھتا ہے۔

26- سائل نے فیکٹریوں میں مزدوریاں کر کے LLB کی ڈگری حاصل کی اور بعد میں دوران سروس ماسٹر ڈگری بھی حاصل کی جس کا فائدہ محکمہ اٹھارہا ہے مگر سائل کو ان ڈگریوں کا بھی کوئی فائدہ نہیں۔

27- جناب عالی! رولز 1962 سے لے کر 2008 کے رولز میں HVC Revenue/Head Clerk (Revenue) کی پوسٹ محکمہ مال کا حصہ تھی اور اس پر ہمیشہ نائب تحصیلدار تعینات ہوتے تھے کیونکہ ریونیو برانچ کمشنر آفس میں مختلف قسم کے محکمہ مال کے کیسز نمٹائے جاتے ہیں جس کے لئے اس کام کا تجربہ ضروری ہے۔

28- مندرجہ بالا رولز میں HVC کے لئے باقاعدہ کوٹہ مختص کیا جاتا تھا جس کی روشنی میں HVC کو تحصیلدار کے عہدے پر ترقی دی جاتی تھی۔

ارشاد باری تعالیٰ ہے!

”اے ایمان والو! انصاف پر خوب قائم رہنے والے اور اللہ کے لئے گواہی دینے والے بنے رہو چاہے وہ انصاف تمہاری اپنی ذات کے خلاف ہی ہو۔“

مندرجہ بالا حقائق کی روشنی میں آپ جناب سے گزارش ہے کہ عنوان بالا رولز میں ترامیم ختم کر کے ریگولر BPS-15 (Rev) HVC کی پوسٹ کے لئے 2% سے 3% کوٹہ مختص کیا جائے تاکہ HVC بھی تحصیلدار کی پوسٹ پر ترقی کر سکے یا سائل کی سناری ٹی لسٹ نائب تحصیلدار کے ساتھ بنائی جائے تاکہ نمبر آنے پر سائل کو ترقی مل سکے۔ سائل ہمیشہ آپ کے لئے دعا گو رہے گا۔

محمد کفیل ولد قاضی محمد اسماعیل
27/7/19

HVC (Rev) BPS-15 کمشنر آفس ایبٹ آباد

Accepted
27/7/19

المرقوم: 23 جولائی 2019

39

Annex 'R'



GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT.
No. Estt:II/HVC/ 5573
Peshawar dated the 17/02/2020.

To

The Commissioner,
Hazara Division, Abbottabad.

SUBJECT: APPLICATION TO RESTORE QUOTA.

Dear Sir,

I am directed to refer to your letter No. CHD/Estb/1/2/1628-30 dated 29.01.2016 and to state that rules on the subject are very clear which may be followed in letter and spirit please. (copy of Tehsildar / Naib Tehsildar amendment notification dated 13.05.2019, Divisional Cader Service Rules, 2015 is enclosed).

[Signature]
Assistant Secretary (Estt)

ker
50
Comm. Hazara
17/2/2020

Asst. Secy

ker
17/2/2020

1196
18-2

Attested
Mansoor



40

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: CHD / Estb/ 1/2/ 3570-11
Dated 6/03/2020

To

Mr. Muhammad Kafeel,
HVC, in Commissioner Office, Hazara Division,
Abbottabad.

Subject: **APPLICATION TO RESTORE QUOTA**

With Reference to your subject application dated 22-1-2020, the Board of Revenue Khyber Pakhtunkhwa forwarded a copy of Divisional Cadre Ministerial Rules 2015 alongwith copy of amended notifications dated 27-6-2019 & 13-5-2019 vide letter No. Estt:II/HVC/5513 dated 12-2-2020 which are enclosed herewith for information.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Endst: Even No & Date:

Copy forwarded for information to the PS to Commissioner, Hazara Division, Abbottabad.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Abbotabad
17/03/2020

DBA No: 205
 BC No:

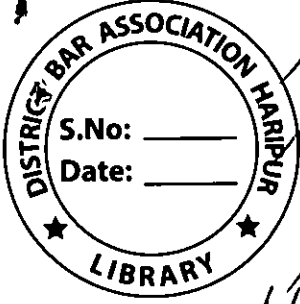
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 Name of Advocate: محمد اسلم تنوی

S.No: 70202



وکالت نامہ



بعدالت: خدیجہ بیگم حسن صاحبہ - ایئر کنٹریکٹرز اور سٹریٹ لائٹس کمپنی
 عنوان: تفصیل
 منجانب: ایڈووکیٹ
 نوعیت مقدمہ: سروس ایس
 باعث تحریر آنکھ: _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیقہ مقدمہ بمقام _____

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکار کے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل رہائشہ پر داخلہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کارروپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس کے ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرضی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا لگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مقرر یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔
 مورخہ: 23 دن 1 ماہ 1 سال 2020

محمد اسلم تنوی

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Handwritten notes in the top middle section, appearing to be a list or set of instructions.

Handwritten notes in the top right section, possibly a signature or a specific instruction.

Handwritten notes in the bottom right section, including a date and possibly a name.

Small handwritten mark or signature at the bottom center of the page.

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

SERVICE APPEAL No. 6041 OF 2020

Muhammad Kafeel, Head Vernacular Clerk (Revenue), Office of the
Commissioner Hazara Division, Abbottabad.

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil
Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Revenue & Estate
Department, Peshawar.

Respondents

INDEX

S. No.	Documents	<u>Page No./ Annexure</u>
1	Joint Parawise comments alongwith affidavit	1-3
2	Copy of Arrival Report	A
3	Order No. 1/2 Estab/13169-75 dated: 17-10-2016.	B
4	Notification dated:20.05.2014	C
5	Notification dated:30.06.2015	D
6	Divisional Cadre Ministerial Service Rules, amended in 2015	E
7	Amended Notification dated:13.05.2019	F

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

SERVICE APPEAL No. 6041 OF 2020

Muhammad Kafeel, Head Vernacular Clerk (Revenue), Office of the Commissioner
Hazara Division, Abbottabad.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Revenue and Estate Department, Peshawar.

(Respondents)

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974.

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth,

Joint parawise comments are as under:

Preliminary objections:-

1. That, the appellant has got no locus standi and cause of action to institute the present appeal.
2. That, the appeal in hand is not maintainable.
3. That, the appellant has not come to this honorable court with clean hands and there is misrepresentation of facts.
4. That, the appeal in hand is badly time barred.
5. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

ON FACTS:

1. Pertains to record of the Commissioner Hazara Division.
2. Pertains to record.
3. Incorrect. Neither the appellant was willing for adjustment as Assistant (BPS-16), nor there was any vacant post of Assistant available in the office of Commissioner Hazara Division, Abbottabad at that time. Moreover, the cadre cannot be changed. Copy of Arrival Report is annexed as "A".
4. Incorrect. The appellant did not suffer from any angle or aspect and his services had already been regularized as H.V.C. BPS-15 on his own request vide Order No. 1/2 Estab/13169-75 dated 17-10-2016 (**Annexure-B**) as the appellant was not willing for adjustment as Assistant/Senior Clerk.
5. Incorrect. As already explained in para-3 that the appellant was not willing to be adjusted as Assistant. Furthermore, after up-gradation of the post of Assistant from BPS-14 to BPS-16, it is unlawful to maintain his seniority with Assistants (BPS-16), as he is serving as H.V.C. in BPS-15, which is a separate cadre.
6. Incorrect and subject to proof.
7. Correct to the extent of notification dated:20.05.2014 (**Annexure-C**).
8. Correct to the extent of judgement dated:16.08.2016 of this Honourable Service Tribunal on the basis of which the appellant was adjusted as H.V.C.

9. Correct to the extent of notification dated:30.06.2015 (**Annexure-D**) on basis of which the appellant has already been granted one step up-gradation from BPS-14 to BPS-15. (2)
10. Incorrect. Under the Divisional Cadre Mjnisterial Service Rules, amended in 2015 (**Annexure-E**) the post of HVC shall be filled in by transfer from amongst Senior Clerks, therefore, further amendments in these rules are not required.
11. Incorrect. There is no ambiguity, malafide or discrimination on the part of respondents. The appellant was given opportunity by the respondent No. 2 for maintaining of his seniority with Senior Clerks but he refused, and was accordingly adjusted as HVC on his own request.
12. Pertains to record.
13. Incorrect. The post of H.V.C. is dying cadre and to be filled in by transfer from amongst the Senior Clerks (BPS-14).
14. As stated is incorrect. The respondent No. 2 framed service rules in the best interest of all employees strictly in accordance with law/ rules in vogue, the appellant was given a chance of adjustment as Senior Clerk, but he declined and accordingly adjusted as H.V.C. in Commissioner office Abbottabad. Besides, Rules cannot be changed for a single person.
15. Incorrect, as already explained in preceding Paras.
16. Incorrect. The departmental appeal of the appellant was disposed off on merit, in accordance with prevailing rules/policy and was filed by the Competent Authority. Moreover, the departmental appeal and service appeal are badly time barred.

REPLY ON GROUNDS:

- A. Incorrect, Amended Notification dated 13.05.2019 (**Annexure-F**) has been issued with proper approval by the Standing Service Rules Committee and after vetting from Law Department.
- B. Incorrect, if the appellant followed the advice of the respondent No. 2 for maintenance of his seniority with Senior Clerks, then the matter would be tackled as per rules which defend the rights of every official but the appellant tangled his office in unnecessary litigation.
- C. Incorrect, all previous rules have already been superseded by the Competent Authority as defined in Service rules 2008 and in the appellant's case the respondents are bound to adhere the prevailing rules.
- D. Incorrect, the service structure in respect of H.V.C is clearly defined in prevailing service rules 2008 (amended from time to time) that the post of H.V.C is to be filled in by transfer from amongst Senior Clerks.
- E. Incorrect, neither there is any unlawful act/ ambiguity at the end of respondents nor any discrimination with appellant. The amended Notification has been issued with proper by the Standing Service Rules Committee.
- F. Incorrect, service rules are very clear. Post of H.V.C. is to be filled in by transfer from amongst Senior Clerks. Services of the appellant had already been regularized as H.V.C. on his own request.

- G. Incorrect, there is no provision in the Tehsildar/Naib Tehsildar Rules for promotion of HVC to the post of Tehsildar.
- H. Incorrect, appeal of the appellant is not maintainable. Proper preliminary objections have been raised.

It is therefore requested that keeping in view the above facts and in light of prevailing service rules framed by the Provincial Government from time to time, the Service Appeal of the appellant is not maintainable, which may kindly be dismissed with costs.

Secretary to Government of
Khyber Pakhtunkhwa,
Revenue and Estate Department,
Peshawar,
(Respondent No. 1&2)

Dated: / / .

Affidavit

I, Muhammad Ajmal, Assistant Secretary (DC II) (BPS-17), Board of Revenue, Revenue and Estate Department, Government of Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm that contents of the parawise comments are true to the best of my knowledge and nothing has been concealed by this honourable court.

Assistant Secretary (DC II)

Deponent

(Office of the Respondent No. 1&2)

10
The Commissioner

Hazara Division

Subject: ARRIVAL REPORT (FOR THE POST
OF HEAD CLERK)

Sir,

In compliance with your contaned
in indorcement No 5027-29 dated

01-06-09

I hereby submit my arrival
Report for duty today on 01-6-09
forenoon.

E.A.

ACK
11/6/09

Yours obediently

M. Kafur
2011/6/09

s/o Qazi M. Ismail

House # 938/39, Lalazar colony
Supply Abbottabad.



Annex-1
CS

**OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD**
Phone & Fax # 9310461-62

ORDER

Whereas Mr. Muhammad Kafeel, HVC of this office had filed an appeal before the Khyber Pakhtunkhwa, Service Tribunal for his adjustment as HVC in the office of the Commissioner, Hazara Division.

And whereas the above official who was initially appointed as a Head Clerk (BPS 14). The post of H/C was abolished vide Order letter No BoVII/ FD/1-4/ BE-2012-13 dated 17/04/2013 and he was adjusted against the post of HVC on 27/02/2015 vide this office letter No 1045-48 (temporary basis) as per directions of the Board of Revenue, Khyber Pakhtunkhwa.

The Honorable Service Tribunal disposed of appeal of the above mentioned official by acceptance with the directions for adjustment of the appellant as HVC vide judgment in appeal No. 849/2011 dated 16/08/2016.

Now therefore, in the light of decision of the Khyber Pakhtunkhwa, Service Tribunal vide the order ibid and directions of the Board of Revenue vide letter No. Estt:II/S.A/849/2011/M. Kafeel/ 23529 dated 27/09/2016, the services of Mr. Muhammad Kafeel are hereby regularized as HVC (BPS-15) against the vacant post from the date of re-designation of the nomenclature of post of Head Clerk to HVC vide Finance Department Khyber Pakhtunkhwa letter No, BoVII/ FD/1-4/ BE-2012-13 dated 17/04/2013.

Sd/-
Commissioner,
Hazara Division, Abbottabad.

No.1/2 -Estab/ 13169-75

Dated 17 /10/2016

Copy forwarded to the:

1. Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
2. Assistant Secretary (Estt), Board of Revenue, Khyber Pakhtunkhwa, w/r to his letter No. Estt:II/S.A/849/2011/M. Kafeel/ 23529 dated 27/09/2016.
3. District Comptroller of Accounts, Abbottabad.
4. PS to Commissioner Hazara Division for information.
5. Assistant Budget & Accounts, of this office.
6. Personal file.
- ✓ Official concerned.

Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad.

(Annex - K1)

(6)

(27)

(6)

CHIEF SECY KPK

FAX NO. : 9210970

19 May 2014 9:10PM P1



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

Dated Peshawar, the 20-05-2014

NOTIFICATION

NO.FD/SO(FR)10-22/2014 The competent authority has been pleased to accord sanction to the upgradation of pay scales of the following posts, wherever exist, in all the Departments / Offices (except Civil Secretariat) of the Government of Khyber Pakhtunkhwa with immediate effect:

S. No.	Nomenclature of the post	Existing Scale	Upgraded Scale
1	Superintendent	BS-16	BS-17
2	Assistant	BS-14	BS-16
3	Senior Clerk	BS-09	BS-14
4	Junior Clerk	BS-07	BS-11

The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

**SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
14. Secretary to Govt of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
15. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
16. The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
17. The Treasury Officer, Peshawar.
18. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
19. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
20. PSO to Chief Secretary, Khyber Pakhtunkhwa.
21. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
22. PS to Finance Secretary.
23. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
24. All Section Officers/Budget Officers in Finance Department.
25. Abbas Khan President of Khyber Pakhtunkhwa Civil Secretariat Peshawar.

31

10

ANNEXURE "A"



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 30-06-2015

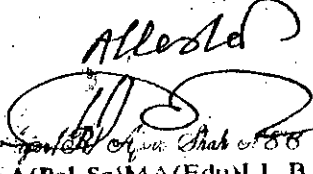
NOTIFICATION

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
- b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15.
- c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
- d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
- e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
- f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40 % or more of their normal pay shall not be entitled for the instant upgradation.

- 2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage not above the pay in the lower pay scale.
- 3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.
- 4. The above upgradation scheme shall not be applicable to employees of Autonomous Semi Autonomous Bodies and Public Sector Companies.
- 5. Explanatory note and subsidiary instructions on the subject will be issued separately.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Attested

 Advocate
 Distt. Bar Abbottabad

P.T.O

Dated: 18/1/2013

FROM : AS PFC

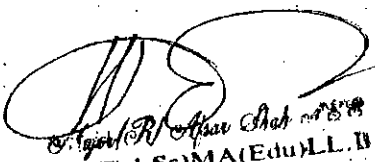
FAX NO. : 0919210614

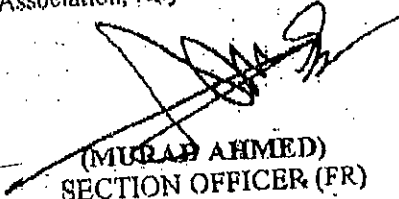
23 Jul. 2015 2:52PM P

Endst No. & Date even:

Copy of the above is forwarded for information and necessary action to the:-

- 1) PS to Additional Chief Secretary, FATA.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9) Registrar, Peshawar High Court, Peshawar.
- 10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers Khyber Pakhtunkhwa.
- 11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- 12) Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13) Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
- 21) PS to Finance Secretary.
- 22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 23) All Section Officers/Budget Officers in Finance Department.
- 24) Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa Peshawar.
- 25) Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
- 26) Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.

Ahmed

MA (Pol. Sc) MA (Edu) LL.B
ASSOCIATE
Distt. Bar Abbottabad


(MURAD AHMED)
SECTION OFFICER (FR)

Dated: 18/1/2013

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE /REVENUE AND ESTATE DEPARTMENT.

NOTIFICATION
Peshawar, dated 23/01/2015

(Annex-D) (8) (10)

No. Estt/II/135/SSRC/2033. In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all rules issued in this behalf, the Revenue Department in consultation with the Establishment and Administration Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the appendix to the notification which shall be applicable to post born in the cadre of Commissioners Specified in Column 2 of the said appendix.

AMENDMENTS

In the Appendix:-

S.No	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
1.	Superintendent (BPS - 17)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants (BPS-16) with five years service as such in the offices of Commissioners of the Division concerned.
2.	Private Secretary (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers (BPS-16) with at least five years service in the offices of Commissioners, Deputy Commissioners and Political Agents of the Division concerned.
2A	Accounts Officer (BPS-16).		---	By transfer from the Treasury Department/ Accountant General Office Khyber Pakhtunkhwa. Provided that an official earlier adjusted from surplus pool will be considered as rightly adjusted.

CM 7

Sl. No.	Name of post with pay scale	prescribed qualification	Age	Method of recruitment
4.	Assistant (BPS-16)	At least Second Class Bachelor's Degree from a recognized University.	20 to 32 years.	(a) Twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years service as Junior and Senior Clerk in the office of Commissioner of Division concerned; and (b) Twenty five percent by initial recruitment.
5.	Senior Scale Stenographer (BPS - 16)	(i) At least Second Class Bachelor's Degree, from a recognized University; (ii) a speed of 70 words per minute in shorthand in English and 45 words per minutes in typing; and knowledge of computer using MS Word, MS Excel.	20 to 32 years.	(a) Sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst Stenographers with atleast five years service as such in the offices of Commissioner concerned; and (b) forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with atleast five years service as such in the office of Commissioner concerned. Provided that if no suitable candidate is available for promotion, then by initial recruitment.
6.	Stenographer (BPS - 14)	(i) At least second class Intermediate or equivalent qualification from a recognized Board (ii) A speed of 50 words per minute in shorthand in English and 35 words per minute in typing; and Knowledge of computer in using MS Word, MS Excel.	18 to 30 years.	By initial recruitment.
6A	Senior Clerk (BPS-14) Head Vernacular Clerk / Head Clerk (BPS-14).		.....	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks of the offices of Commissioner concerned with at least two years service as such. (a) By transfer from amongst Senior Clerk (BPS-14) of the offices of Commissioner and Deputy Commissioner having at least one year experience of Revenue and Land acquisition matters; or (b) Naib Tehsildars (BPS-14) of the Division concerned.

Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
Computer Operator (BPS - 12)	i. At least second Class Bachelor Degree in Computer Science/ Information Technology(BCS/BIT four years), from a recognized university; or ii. At least Second Class Bachelor's Degree from a recognized university with one year Diploma in Information Technology from a recognized Board of Technical Education.	18-28 Years.	By initial recruitment.
"6A" Caretaker (BPS-11).	At least second class Bachelor Degree or equivalent qualification from recognized university alongwith Certificate / Diploma in Housekeeping / hotel management from a recognized institute.	18-30 Years.	By initial recruitment.
8 Junior Clerk (BPS = 11)	(i) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of 30 words per minute in typing.	18-30	a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Qasids and Naib Qasids including holders of other equivalent posts in the Division concerned with two years service as such, who have passed Secondary School Certificate Examination; and b) Sixty seven percent by initial recruitment. <u>Note:</u> For the purpose of promotion there shall be maintained a common seniority list of Qasids and Naib Qasids etc with reference to the date of their regular appointment. Provided that no separate seniority list of Matric and non-matric BS-1 (Class-IV) employees can be maintained being single cadre. Their seniority shall be fixed with reference to the date of their regular appointment. Provided further that where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.
9. Driver BPS - 4)	Literate having LTV driving license issued by the competent authority. preference will be given to those who have sufficient experience in driving, repair and maintenance of vehicles.	18 - 32 years	By initial recruitment.

(13)

	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
1A	Cook / Waiter (BPS-4)	Literate with three years practical experience in any hotel or guest house as cook / waiter.	18-32 Years.	By initial recruitment.
1B	Qasid	---	---	By promotion on the basis of seniority-cum-fitness, from amongst the Naib Qasids with "years service as such." and
1C	Naib Qasid / Chowkidar / Behishti / Mali / Sweeper (BPS - 01)	Literate	18-32 Years.	By initial recruitment.

Sd/-

SECRETARY TO GOVERNMENT
REVENUE AND ESTATE DEPARTMENT

by forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
8. All Deputy Commissioners, 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.


DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

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Annex - P

(9)

GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT
Peshawar Dated the 13 / 5 / 2019

NOTIFICATION

No. Estt:/SSRC/2019/ _____ In pursuance of provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue and Estate Department in consultation with Establishment Department and Finance Department, hereby directs that in this Department's Notification No. 32102-61/Admn:/135/SSRC, dated: 26.12.2008, the following further amendments shall be made, namely:

AMENDMENTS

(a) In the APPENDIX, -
against Serial No. 1, in column No. 7, for clauses (c) and (d), the following shall be substituted, namely:

(c) fifteen percent by promotion, on the basis of seniority - cum - fitness, from amongst Assistants and Senior Scale Stenographers of the offices of Commissioner and Deputy Commissioner, having five years services as such;
Note: Joint seniority list shall be maintained at Provincial level for the purpose of promotion; and

(d) five percent by promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers of the Board of Revenue and Director Land Records Office having five years' service as such;
Note:- Joint seniority list shall be maintained for the purpose of promotion.

(b) against Serial No. 2, in column No. 7.

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

(b) forty percent by promotion, on the basis of seniority -cum- fitness, from amongst the Kanungos with at least five years service as such, who have passed the Departmental Examination of Naib Tehsildar, and

(ii) clauses (c) and (e) shall be deleted.

(c) against Serial No. 3, in column No. 7, for the existing entry, the following shall be substituted, namely:

"by transfer from amongst Naib Tehsildars."

(d) against Serial No. 9, in column No. 7, the following Note to the existing entry shall be added, namely:

Note:- The posts of Naib Tehsil Accountants and Naib Tehsil office Kanungo shall be deemed as Dying Cadre. On vacation of the above posts by retirement or promotion of the incumbents, no person shall be appointed by transfer to the same and shall forthwith to take up with the Finance Department for their abolition."

Secretary to Government of Khyber Pakhtunkhwa
Revenue & Estate Department

[Handwritten signature]

Sd/-
SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

(36)

No. Estt://SSRC/2019/19056-13

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. All Commissioners in Khyber Pakhtunkhwa.
6. All Deputy Commissioners in Khyber Pakhtunkhwa.
7. PS to Minister for Revenue & Estate Khyber Pakhtunkhwa.
8. Controller, Government Printing Press Peshawar with the request to publish the above notification in official gazette and supply fifty printed copies thereof to the undersigned for record.

Muhammad
DEPUTY SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT.

*Allotted
M. J. Khan*

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

SERVICE APPEAL No. 6041 OF 2020

Muhammad Kafeel, Head Vernacular Clerk (Revenue), Office of the
Commissioner Hazara Division, Abbottabad.

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil
Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Revenue & Estate
Department, Peshawar.

Respondents

INDEX

S. No.	Documents	<u>Page No./ Annexure</u>
1	Joint Parawise comments alongwith affidavit	1-3
2	Copy of Arrival Report	A
3	Order No. 1/2 Estab/13169-75 dated: 17-10-2016.	B
4	Notification dated:20.05.2014	C
5	Notification dated:30.06.2015	D
6	Divisional Cadre Ministerial Service Rules, amended in 2015	E
7	Amended Notification dated:13.05.2019	F

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

SERVICE APPEAL No. 6041 OF 2020

Muhammad Kafeel, Head Vernacular Clerk (Revenue), Office of the Commissioner
Hazara Division, Abbottabad.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Revenue and Estate Department, Peshawar.

(Respondents)

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974.

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth,

Joint parawise comments are as under:

Preliminary objections:-

1. That, the appellant has got no locus standi and cause of action to institute the present appeal.
2. That, the appeal in hand is not maintainable.
3. That, the appellant has not come to this honorable court with clean hands and there is misrepresentation of facts.
4. That, the appeal in hand is badly time barred.
5. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

ON FACTS:

1. Pertains to record of the Commissioner Hazara Division.
2. Pertains to record.
3. Incorrect. Neither the appellant was willing for adjustment as Assistant (BPS-16), nor there was any vacant post of Assistant available in the office of Commissioner Hazara Division, Abbottabad at that time. Moreover, the cadre cannot be changed. Copy of Arrival Report is annexed as "A".
4. Incorrect. The appellant did not suffer from any angle or aspect and his services had already been regularized as H.V.C. BPS-15 on his own request vide Order No. 1/2 Estab/13169-75 dated 17-10-2016 (**Annexure-B**) as the appellant was not willing for adjustment as Assistant/Senior Clerk.
5. Incorrect. As already explained in para-3 that the appellant was not willing to be adjusted as Assistant. Furthermore, after up-gradation of the post of Assistant from BPS-14 to BPS-16, it is unlawful to maintain his seniority with Assistants (BPS-16), as he is serving as H.V.C. in BPS-15, which is a separate cadre.
6. Incorrect and subject to proof.
7. Correct to the extent of notification dated:20.05.2014 (**Annexure-C**).
8. Correct to the extent of judgement dated:16.08.2016 of this Honourable Service Tribunal on the basis of which the appellant was adjusted as H.V.C.


9. Correct to the extent of notification dated:30.06.2015 (**Annexure-D**) on basis of which the appellant has already been granted one step up-gradation from BPS-14 to BPS-15. (2)
10. Incorrect. Under the Divisional Cadre Ministerial Service Rules, amended in 2015 (**Annexure-E**) the post of HVC shall be filled in by transfer from amongst Senior Clerks, therefore, further amendments in these rules are not required.
11. Incorrect. There is no ambiguity, malafide or discrimination on the part of respondents. The appellant was given opportunity by the respondent No. 2 for maintaining of his seniority with Senior Clerks but he refused, and was accordingly adjusted as HVC on his own request.
12. Pertains to record.
13. Incorrect. The post of H.V.C. is dying cadre and to be filled in by transfer from amongst the Senior Clerks (BPS-14).
14. As stated is incorrect. The respondent No. 2 framed service rules in the best interest of all employees strictly in accordance with law/ rules in vogue, the appellant was given a chance of adjustment as Senior Clerk, but he declined and accordingly adjusted as H.V.C. in Commissioner office Abbottabad. Besides, Rules cannot be changed for a single person.
15. Incorrect, as already explained in preceding Paras.
16. Incorrect. The departmental appeal of the appellant was disposed off on merit, in accordance with prevailing rules/policy and was filed by the Competent Authority. Moreover, the departmental appeal and service appeal are badly time barred.

REPLY ON GROUNDS:

- A. Incorrect, Amended Notification dated 13.05.2019 (**Annexure-F**) has been issued with proper approval by the Standing Service Rules Committee and after vetting from Law Department.
- B. Incorrect, if the appellant followed the advice of the respondent No. 2 for maintenance of his seniority with Senior Clerks, then the matter would be tackled as per rules which defend the rights of every official but the appellant tangled his office in unnecessary litigation.
- C. Incorrect, all previous rules have already been superseded by the Competent Authority as defined in Service rules 2008 and in the appellant's case the respondents are bound to adhere the prevailing rules.
- D. Incorrect, the service structure in respect of H.V.C is clearly defined in prevailing service rules 2008 (amended from time to time) that the post of H.V.C is to be filled in by transfer from amongst Senior Clerks.
- E. Incorrect, neither there is any unlawful act/ ambiguity at the end of respondents nor any discrimination with appellant. The amended Notification has been issued with proper by the Standing Service Rules Committee.
- F. Incorrect, service rules are very clear. Post of H.V.C. is to be filled in by transfer from amongst Senior Clerks. Services of the appellant had already been regularized as H.V.C. on his own request.

- G. Incorrect, there is no provision in the Tehsildar/Naib Tehsildar Rules for promotion of HVC to the post of Tehsildar.
- H. Incorrect, appeal of the appellant is not maintainable. Proper preliminary objections have been raised.

It is therefore requested that keeping in view the above facts and in light of prevailing service rules framed by the Provincial Government from time to time, the Service Appeal of the appellant is not maintainable, which may kindly be dismissed with costs.


Secretary to Government of
Khyber Pakhtunkhwa,
Revenue and Estate Department,
Peshawar.
(Respondent No. 1&2)

Dated: / /

Affidavit

I, Muhammad Ajmal, Assistant Secretary (RE II)
(BPS-17), Board of Revenue, Revenue and Estate Department, Government of
Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm that contents of the
parawise comments are true to the best of my knowledge and nothing has been
concealed by this honourable court.


Assistant Secretary (RE II)

Deponent
(Office of the Respondent No. 1&2)

10

The Commissioner

Hazara Division

Subject: ARRIVAL REPORT (FOR THE POST OF HEAD CLERK)

Sir,

In compliance with your contented in indorsement No 5027-29 dated

01-06-09

I hereby submit my arrival report for duty today on 01-6-09 forenoon.

Yours obediently

M. Kafur
20/6/09

s/o Qazi M. Ismail

House # 938/39, Lalazar colony
Supply Abbottabad.

E.A.

Ac R.
1/6/09.



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD
Phone & Fax # 9310461-62

Appendix - 1
CS

ORDER

Whereas Mr. Muhammad Kafeel, HVC of this office had filed an appeal before the Khyber Pakhtunkhwa, Service Tribunal for his adjustment as HVC in the office of the Commissioner, Hazara Division.

And whereas the above official who was initially appointed as a Head Clerk (BPS 14). The post of H/C was abolished vide Order letter No BoVII/ FD/1-4/ BE-2012-13 dated 17/04/2013 and he was adjusted against the post of HVC on 27/02/2015 vide this office letter No 1045-48 (temporary basis) as per directions of the Board of Revenue, Khyber Pakhtunkhwa.

The Honorable Service Tribunal disposed of appeal of the above mentioned official by acceptance with the directions for adjustment of the appellent as HVC vide judgment in appeal No. 849/2011 dated 16/08/2016.

Now therefore, in the light of decision of the Khyber Pakhtunkhwa, Service Tribunal vide the order ibid and directions of the Board of Revenue vide letter No. Estt:II/S.A/849/2011/M. Kafeel/ 23529 dated 27/09/2016, the services of Mr. Muhammad Kafeel are hereby regularized as HVC (BPS-15) against the vacant post from the date of re-designation of the nomenclature of post of Head Clerk to HVC vide Finance Department Khyber Pakhtunkhwa letter No, BoVII/ FD/1-4/ BE-2012-13 dated 17/04/2013.


Sd/-
Commissioner,
Hazara Division, Abbottabad.

No.1/2 -Estab/ 13169-75

Dated 17/10/2016

Copy forwarded to the:

1. Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
2. Assistant Secretary (Estt), Board of Revenue, Khyber Pakhtunkhwa, w/r to his letter No. Estt:II/S.A/849/2011/M. Kafeel/ 23529 dated 27/09/2016.
3. District Comptroller of Accounts, Abbottabad.
4. PS to Commissioner Hazara Division for information.
5. Assistant Budget & Accounts, of this office.
6. Personal file.
- ✓ Official concerned.


Assistant to Commissioner (Rcv/GA)
Hazara Division, Abbottabad.

IN | | | |

(Annex - K1)

22

6

6

CHIEF SECY KPK

FAX NO. : 9218970

19 May 2014 9:10PM P1



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

Dated Peshawar, the 20-05-2014

NOTIFICATION

NO.FD/SO(FR)10-22/2014 The competent authority has been pleased to accord sanction to the upgradation of pay scales of the following posts, wherever exist, in all the Departments / Offices (except Civil Secretariat) of the Government of Khyber Pakhtunkhwa with immediate effect:

S. No.	Nomenclature of the post	Existing Scale	Upgraded Scale
1	Superintendent	BS-16	BS-17
2	Assistant	BS-14	BS-16
3	Senior Clerk	BS-09	BS-14
4	Junior Clerk	BS-07	BS-11

The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

**SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
14. Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
15. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
16. The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
17. The Treasury Officer, Peshawar.
18. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
19. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
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21. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
22. PS to Finance Secretary.
23. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
24. All Section Officers/Budget Officers in Finance Department.
25. Abbas Khan President of Khyber Pakhtunkhwa Civil Secretaries Society.

31

10

ANNEXURE "A"

7



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 30-06-2015

NOTIFICATION

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to upgradation of pay scales of the following provincial government employees with effect from 01-7-2015:

- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
- b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15.
- c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
- d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
- e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
- f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40 % or more of their normal pay shall not be entitled for the instant upgradation.

- 2. Pay of existing Incumbents of the posts shall be fixed in higher pay scales at a stage ne above the pay in the lower pay scale.
- 3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.
- 4. The above upgradation scheme shall not be applicable to employees of Autonomous Semi Autonomous Bodies and Public Sector Companies.
- 5. Explanatory note and subsidiary instructions on the subject will be issued separately.

SECRETARY TO GOVT OF KHYBER PAKHTUN
FINANCE DEPARTMENT

Attested

 P.T.O.
 F.A(Pol.Sc)MA(Edu)LL.B
 Distt. Bar Abbottabad

Dated: 18/1/2013

FROM : AS PFC

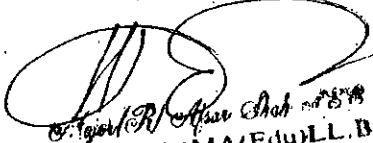
FAX NO. : 0919210614

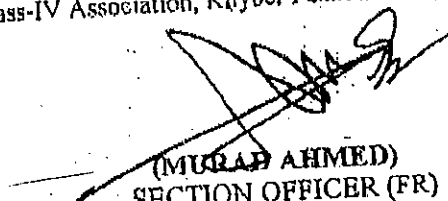
23 Jul. 2015 2:52PM P

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

- 1) PS to Additional Chief Secretary, FATA.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9) Registrar, Peshawar High Court, Peshawar.
- 10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Office Khyber Pakhtunkhwa.
- 11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- 12) Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13) Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansohra and Dir Lower.
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
- 21) PS to Finance Secretary.
- 22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 23) All Section Officers/Budget Officers in Finance Department.
- 24) Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa Peshawar.
- 25) Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
- 26) Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.

Altaf

MA(Pol.Sc)MA(Edu)LL.B
ASSOCIATE
Distt. Bar Abbottabad


(MURAD AHMED)
SECTION OFFICER (FR)

Dated: 18/1/2013

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE /REVENUE AND ESTATE DEPARTMENT.

NOTIFICATION
Peshawar, dated 23/01/2015

(Annex-D) 8 10

No. Estt:1/11/135/SSRC/2033. In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all rules issued in this behalf, the Revenue Department in consultation with the Establishment and Administration Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the appendix to the notification which shall be applicable to post born in the cadre of Commissioners Specified in Column 2 of the said appendix.

AMENDMENTS

In the Appendix:-

S.No	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
1.	Superintendent (BPS - 17)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants (BPS-16) with five years service as such in the offices of Commissioners of the Division concerned.
2.	Private Secretary (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers (BPS-16) with at least five years service in the offices of Commissioners, Deputy Commissioners and Political Agents of the Division concerned.
2A	Accounts Officer (BPS-16).			By transfer from the Treasury Department/ Accountant General Office Khyber Pakhtunkhwa. Provided that an official earlier adjusted from surplus pool will be considered as rightly adjusted.

CM 9

Denomination of post with pay scale	prescribed qualification:	Age	Method of recruitment:
Assistant (BPS-16).	At least Second Class Bachelor's Degree from a recognized University.	20 to 32 years.	(a) Twenty five percent by promotion, on the basis of seniority-cum-fitness, from among the Senior Clerks with at least five years service as Junior and Senior Clerk in the Office of Commissioner of Division concerned; and (b) Twenty five percent by initial recruitment.
4. Senior Scale Stenographer (BPS - 16)	(i) At least Second Class Bachelor's Degree, from a recognized University; (ii) a speed of 70 words per minute in shorthand in English and 45 words per minutes in typing; and knowledge of computer using MS Word, MS Excel.	20 to 32 years.	(a) Sixty percent by promotion, on the basis of seniority-cum-fitness, from among Stenographers with atleast five years service as such in the offices of Commissioner concerned; and (b) forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with atleast five years service as such in the office of Commissioner concerned. Provided that if no suitable candidate is available for promotion, then by initial recruitment.
5. Stenographer (BPS - 14)	(i) At least second class Intermediate or equivalent qualification from a recognized Board (ii) A speed of 50 words per minute in shorthand in English and 35 words per minute in typing; and Knowledge of computer in using MS Word, MS Excel.	18 to 30 years.	By initial recruitment.
6. Senior Clerk (BPS-14).		....	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks of the offices of Commissioner concerned with at least two years service as such.
6A Head Vernacular Clerk / Head Clerk (BPS-14).		....	(a) By transfer from amongst Senior Clerk (BPS-14) of the offices of Commissioner and Deputy Commissioner having at least one year experience of Revenue and Land acquisition matters; or (b) Naib Tehsildars (BPS-14) of the Division concerned.

	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
	Computer Operator (BPS - 12)	i. At least second Class Bachelor Degree in Computer Science/ Information Technology(BCS/BIT four years), from a recognized university; or ii. At least Second Class Bachelor's Degree from a recognized university with one year Diploma in Information Technology from a recognized Board of Technical Education.	18-28 Years.	By initial recruitment.
8A	Caretaker (BPS-11).	At least second class Bachelor Degree or equivalent qualification from recognized university alongwith Certificate / Diploma in Housekeeping / hotel management from a recognized institute.	18-30 Years.	By initial recruitment.
8	Junior Clerk (BPS - 11)	(i) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of 30 words per minute in typing.	18-30	a) Thirty three percent by promotion on the basis of seniority-cum-fitness, from amongst the Qasids and Naib Qasids including holders of other equivalent posts in the Division concerned with two years service as such, who have passed Secondary School Certificate Examination; and b) Sixty seven percent by initial recruitment. <u>Note:</u> For the purpose of promotion there shall be maintained a common seniority list of Qasids and Naib Qasids etc with reference to the date of their regular appointment: Provided that no separate seniority list of Matric and non-matric BS-1 (Class-IV) employees can be maintained being single cadre. Their seniority shall be fixed with reference to the date of their regular appointment: Provided further that where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.
9.	Driver (BPS - 4)	Literate having LTV driving license issued by the competent authority. preference will be given to those who have sufficient experience in driving, repair and maintenance of vehicles.	18 - 32 years	By initial recruitment.

(13)

	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
1A	Cook / Waiter (BPS-4).	Literate with three years practical experience in any hotel or guest house as cook / waiter.	18-32 Years.	By initial recruitment.
1B	Qasid	---	---	By promotion on the basis of seniority-cum-fitness, from amongst the Naib Qasids with "years service as such." and
10.	Naib Qasid / Chowkidar / Behishti / Mali / Sweeper (BPS - 01)	Literate	18-32 Years.	By initial recruitment.

Sd/-

SECRETARY TO GOVERNMENT
REVENUE AND ESTATE DEPARTMENT

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
8. All Deputy Commissioners, 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.


DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

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Annex - P

(9)

GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT
Peshawar Dated the 13/05/2019

NOTIFICATION

No. Estt:/SSRC/2019/ _____ In pursuance of provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue and Estate Department in consultation with Establishment Department and Finance Department, hereby directs that in this Department's Notification No. 32102-61/Admn:/135/SSRC, dated: 26.12.2008, the following further amendments shall be made, namely:

AMENDMENTS

(a) In the APPENDIX,-
against Serial No. 1, in column No. 7, for clauses (c) and (d), the following shall be substituted, namely:

(c) fifteen percent by promotion, on the basis of seniority - cum - fitness, from amongst Assistants and Senior Scale Stenographers of the offices of Commissioner and Deputy Commissioner, having five years services as such;

Note: Joint seniority list shall be maintained at Provincial level for the purpose of promotion; and

(d) five percent by promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers of the Board of Revenue and Director Land Records Office having five years' service as such.

Note:- Joint seniority list shall be maintained for the purpose of promotion."

(b) against Serial No. 2, in column No. 7-

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

(b) forty percent by promotion; on the basis of seniority -cum- fitness, from amongst the Kanungos with at least five years service as such, who have passed the Departmental Examination of Naib Tehsildar; and

(ii) clauses (c) and (e) shall be deleted.

(c) against Serial No. 3, in column No. 7, for the existing entry, the following shall be substituted, namely:

"by transfer from amongst Naib Tehsildars."

(d) against Serial No. 9, in column No. 7, the following Note to the existing entry shall be added, namely:

Note:- The posts of Naib Tehsil Accountants and Naib Tehsil office Kanungo shall be deemed as Dying Cadre. On vacation of the above posts by retirement or promotion of the incumbents, a person shall be appointed by transfer to the same and shall forthwith to take up with the Finance Department for their abolition."

Secretary to Government of Khyber Pakhtunkhwa
Revenue & Estate Department

[Handwritten signature]

Sd/-
SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

(36)

No. Estt: I/SSRC/2019/19056-13

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. All Commissioners in Khyber Pakhtunkhwa.
6. All Deputy Commissioners in Khyber Pakhtunkhwa.
7. PS to Minister for Revenue & Estate Khyber Pakhtunkhwa.
8. Controller, Government Printing Press Peshawar with the request to publish the above notification in official gazette and supply fifty printed copies thereof to the undersigned for record.

Muhammad
DEPUTY SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT.

*Muhammad
Mansoor*

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

SERVICE APPEAL No. 6041 OF 2020

Muhammad Kafeel, Head Vernacular Clerk (Revenue), Office of the
Commissioner Hazara Division, Abbottabad.

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil
Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Revenue & Estate
Department, Peshawar.

Respondents

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1	Joint Parawise comments alongwith affidavit	1-3
2	Copy of Arrival Report	A
3	Order No. 1/2 Estab/13169-75 dated: 17-10-2016.	B
4	Notification dated:20.05.2014	C
5	Notification dated:30.06.2015	D
6	Divisional Cadre Ministerial Service Rules, amended in 2015	E
7	Amended Notification dated:13.05.2019	F

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

SERVICE APPEAL No. 6041 OF 2020

Muhammad Kafeel, Head Vernacular Clerk (Revenue), Office of the Commissioner
Hazara Division, Abbottabad.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Revenue and Estate Department, Peshawar.

(Respondents)

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974.
JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.**

Respectfully Sheweth,

Joint parawise comments are as under:

Preliminary objections:-

1. That, the appellant has got no locus standi and cause of action to institute the present appeal.
2. That, the appeal in hand is not maintainable.
3. That, the appellant has not come to this honorable court with clean hands and there is misrepresentation of facts.
4. That, the appeal in hand is badly time barred.
5. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

ON FACTS:

1. Pertains to record of the Commissioner Hazara Division.
2. Pertains to record.
3. Incorrect. Neither the appellant was willing for adjustment as Assistant (BPS-16), nor there was any vacant post of Assistant available in the office of Commissioner Hazara Division, Abbottabad at that time. Moreover, the cadre cannot be changed. Copy of Arrival Report is annexed as "A".
4. Incorrect. The appellant did not suffer from any angle or aspect and his services had already been regularized as H.V.C. BPS-15 on his own request vide Order No. 1/2 Estab/13169-75 dated 17-10-2016 (**Annexure-B**) as the appellant was not willing for adjustment as Assistant/Senior Clerk.
5. Incorrect. As already explained in para-3 that the appellant was not willing to be adjusted as Assistant. Furthermore, after up-gradation of the post of Assistant from BPS-14 to BPS-16, it is unlawful to maintain his seniority with Assistants (BPS-16), as he is serving as H.V.C. in BPS-15, which is a separate cadre.
6. Incorrect and subject to proof.
7. Correct to the extent of notification dated:20.05.2014 (**Annexure-C**).
8. Correct to the extent of judgement dated:16.08.2016 of this Honourable Service Tribunal on the basis of which the appellant was adjusted as H.V.C.

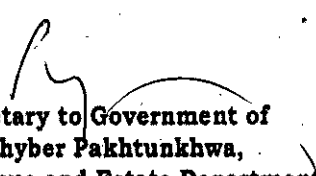
9. Correct to the extent of notification dated:30.06.2015 (**Annexure-D**) on basis of which the appellant has already been granted one step up-gradation from BPS-14 to BPS-15.
10. Incorrect. Under the Divisional Cadre Ministerial Service Rules, amended in 2015 (**Annexure-E**) the post of HVC shall be filled in by transfer from amongst Senior Clerks, therefore, further amendments in these rules are not required.
11. Incorrect. There is no ambiguity, malafide or discrimination on the part of respondents. The appellant was given opportunity by the respondent No. 2 for maintaining of his seniority with Senior Clerks but he refused, and was accordingly adjusted as HVC on his own request.
12. Pertains to record.
13. Incorrect. The post of H.V.C. is dying cadre and to be filled in by transfer from amongst the Senior Clerks (BPS-14).
14. As stated is incorrect. The respondent No. 2 framed service rules in the best interest of all employees strictly in accordance with law/ rules in vogue, the appellant was given a chance of adjustment as Senior Clerk, but he declined and accordingly adjusted as H.V.C. in Commissioner office Abbottabad. Besides, Rules cannot be changed for a single person.
15. Incorrect, as already explained in preceding Paras.
16. Incorrect. The departmental appeal of the appellant was disposed off on merit, in accordance with prevailing rules/policy and was filed by the Competent Authority. Moreover, the departmental appeal and service appeal are badly time barred.

REPLY ON GROUNDS:

- A. Incorrect, Amended Notification dated 13.05.2019 (**Annexure-F**) has been issued with proper approval by the Standing Service Rules Committee and after vetting from Law Department.
- B. Incorrect, if the appellant followed the advice of the respondent No. 2 for maintenance of his seniority with Senior Clerks, then the matter would be tackled as per rules which defend the rights of every official but the appellant tangled his office in unnecessary litigation.
- C. Incorrect, all previous rules have already been superseded by the Competent Authority as defined in Service rules 2008 and in the appellant's case the respondents are bound to adhere the prevailing rules.
- D. Incorrect, the service structure in respect of H.V.C is clearly defined in prevailing service rules 2008 (amended from time to time) that the post of H.V.C is to be filled in by transfer from amongst Senior Clerks.
- E. Incorrect, neither there is any unlawful act/ ambiguity at the end of respondents nor any discrimination with appellant. The amended Notification has been issued with proper by the Standing Service Rules Committee.
- F. Incorrect, service rules are very clear. Post of H.V.C. is to be filled in by transfer from amongst Senior Clerks. Services of the appellant had already been regularized as H.V.C. on his own request.

- (3)
- G. Incorrect, there is no provision in the Tehsildar/Naib Tehsildar Rules for promotion of HVC to the post of Tehsildar.
- H. Incorrect, appeal of the appellant is not maintainable. Proper preliminary objections have been raised.

It is therefore requested that keeping in view the above facts and in light of prevailing service rules framed by the Provincial Government from time to time, the Service Appeal of the appellant is not maintainable, which may kindly be dismissed with costs.


**Secretary to Government of
Khyber Pakhtunkhwa,
Revenue and Estate Department,
Peshawar.
(Respondent No. 1&2)**

Dated: / /

Affidavit

I, Muhammad Ajmal, Assistant Secretary (LC: II)
(BPS-17), Board of Revenue, Revenue and Estate Department, Government of
Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm that contents of the
parawise comments are true to the best of my knowledge and nothing has been
concealed by this honourable court.


Assistant Secretary (LC: II).

Deponent
(Office of the Respondent No. 1&2)

To,

The Commissioner

Hazara Division

(M)

Subject: ARRIVAL REPORT (FOR THE POST OF HEAD CLERK)

Sir,

In compliance with your contentd in indorcement No 5027-29 dated 01-06-09

I hereby submit my arrival report for duty today on 01-6-09 forenoon.

Yours obediently

M. Rafiq
20/6/09

s/o Qazi M. Ismail

House # 938/39, Lalazar colony
Supply Abbottabad.

E.A.

2

AER
1/6/09.



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

Phone & Fax # 9310461-62

Annex-C

CS

ORDER

Whereas Mr. Muhammad Kafeel, HVC of this office had filed an appeal before the Khyber Pakhtunkhwa, Service Tribunal for his adjustment as HVC in the office of the Commissioner, Hazara Division.

And whereas the above official who was initially appointed as a Head Clerk (BPS 14). The post of H/C was abolished vide Order letter No BoVII/ FD/1-4/ BE-2012-13 dated 17/04/2013 and he was adjusted against the post of HVC on 27/02/2015 vide this office letter No 1045-48 (temporary basis) as per directions of the Board of Revenue, Khyber Pakhtunkhwa.

The Honorable Service Tribunal disposed of appeal of the above mentioned official by acceptance with the directions for adjustment of the appellant as HVC vide judgment in appeal No. 849/2011 dated 16/08/2016.

Now therefore, in the light of decision of the Khyber Pakhtunkhwa, Service Tribunal vide the order ibid and directions of the Board of Revenue vide letter No. Estt:II/S.A/849/2011/M. Kafeel/ 23529 dated 27/09/2016, the services of Mr. Muhammad Kafeel are hereby regularized as HVC (BPS-15) against the vacant post from the date of re-designation of the nomenclature of post of Head Clerk to HVC vide Finance Department Khyber Pakhtunkhwa letter No, BoVII/ FD/1-4/ BE-2012-13 dated 17/04/2013.

Sd/-
Commissioner,
Hazara Division, Abbottabad.

No.1/2 -Estab/ 13169-75

Dated 17 /10/2016

Copy forwarded to the:

1. Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
2. Assistant Secretary (Estt); Board of Revenue, Khyber Pakhtunkhwa, w/r to his letter No. Estt:II/S.A/849/2011/M. Kafeel/ 23529 dated 27/09/2016.
3. District Comptroller of Accounts, Abbottabad.
4. PS to Commissioner Hazara Division for information.
5. Assistant Budget & Accounts, of this office.
6. Personal file.
- ✓ Official concerned.

Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 20-05-2014

NOTIFICATION

NO.FD/SO(FR)10-22/2014 The competent authority has been pleased to accord sanction to the upgradation of pay scales of the following posts, wherever exist, in all the Departments / Offices (except Civil Secretariat) of the Government of Khyber Pakhtunkhwa with immediate effect:

S. No.	Nomenclature of the post	Existing Scale	Upgraded Scale
1	Superintendent	BS-16	BS-17
2	Assistant	BS-14	BS-16
3	Senior Clerk	BS-09	BS-14
4	Junior Clerk	BS-07	BS-11

1. The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Encl No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
14. Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
15. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
16. The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
17. The Treasury Officer, Peshawar.
18. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
19. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
20. PSO to Chief Secretary, Khyber Pakhtunkhwa.
21. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
22. PS to Finance Secretary.
23. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
24. All Section Officers/Budget Officers in Finance Department.
25. Abbas Khan President of Khyber Pakhtunkhwa Civil Secretariat Peshawar.

31

ANNEXURE "A"

10

7



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 30-06-2015

NOTIFICATION

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
- b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15.
- c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
- d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
- e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
- f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40 % or more of their normal pay shall not be entitled for the instant upgradation.

2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage not above the pay in the lower pay scale.

3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

4. The above upgradation scheme shall not be applicable to employees of Autonomous Semi Autonomous Bodies and Public Sector Companies.

5. Explanatory note and subsidiary instructions on the subject will be issued separately.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Attested
[Signature]
MA(Pol.Sc)MA(Edu)LL.B
ADVOCATE
Distt. Bar Association

P.T.O

Dated: 18/1/2013

Endst No. & Date even.Copy of the above is forwarded for information and necessary action to the:-

- 1) PS to Additional Chief Secretary, FATA.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9) Registrar, Peshawar High Court, Peshawar.
- 10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers Khyber Pakhtunkhwa.
- 11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- 12) Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13) Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
- 21) PS to Finance Secretary.
- 22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 23) All Section Officers/Budget Officers in Finance Department.
- 24) Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa Peshawar.
- 25) Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
- 26) Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.

Altaf

[Signature]

MA(Pol.Sc)MA(Edu)LL.B
 ATTORNEY
 Dist. Bar Abbottabad

[Signature]

(MURAD AHMED)
 SECTION OFFICER (FR)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE /REVENUE AND ESTATE DEPARTMENT.

NOTIFICATION
Peshawar, dated 23/01/2015

(Annex-D) 8 10

No. Estt:1/11/135/SSRC/2033. In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all rules issued in this behalf, the Revenue Department in consultation with the Establishment and Administration Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the appendix to the notification which shall be applicable to post born in the cadre of Commissioners Specified in Column 2 of the said appendix.

AMENDMENTS

In the Appendix:-

S.No	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
1.	Superintendent (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants (BPS-16) with five years service as such in the offices of Commissioners of the Division concerned.
2.	Private Secretary (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers (BPS-16) with at least five years service in the offices of Commissioners, Deputy Commissioners and Political Agents of the Division concerned.
2A	Accounts Officer (BPS-16).			By transfer from the Treasury Department/ Accountant General Office Khyber Pakhtunkhwa. Provided that an official earlier adjusted from surplus pool will be considered as rightly adjusted.

	Designation of post with pay scale	prescribed qualification:	Age	Method of recruitment:
4.	Assistant (BPS-16)	At least Second Class Bachelor's Degree from a recognized University.	20 to 32 years.	(a) Twenty five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years service as Junior and Senior Clerk in the Office of Commissioner of Division concerned; and (b) Twenty five percent by initial recruitment.
	Senior Scale Stenographer (BPS - 16)	(i) At least Second Class Bachelor's Degree, from a recognized University; (ii) a speed of 70 words per minute in shorthand in English and 45 words per minutes in typing; and knowledge of computer using MS Word, MS Excel.	20 to 32 years.	(a) Sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst Stenographers with atleast five years service as such in the offices of Commissioners concerned; and (b) forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with atleast five years service as such in the office of Commissioner concerned. Provided that if no suitable candidate is available for promotion, then by initial recruitment.
5.	Stenographer (BPS - 14)	(i) At least second class Intermediate or equivalent qualification from a recognized Board (ii) A speed of 50 words per minute in shorthand in English and 35 words per minute in typing; and Knowledge of computer in using MS Word, MS Excel.	18 to 30 years.	By initial recruitment.
6.	Senior Clerk (BPS-14).		....	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks of the offices of Commissioner concerned with at least two years service as such.
"6A	Head Vernacular Clerk / Head Clerk (BPS-14).		....	(a) By transfer from amongst Senior Clerk (BPS-14) of the offices of Commissioner and Deputy Commissioner having at least one year experience of Revenue and Law acquisition matters; or (b) Naib Tehsildars (BPS-14) of the Division concerned.

	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
	Computer Operator (BPS - 12)	i. At least second Class Bachelor Degree in Computer Science/ Information Technology (BCS/BIT four years), from a recognized university; or ii. At least Second Class Bachelor's Degree from a recognized university with one year Diploma in Information Technology from a recognized Board of Technical Education.	18-28 Years.	By initial recruitment.
8A	Caretaker (BPS-11).	At least second class Bachelor Degree or equivalent qualification from recognized university alongwith Certificate / Diploma in Housekeeping / hotel management from a recognized institute.	18-30 Years.	By initial recruitment.
8	Junior Clerk (BPS - 11)	(i) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of 30 words per minute in typing.	18-30	a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Qasids and Naib Qasids including holders of other equivalent posts in the Division concerned with two years service as such, who have passed Secondary School Certificate Examination; and b) Sixty seven percent by initial recruitment. <u>Note:</u> For the purpose of promotion there shall be maintained a common seniority list of Qasids and Naib Qasids etc with reference to the date of their regular appointment. Provided that no separate seniority list of Matric and non-matric BS-1 (Class-IV) employees can be maintained being single cadre. Their seniority shall be fixed with reference to the date of their regular appointment. Provided further that where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.
9.	Driver (BPS - 4)	Literate having LTV driving license issued by the competent authority. preference will be given to those who have sufficient experience in driving, repair and maintenance of vehicles.	18 - 32 years	By initial recruitment.

	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
10A	Cook / Waiter (BPS-4)	Literate with three years practical experience in any hotel or guest house as cook / waiter.	18-32 Years.	By initial recruitment.
10B	Qasid	---	---	By promotion on the basis of seniority-cum-fitness, from amongst the Naib Qasids with two years service as such; and
10	Naib Qasid / Chowkidar / Behishti / Mali / Sweeper (BPS - 01)	Literate	18-32 Years.	By initial recruitment.

Sd/-
SECRETARY TO GOVERNMENT
REVENUE AND ESTATE DEPARTMENT

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
8. All Deputy Commissioners, 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.


DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

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Annex - P

GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT
Peshawar Dated the 13/05/2019

NOTIFICATION

No. Estt:/SSRC/2019/_____ In pursuance of provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue and Estate Department in consultation with Establishment Department and Finance Department, hereby directs that in this Department's Notification No. 32102-61/Admn:/135/SSRC, dated: 26.12.2008, the following further amendments shall be made, namely:

AMENDMENTS

In the APPENDIX,-

- (a) against Serial No. 1, in column No. 7, for clauses (c) and (d), the following shall be substituted, namely:
 - (c) fifteen percent by promotion, on the basis of seniority - cum - fitness, from amongst Assistants and Senior Scale Stenographers of the offices of Commissioner and Deputy Commissioner, having five years services as such;
Note: Joint seniority list shall be maintained at Provincial level for the purpose of promotion; and
 - (d) five percent by promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers of the Board of Revenue and Director Land Records Office having five years' service as such;

Note:- Joint seniority list shall be maintained for the purpose of promotion.

- (b) against Serial No. 2, in column No. 7,
 - (i) for clause (b), the following shall be substituted, namely:
 - (b) forty percent by promotion, on the basis of seniority -cum- fitness, from amongst the Kanungos with at least five years service as such, who have passed the Departmental Examination of Naib Tehsildar; and
 - (ii) clauses (c) and (e) shall be deleted.

- (c) against Serial No. 3; in column No. 7, for the existing entry, the following shall be substituted, namely:

“by transfer from amongst Naib Tehsildars.”

- (d) against Serial No. 9, in column No. 7, the following Note to the existing entry shall be added, namely:

Note:- The posts of Naib Tehsil Accountants and Naib Tehsil office Kanungo shall be deemed as Dying Cadre. On vacation of the above posts by retirement or promotion of the incumbents, a person shall be appointed by transfer to the same and shall forthwith to take up with the Finance Department for their abolition.”

Revenue & Estate Dept
Government of Khyber Pakhtunkhwa

Handwritten signatures and initials

Sd/-
SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

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No. Estt:/SSRC/2019/19056-13

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. All Commissioners in Khyber Pakhtunkhwa.
6. All Deputy Commissioners in Khyber Pakhtunkhwa.
7. PS to Minister for Revenue & Estate Khyber Pakhtunkhwa.
8. Controller, Government Printing Press Peshawar with the request to publish the above notification in official gazette and supply fifty printed copies thereof to the undersigned for record.

[Handwritten Signature]

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

[Handwritten Signature]