

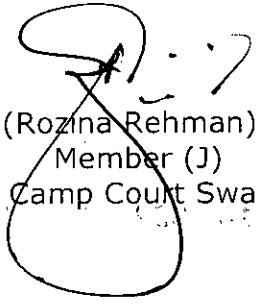
04.10.2022

Nemo for appellant.

Riaz khan Paidakhel, learned Assistant Advocate General for respondents present.

Case was called time and again but neither the appellant nor his counsel turned up till rising of the Bench. Consequently, instant service appeal is dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced.  
04.10.2022

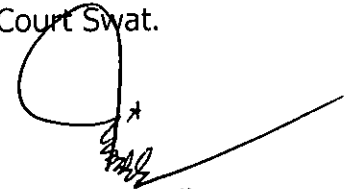
  
(Rozina Rehman)  
Member (J)  
Camp Court Swat



06.09.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Assistant Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 04.10.2022 before S.B at Camp Court Swat.



(Mian Muhammad)  
Member (E)  
Camp Court Swat

*[Faint, mostly illegible text and markings, possibly bleed-through or a large scribble, including the word 'Ger' visible on the left side.]*

07.06.2022

Nemo for the appellant.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for preliminary hearing on 06.07.2022 before the S.B at camp court Swat.

(Mian Muhammad)  
Member (E)  
Camp Court Swat

06.07.2022

Appellant alongwith his counsel present.

Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 01.08.2022 before S.B at Camp Court, Swat.

*Rs 600/-*  
Appellant Deposited  
Security & Process Fee

*A. H. 18/7/22*

(Rozina Rehman)  
Member (J)  
Camp Court, Swat

*1-8-2022*



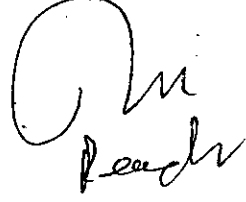
*Due to summer vacation the case is adjourned to 6-9-22 for the same.*

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 808/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	19/05/2022	<p>The appeal of Mr. Ali Asghar presented today by Mr. Noor Muhammad Khattak 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>2-</p>	27/5/22	<p>This case is entrusted to touring Single Bench at Swat for preliminary hearing to be put there on <u>27-5-22</u>. Notices be issued to appellants and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>As per direction of the worthy Chairman this case is fixed at Camp Court Swat for the same as before on 7-06-2022</p> <p style="text-align: right;"> Bench</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST

CASE TITLE: *Ali Asghar v/s S.M.B.R Deptt.*

S#	CONTENTS <i>Noor Mohamed</i>	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponents have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: *Noor Muhammad Khattak*

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

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

SERVICE APPEAL NO. 808 /2022

**MR, ALI ASGHAR V/S SMBR DEPARTMENT**

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Dated: 19 .05.2022

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**  
**0345-9383141**

①

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

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 808 /2022

Diary No. 803

Mr. Ali Asghar, Kanungo (BPS-11) on Acting Charge Basis,  
O/O Deputy Commissioner Malakand.

Dated 19/5/2022

..... **APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 3- The Deputy Commissioner Malakand at Malakand.
- 4- The Director Land Record, Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT PROMOTING THE APPELLANT REGULARLY TO THE POST OF KANUNGO (BPS-11) AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 17.05.2022 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.**

**PRAYER:**

That on acceptance of this appeal the impugned appellate order dated 17.05.2022 may very kindly be set aside and the appellant may please be promoted to the post of KANUNGO (BPS-11) regularly with all back benefits including seniority.

Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:**

- 1- That appellant was appointed as Patwari in District Buner vide order dated 09.12.2009. Copy of appointment order dated 09.12.2009 is attached as annexure .....**A.**
- 2- That during service the appellant was transferred to District Malakand vide order dated 02.02.2010. Copy of the order dated 02.02.2010 is attached as annexure .....**B.**

Filed to-day  
Registrar  
19/5/22

- 3- That according to the final seniority list of district Malakand stood on 31.12.2021 the appellant was at the top being senior to all. Copy of the seniority list is attached as annexure ..... **C.**
- 4- That it is pertinent to mention here that being senior most of the Patwaris the appellant was promoted to the post of Kanungo (BPS-11) on acting charge basis vide order dated 12.11.2020. Copy of promotion order dated 12.11.2020 is attached as annexure ..... **D.**
- 5- That initially when the appellant appeared in the departmental examination for the post of Kanungo failed Paper-III, thereafter the appellant preferred a number of applications for conducting the examination for the said paper and in this respect correspondence were also done between the official respondents but till date neither the same examination has been conducted nor any schedule has been notified. Copies of the relevant documents are attached as annexure ..... **E.**
- 6- That it is important to mention that vide order dated 16.07.2019 some Kanungo were promoted to the post of Naib Tehsildars but subject to the passing of departmental examination. Copy of the order dated 16.07.2019 is attached as annexure ..... **F.**
- 7- That appellant feeling aggrieved from the impugned inaction of the respondents by not promoting to the post of Kanungo preferred departmental appeal on 25.04.2022 and the same was properly forwarded to the respondent No. 2 and No. 4 for seeking guidance in this respect. Copies of the departmental appeal and forwarding letters dated 26.04.2022 are attached as annexure..... **G & H.**
- 8- That the departmental appeal of the appellant was rejected/ filed by the appellate authority without any justifiable reasons vide order dated 17.05.2022. Copy of the appellate order dated 17.05.2022 is attached as annexure ..... **I.**
- 9- That having no other remedy the appellant prefers the instant appeal on the following grounds amongst others.

**GROUND:**

- A- That the impugned inaction and action of the respondents by not promoting the appellant to the post of Kanungo regularly and rejecting the departmental appeal without any justification is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as



3

such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

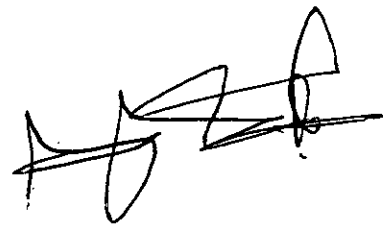
- C- That the respondents acted in arbitrary and mala fide manner by not promoting the appellant to the post of Kanungo regularly and rejecting the departmental appeal without any justification.
- D- That impugned inaction and action of the respondents by not promoting the appellant to the post of Kanungo regularly and rejecting the departmental appeal without any justification is the violation of section 9 of the K.P Civil Servant Act, 1973.
- E- That under Article 38(e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various service of Pakistan thus the impugned inaction of the respondents is also the violation of this Article.
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 18.05.2022

**APPELLANT**

**ALI ASGHAR**



THROUGH:

**NOOR MOHAMMAD KHATTAK**

Advocate Supreme Court

**UMAR FAROOQ**

Advocate HC

**KAMRAN KHAN**

Advocate HC

**HAIDER ALI**

Advocate HC

**\*KHATTAK LAW ASSOCIATES\***

Advocates & Legal Consultants

Office: TF-291-291

Deans Trade Centre Pesh Cantt

CELL #0345-9383141

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

SERVICE APPEAL NO. \_\_\_\_\_/2022

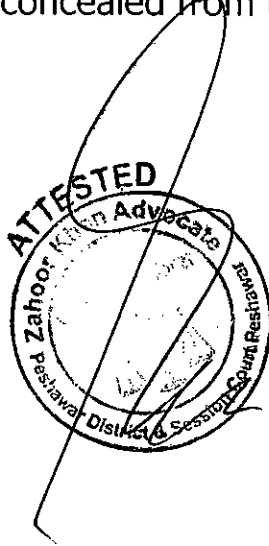
**ALI ASGHAR**

**V/S**

**SMBR DEPTT:**

**AFFIDAVIT**

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



**DEPONENT**

**CERTIFICATE:**

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

**CERTIFICATION**

5

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

C.M. NO. \_\_\_\_\_/2022

IN

APPEAL NO. \_\_\_\_\_/2022

Ali Asghar

VS

GOVT: OF KPK & OTHERS

**APPLICATION FOR RESTRAINING THE RESPONDENTS**  
**NOT TO FILL UP THE POSTS OF KANUNGO TILL THE**  
**FINAL DISPOSAL OF THE INSTANT APPEAL**

**R.SHEWETH:**

1. That, the appellants has filed the above titled service appeal before this Honorable Tribunal in which no date has been fixed so far.
2. That, appellant filed the above mentioned service appeal against the impugned appellate order dated 17.5.2022 whereby the request of the appellant for promotion to the post of Kanungo has been regretted.
3. That the respondents intending/ready to issue promotions on the basis of the impugned appellate order dated 17.5.2022.
4. That, all the three ingredients required for grant of stay are in favor of the appellant.
5. That, any other ground would be taken at the time of arguments with prior permission of this Honorable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the respondents may kindly be restrained not to make promotions to the posts of kanungo till the disposal of the instant service appeal.

APPELLANTS

  
ALI ASGHAR

THROUGH:

  
NOOR MOHAMMAD KHATTAK

ADVOCATE,  
Supreme Court

ANNEX A

6

GOVERNMENT OF NWFP  
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 9 / 2009

ORDER

No. 1730 /S.MBR/B.O.R. The competent authority has been pleased to place the services of Mr. Ali Asghar son of Ikhtiar Muhammad being a qualified patwari candidate of District Charsadda for appointment as Patwari in District Buner against the available vacant post with immediate effect.

Sd/  
Senior Member,  
Board of Revenue, NWFP

No. 1731-36 /S.MBR/B.O.R.

Copy forwarded to the:-

- 1. Commissioner, Malakand Division, Saidu Sharif, Swat.
- 2. District Officer (R&E), Buner
- 3. District Accounts Officer, Buner.
- 4. Official concerned.
- 5. Personal file.
- 6. Office order file.

Sd/  
Senior Member,  
Board of Revenue, NWFP

D.K.

12/12  
DOR

ANNEX - B

7

GOVERNMENT OF NWFP,  
REVENUE & ESTATE DEPARTMENT

No. \_\_\_\_\_ /Admn VII/DPC/MKD

Dated: 02/02/2010

OFFICE ORDER:-


With the approval of the competent authority Mr. Ali Asghar Patwari of District Buner is hereby transferred and posted as Patwari in District Malakand against the available vacant post with immediate effect in the interest of public.

By order of  
Senior Member,  
Board of Revenue, NWFP

No. 2005-11 /AdmnVII/DPC/MKD

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

1. Commissioner, Malakand Division, Saidu Sharif.
2. Secretary, Board of Revenue, NWFP, Peshawar.
3. District Officer (R&E)/Collector, Malakand and Buner.
4. District Accounts Officer, Malakand & Buner.
5. Officials Concerned.
6. Office order file.
7. Personal File.

  
Assistant Secretary (Estb),  
Board of Revenue, NWFP

~~ATTACHED~~



**FINAL SENIORITY LIST OF PATWARIS (BPS-09) IN THE OFFICE OF DEPUTY COMMISSIONER MALAKAND AS STOOD ON 31/12/2021.**

**NOTIFICATION.**

No. 1804 /1/3/Estt: In pursuance of Section 8 (1) & (5) of the Civil Servant Act, 1973, Final Seniority List of Patwaris (BPS-09), working in the office of the Deputy Commissioner, Malakand, as stood on 31.12.2021, is hereby notified for information of all concerned: -

S. No.	Name of Official	Date of Birth	Date of 1 <sup>st</sup> entry into Govt: Service	Qualification	District of Domicile	Remarks
1.	Mr. Ali Asghar.	20/02/1979	09/12/2009	F.A	Charsadda	
2.	Mr. Jawad Ali.	18/04/1985	26/01/2011	B.A	Malakand	
3.	Mr. Muhammad Sajjad.	14/03/1987	26/01/2011	B.A	Malakand	
4.	Mr. Shehr Yar.	15/04/1976	21/12/2012	B.A	Malakand	
5.	Mr. Khurram Shah.	14/11/1977	21/12/2012	F.A	Peshawar	

Endt: No. 1805-6 /1/3/Estt: dated 04/10/2022.

Copy for information is forwarded to: -

1. The Additional Deputy Commissioner (G), Malakand, Please.
2. All the Sectional In-charges / Officers with the direction to circulate the seniority list amongst the concerned officials/officers: -

DEPUTY COMMISSIONER,  
JMALAKAND.

DEPUTY COMMISSIONER,  
JMALAKAND.

RECEIVED

8

ANNEX - C

ANNEX D


9

OFFICE OF THE  
DEPUTY COMMISSIONER  
MALAKAND  
Dated. 12/11/2020

ORDER:

No. 17285 /DK/DC/MKD: Mr. Ali Asghar Patwari (BPS-09) is hereby authorized to look after the post of Kanungo (BPS-11) on Acting Charge Basis till further orders.

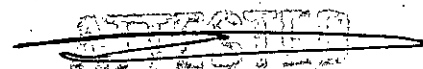
No. 17286-92,

  
DEPUTY COMMISSIONER  
MALAKAND 12/11

Copy forwarded to the:

1. Additional Deputy Commissioner, Malakand
2. Assistant Commissioner, Batkhela
3. Assistant Commissioner, Dargai
4. Additional Assistant Commissioner, Batkhela
5. Additional Assistant Commissioner, Dargai
6. District Accounts Officer, Malakand
7. Superintendent, DC Office, Malakand

  
DEPUTY COMMISSIONER  
MALAKAND 12/11





Phone: 091-9210057, Fax: 091-9213989  
E-Mail: landrecords.kpk@gmail.com

Website: [www.landrecords.kpk.gov.pk](http://www.landrecords.kpk.gov.pk)  
LandRecordsKPK

No. I.R-1/Kanungo/Info/Vol:1/ 7759-2800  
Dated Peshawar the 21/09/2020

To,

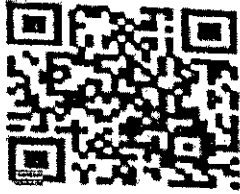
1. All the Deputy Commissioners,  
In Khyber Pakhtunkhwa.
2. All the Settlement Officers,  
In Khyber Pakhtunkhwa.

**SUBJECT: PROVISION OF INFORMATION REGARDING DEPARTMENTAL EXAMINATION OF KANUNGO**

Memo:

This office intends to hold the Departmental Examination for the post of Kanungo as required under the rules as many patwaris could not get their further promotion as Kanungo being mandatory provision for such promotion.

In order to hold the departmental examination of Kanungo it is requested to provide a list of intending & eligible patwaris of your respective district on the proforma available on following link within fortnight please.

Description	Download Link	QR Code
Application Form for Departmental Examination of Kanungo	<a href="http://cutt.ly/198Ky7">cutt.ly/198Ky7</a>	<p>QR Code for Application Form for Departmental Examination of Kanungo</p> 

Encl: As Above

Encl: No. & Date even:-  
Copy forwarded to the:-

1. PS to Secretary to Government of Khyber Pakhtunkhwa, Revenue & Estate Department.
2. PA to Director Land Records, Khyber Pakhtunkhwa.

*[Signature]*  
Assistant Director Land Records  
21/9/2020

*[Signature]*  
21/9/2020





(11)

**OFFICE OF THE  
ASSISTANT COMMISSIONER  
TEHSIL DARGAI, DISTRICT MALAKAND.**

No. 4088/ACD  
Dated Dargai the 26 /10/2020.

To

The Additional Deputy Commissioner,  
Malakand at Batkhela.

Subject: PROVISION OF INFORMATION REGARDING DEPARTMENTAL  
EXAMINATION OF KANUNGO.

Memo:

Kindly refer to Assistant Director Land Revenue Record office letter No. I.R-!/Kanungo/Info/Vol:1/2759-2800 dated 02/10/2020 on the subject cited above.

The departmental examination forms in respect of the following Patwaris working in the office of the undersigned are sent herewith for further necessary action please.

S.No	Name of Official	Designation
1.	Ali Asghar	Patwari
2.	Shehri Yar	Patwari

Enclosed as above.

  
Assistant Commissioner  
Dargai.

~~ATTACHED~~



**OFFICE OF THE DEPUTY COMMISSIONER,  
MALAKAND**

12

No. 16140 /DK/MKD:

Dated: 28/10/2020

To,

The Assistant Director Land,  
Government of Khyber Pakhtunkhwa, Board of Revenue,  
Revenue & Estate Department, Peshawar.

Subject: **PROVISION OF INFORMATION REGARDING DEPARTMENTAL  
EXAMINATION OF KANUNGO**

**Memo:**

Please refer to your office memo: No.LR-I/Kanungo/Info/Vol:I/2759-2800 dated 02/10/2020 on the subject noted above.

2. As per Final Seniority List of Deputy Commissioner's Office, Malakand as stood on 31.12.2019, the following regular Revenue Patwaris (BPS-09) of district Malakand are hereby recommended for the said examination as per schedule: -

<u>S.No.</u>	<u>Name of Official with designation (BPS)</u>
01.	Mr. Ali Asghar, Patwari (BPS-09).
02.	Mr. Shehri Yar, Patwari (BPS-09).

  
DEPUTY COMMISSIONER  
MALAKAND  
28/10

Endt No. 16141-43 /DK/MKD.

Copy for information is forwarded to the: -

- 1) The Additional Deputy Commissioner, Malakand.
- 2) The Assistant Commissioner, Malakand at Dargai w/r to his Memo: no.4088/ACD dated 26.10.2020.
- 3) Tehsildar, Dargai.

  
DEPUTY COMMISSIONER  
MALAKAND  
28/10

**ATTACHED**



**ANNEX F**  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT  
Peshawar dated the 16/07/2019

13

**O.R.D.E.R**

No. Estt: V/DPC/NT/2019/ 24474 . On the recommendation of Departmental Promotion Committee meeting dated 04.07.2019, the Competent Authority is pleased to order the appointment of the following Kanungos (BS-11) of Peshawar, Mardan, Hazara and Malakand Division to the post of Naib Tehsildar (BS-14) on acting charge basis with immediate effect:-

S. No.	NAME OF OFFICIAL	OFFICES
1.	Mr. Inayat-ur-Rehman	Kanungo of District Peshawar
2.	Mr. Muhammd Nadeem	Kanungo of District Peshawar
3.	Mr. Muhammad Hamayun	Kanungo of District Peshawar
4.	Mr. Bashir Muhammad	Kanungo of District Mardan
5.	Syed Sabir Hussain Shah	Kanungo of District Mansehra
6.	Mr. Zakir Rehman	Kanungo of District Haripur
7.	Mr. Niaz Muhammad	Kanungo of District Mansehra
8.	Mr. Fateh Khan	Kanungo of District Swat
9.	Mr. Muhammad Tahir	Kanungo of District Dir Lower

The appointment of the officials at S. No. 1,2&3 as Naib Tehsildar on Acting Charge Basis will be subject to final decision of the Supreme Court of Pakistan in Suo Moto case No. 17/2016.

The regular promotion as Naib Tehsildar of the officials at S No. 1,2,3,4,,7,8 and 9 shall be subject to passing of Departmental Examination of Naib Tehsildar.

Consequent upon their promotion, the following posting / transfer is hereby ordered with immediate effect: -

S.NO.	NAME OF OFFICIAL	FROM	TO
1.	Mr. Inayat-ur-Rehman	Tehsildar (OPS) Shabqadar	Retained on the same post & station.
2.	Mr. Muhammad Nadeem	Kanungo of Peshawar District.	Services placed at the disposal of Commissioner Peshawar.
3.	Mr. Muhammad Hamayun	Naib Tehsildar (OPS) Land Acquisition Peshawar	Retained on the same post & station.
4.	Mr. Bashir Muhammad	DRA (OPS) Mardan	Retained on the same post & station.
5.	Syed Sabir Hussain Shah	Naib Tehsildar (OPS) Mansehra	Retained on the same post & station.
6.	Mr. Zakir Rehman	Naib Tehsildar Khanpur	Retained on the same post & station.
7.	Mr. Niaz Muhammad	DRA (OPS) Mansehra	Retained on the same post & station.
8.	Mr. Fateh Khan	Naib Tehsildar (OPS) Kabal	Retained on the same post & station.
9.	Mr. Muhammad Tahir	Naib Tehsildar (OPS) Mastuj	Retained on the same post & station.

By order of  
Senior Member

No. Estt: V/DPC/NT/2019/ 24475-92

Copy forwarded to the:-

1. Commissioners, Peshawar, Mardan, Hazara and Malakand Division.
2. Deputy Commissioners of the respective Districts.
3. District Accounts Officers of the respective Districts.
4. Officials concerned.
5. Personal Files.

  
Assistant Secretary (Estt.)

~~ATTACHED~~

بھصور جناب ایڈیشنل ڈپٹی کمشنر صاحب ضلع ملاکنڈ

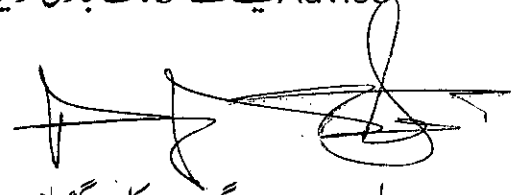
جناب عالی!

نہایت ادب کے ساتھ گزارش کی جاتی ہے کہ سائل ضلع ملاکنڈ میں بحیثیت پٹواری اگرد اور سرکل درگئی (سی سی بی) میں ڈیوٹی سر انجام دے رہا ہے۔ سائل ضلع ملاکنڈ پٹواریوں کے سینیارٹی لسٹ میں سیرکل نمبر 1 پر ہے (سنیاریٹی فوٹو کاپی لفٹ ہذا ہے)۔

جناب عالی! ضلع ملاکنڈ میں قانون گو کا پوسٹ خالی ہے، چونکہ قانون گو کے لئے قانون گو امتحان پاس ہونا لازمی ہے۔ لیکن سائل کا ایک پرچہ فیل ہے اور بورڈ آف ریونیو کے پالیسی کی مطابق سنیارٹی میں جو پہلے ہو وہ پروموشن کا حقدار ہوتا ہے۔ پالیسی کے مطابق سائل پروموشن کا حقدار ہے۔

اس لئے بذریعہ درخواست آپ کے خدمت اقدس میں عرض گزار ہوں کہ سائل کی درخواست بورڈ آف ریونیو سے Advice لینے کے احکامات جاری کریں تو نوازش ہوگی۔

البرقوم: 25-04-2022



علی اصغر پٹواری اگرد اور سرکل درگئی (سی سی بی)

العارض!



ANNEX H

(15)

**OFFICE OF THE DEPUTY COMMISSIONER  
MALAKAND**

No. 6231 /1/2/Estt.

Dated: 26 /04/2022

To,

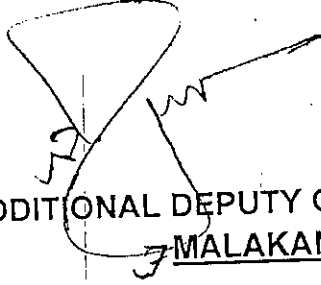
**The Assistant Secretary (Estt.),**  
Board of Revenue (Revenue & Estate Department),  
Government of Khyber Pakhtunkhwa, Peshawar.

Subject: - **REQUEST FOR SEEKING ADVICE / GUIDELINES IN RESPECT OF  
PROMOTION TO THE POST OF KANUNGO (BPS-11).**

A copy of application dated 25.04.2022, received from the applicant, namely Mr. Ali Asghar, Patwari (BPS-9) who is currently working as Girdawar Circle (BPS-11) on Current Charge Basis, the contents of which are self-explanatory on the subject noted above, is sent herewith.

It is requested that necessary administrative guidelines / advice may please be communicated in order to proceed further accordingly.

Encl: As above.

  
ADDITIONAL DEPUTY COMMISSIONER,  
MALAKAND.

Endorsement of even No. & date.

Copy for information is forwarded to the: -

1. Deputy Commissioner, Malakand;
2. Applicant with reference to his application as referred above.

  
ADDITIONAL DEPUTY COMMISSIONER,  
MALAKAND.

**ATTESTED**



**OFFICE OF THE DEPUTY COMMISSIONER  
MALAKAND**

16

No. 6231 /1/2/Estt.

Dated: 26 /04/2022

To,

The Director Land of Record,  
Board of Revenue (Revenue & Estate Department),  
Government of Khyber Pakhtunkhwa, Peshawar.

Subject: - **REQUEST FOR SEEKING ADVICE / GUIDELINES IN RESPECT OF  
PROMOTION TO THE POST OF KANUNGO (BPS-11).**

A copy of application dated 25.04.2022, received from the applicant, namely Mr. Ali Asghar, Patwari (BPS-9) who is currently working as Girdawar Circle (BPS-11) on Current Charge Basis, the contents of which are self-explanatory on the subject noted above, is sent herewith.

It is requested that necessary administrative guidelines / advice may please be communicated in order to proceed further accordingly.

Encl: As above.

**ADDITIONAL DEPUTY COMMISSIONER,  
MALAKAND.**

**Endorsement of even No. & date.**

Copy for information is forwarded to the: -

1. Deputy Commissioner, Malakand.
2. Applicant with reference to his application as referred above.

**ADDITIONAL DEPUTY COMMISSIONER,  
MALAKAND.**

**ATTESTED**

ANNEX 'I'

17



GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT

Phone No. 091-9210057 FAX No. 0919213989

Facebook ID: [www.facebook.com/landrecordkp](https://www.facebook.com/landrecordkp) Twitter ID: @Landrecord.kpk  
Email: [landrecord.kpk@gmail.com](mailto:landrecord.kpk@gmail.com)

No. DLR.LR-V. PF.Ali Asghar 316-17  
Peshawar dated the 17/05/2022

To,

The Additional Deputy Commissioner,  
Malakand

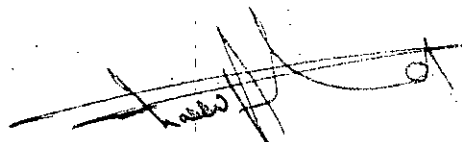
**SUBJECT: REQUEST FOR SEEKING ADVICE / GUIDELINES IN RESPECT OF PROMOTION TO THE POST OF KANUNGO (BPS-11).**

I am directed to refer to your office letter No. 6231/1/2/Estt. Dated, 26/04/2022 on the subject noted above and to state that applicant has not passed the Kanungo examination and as per law and promotion policy, he cannot be promoted to the post of Girdawar. Therefore his case may be filed please.

  
Deputy Director Land Records  
Khyber Pakhtunkhwa

Endst: No. & Date above.

Copy forwarded to the PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa

  
Deputy Director Land Records  
Khyber Pakhtunkhwa

~~ATTESTED~~

**VAKALATNAMA**

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

APPEAL NO: \_\_\_\_\_ OF 2022

At: Asghar

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

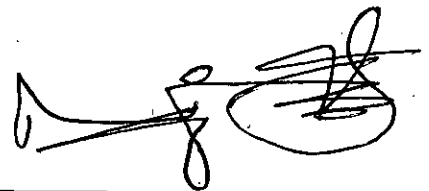
SMBR Dept.

(RESPONDENT)  
(DEFENDANT)

I/We At: Asghar

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2022



**CLIENTS**

**ACCEPTED**

**NOOR MUHAMMAD KHATTAK**  
**UMER FAROOQ MOHMAND**

**KAMRAN KHAN**

**HAIDER ALI**

**&**

**KHANZAD GUL**  
**ADVOCATES**



MINUTES OF THE MEETING HELD ON 17/01/2018 REGARDING  
PROMOTION OF PATWARIS TO THE POST OF KANUNGOS (BPS-11)  
FOR SETTLEMENT OPERATION, ABBOTTABAD

A meeting regarding promotion of the Patwaris working as Kanungos (OPS) for promotion of Peshi/Field Kanungo against the vacant posts has been held on 17<sup>th</sup> January, 2018 (postponed 1 day due to a meeting of ACR in BOR on 16/01/2018), under the chairmanship of Settlement Officer, Abbottabad. The following attended the meeting:-

1. Mr. Gul Nawaz Ali, Settlement Officer, Abbottabad (In Chair)
2. Mr. Ijazullah, Assistant to Commissioner (Rev/G.A), Hazara Division, Abbottabad (Member)
3. Mr. Ghulam Nabi, Rep. of Director Land Records, Peshawar (Member)

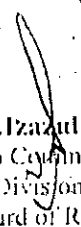
The meeting started with recitation of few verses of the Holy Quran, opening the discussion the chair highlighted the present position of the work of Settlement Operation. It is noted that none of the Settlement Patwaris are agreed, as opted in written, to avail the benefit of promotion in Settlement Operation reported by Settlement Peshi/Field vide No. PS SF II dated 16/10/2017 because their regular appointment is due in their home district. Hence three Patwaris who were although the Revenue Patwaris of the local administration yet working in Settlement Operation and are willing to work in Settlement Operation, namely:-

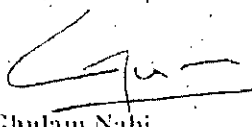
1. Mr. Ishtiaq Khan, Peshi Kanungo
2. Mr. Mehboob, Field Kanungo
3. Abdul Razaq, Field Kanungo

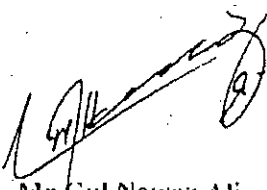
As a matter of fact the Settlement Operation is in need of experienced and senior Patwaris who may continue the work of Settlement Operation neat & clean and guide the fresh staff as well. The work of the ibid Patwaris is too much satisfactory and up to the desire of general public. During their service either in the Revenue Administration or in the Settlement Operation remains appreciable.

Therefore in view of the satisfactory performance of these Patwaris working as Kanungos in OPS, the committee unanimously agreed to their promotion in Settlement Operation as Kanungos (BPS-11) on regular basis with the condition mentioned in Land Records Manual, Section-III, Part 8, Serial No.5, stated: "they will have to clear their remaining papers/exam of Kanungo" for which the Examination vide letter No.1190-1215/LR-I/20-DEK/DIK dated 27/10/2017 is to be held soon by the worthy Director Land Records, Khyber Pakhtunkhwa Peshawar. Their promotion will be effective within Settlement Operations only.

The meeting ended with a vote of thanks of the chair.

  
Mr. Ijazullah  
Assistant to Commissioner (Rev/G.A)  
Hazara Division, Abbottabad  
Rep. of Board of Revenue, Peshawar  
(Member - I)

  
Mr. Ghulam Nabi  
Superintendent  
Director Land Records  
Peshawar  
(Member - II)

  
Mr. Gul Nawaz Ali  
Settlement Officer  
Abbottabad  
(Chairman)