





Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 57 /2020

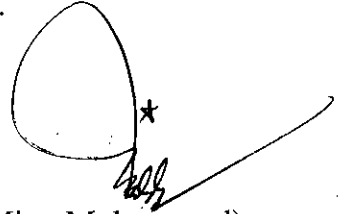
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.02.2020	<p>The execution petition of Mr. Fida Hussain submitted today by him may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR - 19/2/2020</p>
2-	20/02/2020	<p>This execution petition be put up before S. Bench on <u>13/03/2020</u>.</p> <p> MEMBER</p>
13.03.2020		<p>Petitioner in person present. Notices be issued to the respondents for implementation report for 16.04.2020 before S.B.</p> <p> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>
16.04.2020		<p>Due to public holiday on account of COVID-19, the case is adjourned to 13.07.2020 for the same. To come up for the same as before S.B.</p> <p> Reader</p>

13.07.2020

Petitioner in person and Addl: AG for respondents present.

The matter was adjourned through Reader Note. The office shall, therefore, issue notices to the respondents for submission of implementation report.

Adjourned to 01.09.2020 before S.B.



(Mian Muhammad)
Member(E)

01.09.2020

Petitioner in person and Addl. AG alongwith Khwaja Islam Khan, Junior Clerk for the respondents present.

The representative of respondents states that due to prevailing circumstances owing to COVID 19, the implementation report could not be prepared. Requests for further time.

Adjourned to 05.10.2020 on which date the requisite report shall positively be submitted.




Chairman

prescribed period of fifteen days, thereafter, the list so issued gains finality as the tentative seniority list being issued is not in accord with the seniority list, therefore, petitioner executants) has filed the appeal in the competent forum.

5. The learned Additional Advocate General for respondents submitted that tentative seniority list has already been prepared. The present petitioner has also moved an appeal against the aforesaid list, therefore, by doing so this execution petition has become infructuous as the judgment passed by this Tribunal stands implemented.

6. The perusal of record clarified the point that the applicant who is seeking impleadment in the present Execution Petition was party in the judgment placed for execution before this Tribunal. In this regard tentative seniority list has already been promulgated and the final list is about to be circulated, the vires of tentative seniority list have been called in question since the parties are at variance regarding their inter-se seniority, therefore, for giving a fair chance of audience and upholding the principle of justice the application moved by the applicant for impleadment is accepted and he is accordingly impleaded and placed in the column of respondents, necessary entry in the record and relevant register has to be made with red ink and file to come up for further proceedings on 25.02.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

25.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 03.05.2021.


Reader

25.01.2021

Petitioner is present alongwith his counsel Mr. Noor Muhammad Khattak, Advocate. Mr. Kabirullah Khattak, Additional Advocate General for official respondents and Mr. Asif Hameed Qureshi, Advocate, for private respondent, are also present.

2. Argument on application for impleadment heard.

3. It was contended by the learned counsel representing applicant that petitioner was arrayed as respondent No. 10 in Service Appeal No. 603/2017 by Fida Hussain petitioner (Execution Petition No. 57/2020). That in compliance to the Tribunal order dated 26.11.2019 the Deputy Commissioner has issued tentative seniority list of confirm/regular Patwaries of District Kurram for the year 2019 wherein petitioner has been placed at serial no. 9 which was objected to before the competent authority. Respondent Fida Hussain (now petitioner) concealed certain facts from this Tribunal and has deliberately not impleaded the present petitioner just to deprive him from defending his valuable rights. Petitioner (Janat Khan) submitted that he is necessary party and may please be impleaded as such.

4. On the other hand, learned counsel for the petitioner (executants) referred to para-6 of the judgement dated 26.11.2019 passed by this Tribunal wherein it has been held that the present service appeal pertained to determination of seniority of petitioner (Fida Hussain) and issue pertaining to seniority of Patwaries are handled in accordance with the dictates of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, read with rule-17 of Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989. Furthermore, he referred to para 3.06 of Land Manual which provide that name of eligible person are to be added in list as and when result of the Patwar examination is received and no eligible person shall be refused enrollment. The learned counsel referred to Section-7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, that as to how judgment passed has to be executed. The applicant cannot be granted seniority on the basis of adhoc appointment. The issue has already been resolved by the judgment passed by this Tribunal he submitted that unless suspended by the apex court the judgment has to be executed. He further continued that seniority list has to be circulated once in a year according to the dictates of Section-8 (5) of the Civil Servants Act, 1973, for which the Tribunal has made clear direction. He further submitted that a tentative seniority list can be challenged within

EP 57/2020

05.10.2020

Petitioner in person and Addl. AG alongwith Wajid Khan, Junior Clerk for the respondents present.

The representative of respondents is required to ascertain regarding the issuance of seniority list of which a tentative list was already brought on record of the Tribunal.

The petitioner has raised some reservation regarding the implementation of judgment by the respondents. He, therefore, seeks time to submit his objections/comments alongwith all the relevant documents.

Proceedings are, therefore, adjourned to 30.11.2020 for doing the needful by both sides.



Chairman

30.11.2020

Petitioner is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Petitioner submitted objections on the tentative seniority list alongwith certain other documents, copy of the objection handed over to the learned Additional Advocate General who sought time for submitting reply. Time given.

One Janat Khan son of Nadir Khan submitted application for impleadment in the instant execution petition, copy of impleadment application handed over to the learned Additional Advocate General and the petitioner who are seeking time for submission of their replies. Time given in the instant execution petition. File to come up for reply and arguments on 25.01.2021 before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

03.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 23.06.2021 for the same as before.



Reader

23.06.2021

Petitioner with counsel and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG seeks short adjournment to contact the respondents. Adjourned to 28.06.2021 for further proceedings before S.B.



Chairman

28.06.2021


Petitioner with counsel present.

Muhammad Adeel Butt learned Additional Advocate General alongwith Zahid Younas Assistant Commissioner for respondents present.

Perusal of record would reveal that vide order of this Tribunal dated 26.11.2019, seniority list of the year 2014-15 was set aside and respondents were directed to draw fresh seniority list.

As per record, tentative seniority list was issued on 13.12.2019 and the respondents failed to issue final seniority list despite directions. Last chance is given with direction to the respondents to submit final seniority list within 15 days.

Adjourned to 17.08.2021 before S.B.


(Rozina Rehman)
Member(J)

17.08.2021

Petitioner with counsel, Mr. Muhammad Adeel Butt, Addl. AG for official respondents and counsel for private respondent present.

After getting account of the events in background, it appears that the concerned Deputy Commissioner is unable to get clue from the directions issued from this Tribunal from time to time. He be noticed for personal appearance alongwith compliance report of the judgment of this Tribunal or otherwise he may come up with his written defence as to why the judgment has not been implemented so far. Case to come up on 06.10.2021 before S.B.


Chairman

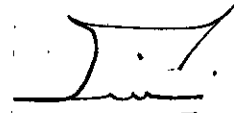
E.P No. 57/2020

Fida Hussain vs Govt

06.10.2021

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondent No. 1 present. Private respondent No. 2 alongwith his counsel present.

Vide previous order sheet, it was directed that notice be issued to the concerned Deputy Commissioner to personally appear before the Tribunal, however he is absent and did not even bother to intimate this Tribunal as to why he could not make appearance before this Tribunal today. The Execution Petition in hand has been filed on 19.02.2020 for implementation of judgment dated 26.11.2019 passed by this Tribunal, however the respondents have failed to comply the judgment and up till now, no plausible reason has been given for non-implementation of the judgment. Notice be issued to the concerned Deputy Commissioner to personally appear before this Tribunal alongwith compliance report of the judgment or to submit in writing the reasons for non-implementation of the judgment, failing which he may earn an inefficiency report to be communicated to his high-ups. Registrar of this Tribunal is directed to send copy of this order to the concerned Deputy Commissioner for compliance and to come up on 08.11.2021 before the S.B.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

08.11.2021

Petitioner in person and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Report of the Deputy Commissioner, Kurram was submitted vide correspondence bearing No. 13743/DC(Kurram)Estab. Dated 30.10.2021 which was received in office of the Tribunal on 02.11.2021 and has been put up with the present file. Similarly, an application has been submitted on behalf of respondent No. 2 received in office on 01.11.2021 and put up with this execution petition. Both the aforementioned documents have been placed on file. Notice given to the petitioner for submission of reply. Case to come up for reply and arguments on 30.11.2021 before S.B.



Chairman

30.11.2021

Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Learned AAG stated at the bar that implementation report is in the final stage and will be submitted to the court on next date of hearing. Request granted. Adjourned. To come up for further proceedings on 16.12.2021 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

E.P. No. 57/2020

16.12.2021

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Learned AAG requested for a short adjournment to submit implementation report on the next date positively..Adjourned but as a last chance. To come up for further proceedings on 09.01.2022 before S.B.

(MIAN MUHAMMAD)
MEMBER (E)

19/12/2021

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Learned AAG requested for a short adjournment to submit implementation report on the next date positively..Adjourned but as a last chance. To come up for further proceedings on 09.01.2022 before S.B.

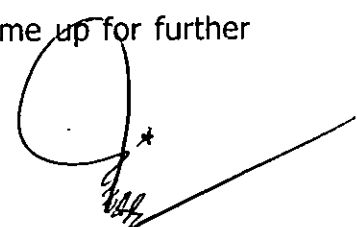
Learned counsel for the petitioner submitted a copy of the implementation report dated 16.12.2021 in pursuance of the Service Tribunal's order dated 20.12.2021 which is placed on file and copy thereof is handed over to the learned counsel for the petitioner as well as private respondent No.2 for submission of objections and rejoinders if any. Learned AAG further contended that the implementation report has not been issued in pursuance of the Service Tribunal's judgement and it is considered to have not been issued in pursuance of the direction of the Service Tribunal. The learned counsel for the petitioner and learned counsel for private respondent No.2 also endorsed the view point of learned AAG. To come up for further proceedings on 09.01.2022 before S.B.

(Mian Muhammad)
Member (E)

19.01.2022

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Noor Saeed, Supdt for official respondents and counsel for private respondent No.2 present.

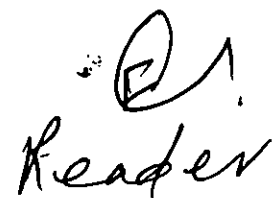
Respondent-department submitted seniority list of the regular Patwaris^{of} district Kur^rum in pursuance of the Service Tribunal judgement dated 26.11.2019 which is placed on file and copy thereof is handed over to the learned counsel for the petitioner as well as private respondent No.2 for submission of objection and rejoinder, if any. According to the report submitted to DC Kurrum, the petitioner has been appointed as Patwari on 21.07.1996 and confirmed on 17.02.2006 whereas private respondent No.2 alongwith other patwaris were regularized w.e.f 06.04.1998 instead of 14.09.1988 though appointed on 14.09.1988. Learned AAG contended that seniority list of regular Patwari has been issued as per sprit of the Service Tribunal judgement and if it is considered to have not been issued in accordance with the directions of the Service Tribunal then it leads to a fresh cause of action for which appropriate remedy is available. Learned counsel for private respondent No.2 also endorsed the view point of learned AAG. To come up for further proceedings on 07.03.2022 before S.B.



(Mian Muhammad)
Member(E)

7-3-2022

Due to retirement of the Honble Chairman the case is adjourned to come up for the same as before on 14-4-2022



Reader

EP 57/2020

14th April, 2022

Petitioner alongwith learned counsel present.
Mr. Noor Saeed Superintendent alongwith Mr. Muhammad Adeel Butt, Addl. AG for the official respondents present. Counsel for private respondent No. 2 (Jannat Khan) present.

Salary of respondent No. 1 (Deputy Commissioner Kurram) is attached for non-submission of the report. He shall appear in person alongwith report on 09.05.2022 before S.B.



Chairman

09.05.2022

Petitioner with counsel present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Asmat Ullah Khan ADC and Noor Saeed Superintendent for official respondent No.1 present. Private respondent No.2 alongwith his counsel present.

Implementation report was submitted today. Certain points were discussed by both the parties but learned counsel for petitioner requested for adjournment in order to argue the case at length. Adjourned. To come up for further proceedings on 24.05.2022 before S.B.



(Rozina Rehman)
Member (J)

24.05.2022

Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. AG alongwith Noor Saeed, Superintendent for official respondents present.

This matter was fixed before Learned Member-J (Mrs. Rozina Rehman) and heard the matter at length. It would be appropriate to fix this Execution Petition before her. Case is adjourned to 31.05.2022 for further proceedings before the S.B.



Chairman

31.05.2022

Petitioner present in person. Mr. Muhammad Adeel Butt, Addl. AG for official respondents present.

This execution petition be placed before the Bench headed by Learned Member-J (Ms. Rozina Rehman) as it was previously heard by her. To come up for further proceedings before the said Bench on 09.06.2022.

to direct the said Bench to...
The Bench is directed to... **Chairman**


to implement the...
to direct the...

Chairman

09.06.2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Noor Saeed, Superintendent for official respondent present.

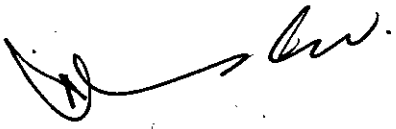
This execution petition be placed before the Bench headed by Learned Member-J (MRs. Rozina Rehman) as it was previously heard by her. To come up for further proceedings before the said Bench on 04.07.2022. Original appeal also be requisitioned.


(Fareeha Paul)
Member (E)

4th July, 2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Noor Saeed, Supdt: for official respondents and counsel for private respondent present.


On 24.05.2022 it was directed that the matter be placed before Mrs. Rozina Rehman, learned Member (Judicial). Again on 31.05.2022 the direction was repeated for 06.06.2022 but on 09.06.2022 Mrs. Rozina Rehman, learned Member (Judicial) was part of the D.B while S.B was conducted by Miss. Fareeha Paul, learned Member(Executive) who again directed for its placement before Mrs. Rozina Rehman, learned Member (Judicial) for 04.07.2022 today. Mrs. Rozina Rehman, learned Member (Judicial) is on tour to Swat, therefore, the office is directed that the matter be placed before Mrs. Rozina Rehman, learned Member (Judicial) on 14.07.2022 before S.B.


(Kalim Arshad Khan)
Chairman

14.07.2022

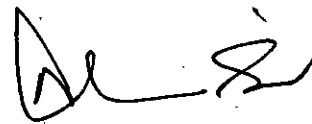
Presence as before.

Perusal of record would reveal that instant execution petition was entertained by different Members of this Tribunal for submission of implementation report which is quite evident from the order sheets. A detailed order sheet of learned Member (Executive) dated 19.01.2022 would show that the matter was discussed at length. Similarly, salary of respondent No.1 was attached for non-submission of report by the learned Chairman, where-after, implementation report was submitted and certain points were discussed but counsel for petitioner requested for adjournment in order to argue the case at length, where-after, case was put up before the learned Chairman and learned Member Executive on different dates and case was adjourned for further proceedings. It was on 09.06.2022 and 4th July, 2022, when two order sheets were recorded by the learned Member (Executive) and the learned Chairman for placing the matter before the undersigned but with due respect for no good reasons as arguments have not been heard rather it is an execution petition. Implementation report has been submitted however, both the counsel wanted to present their arguments regarding implementation report. The undersigned is busy in D.B comprising of Mr. Salah Ud Din, learned Member (Judicial) and the undersigned and today, 20 cases have been fixed, therefore, the instant case is respectfully sent to the learned Chairman for entrustment to any SB for disposal in accordance with law.


(Rozina Rehman)
Member (J)

14-07-2022

In view of the above
order sheet, this case be
fixed before the SB.



14.07.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak Additional Advocate General for official respondents and counsel for private respondent No. 2 present.

02. Learned counsel for the appellant as well as learned counsel for private respondent No. 2 advanced their respective point of view with regard to implementation of the Service Tribunal judgement resulted in issuance of seniority list of regular Patwaris of District Kurram by the respondent department on 18.01.2022 which has accordingly been recorded in order sheet dated 19.01.2022. The implementation report/status was further heard and discussed on successive dates and lastly on 14.07.2022.

03. To strike at the root cause and bone of contention between the learned counsel for the appellant as well as learned counsel for private respondent No. 2, it is important to have a glance of the operating Para of the Service Tribunal judgement dated 26.11.2019 which follows like;

"impugned seniority list of the year 2014-15 is set aside and respondents are directed to draw fresh seniority list in the light of our observations referred to above. Resultantly, the instant appeal is disposed of in the above terms."

04. Consequently, the respondent department while following the procedure laid down in Section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, issued the seniority list dated 18.01.2022 with which learned counsel for the petitioner does not seem to be at comfort/ease or satisfied at all.

05. This Bench while taking in to account observations recorded by the Service Tribunal in its judgement at Para 6 & 7 of the judgement dated 26.11.2019, is of the view that it has been implemented by the respondents according to its spirit. So far the question pertaining as to whether the seniority list determined/drawn by the respondents on 18.01.2022 to be taken as "tentative" or "final", because nowhere it is reflected on the said seniority list, it gives a fresh cause of action to the appellant who is at liberty to approach the competent forum, if he is so advised. Consign.

06. Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal this 15th of July, 2022



(Mian Muhammad)
Member (E)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. 57 /2020

In

Service Appeal No: 603/2017

Fida Hussain, Patwari

VERSUS


Political Agent Now Deputy Commissioner Kurram &
Others

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Dated: 18/02/2020

Applicant/ Appellant


Fida Hussain
O/o now Tribal District
Kurram

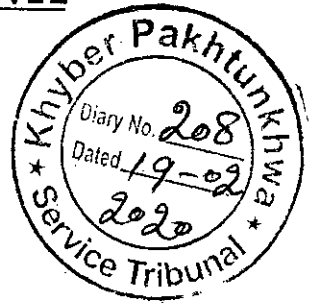
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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. 57 /2020

In

Service Appeal No: 603/2017



Fida Hussain, Patwari

VERSUS

1. Political Agent Now Deputy Commissioner Kurram &

Others

(2. Jannat Khan, Patwari, Patwar Halqa Sadda, Kurram Agency.

Order Sheet
25.01.2021

APPLICATION FOR
IMPLEMENTATION OF
THE JUDGMENT AND
ORDER DATED 26th
NOVEMBER 2019 OF THIS
HONBLE TRIBUNAL

Respectfully Sheweth,

The applicant humbly submits as under:-

1. That the Applicant/ Appellant was serving
in the respondent Department.

2. That the applicant / appellant filed
departmental appeal against the
Respondents, which was not responded by
the Respondent Department.

3. That the petitioner filed service appeal No: 603/2017 before this Hon'ble Tribunal on 22/05/2017.

4. That the service appeal No: 603/2017 of the applicant/ appellant was accepted/ allowed on 26/11/2019. (Copies of the Order/ Judgment & submission letter are attached)

5. That after accepting/ allowing the service appeal, the petitioner approached to the Respondents/ Department for implementation of the order of this Hon'ble Tribunal, but the respondent department are using delaying tactics to implement the order of this Hon'ble Tribunal, hence the instant application.

6. That there is no legal bar in allowing the instant application; rather the same shall secure the ends of justice.

(3)

7. That this Hon'ble Tribunal already provided the implementation & complaints letter on dated 13/12/2019 to the respondents department.
8. That this Hon'ble Tribunal has got ample power to entertain the instant application.
9. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore, respectfully prayed that on acceptance of this Application, the direction may kindly be issued to Respondents Department to implement the order dated 26/11/2019 of this Hon'ble Tribunal.

Dated: 18/02/2020

Applicant/ Appellant



**Fida Hussain
O/o now Tribal District
Kurram**

(3)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. _____/2020

In

Service Appeal No: 603/2017

Fida Hussain, Patwari

VERSUS

Political Agent Now Deputy Commissioner Kurram &

Others

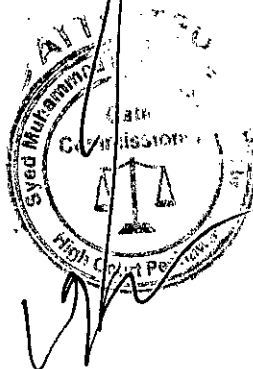
Affidavit

I, Fida Hussain, Patwari, O/o Political Agent Kurram Agency now Tribal District Kurram, do hereby solemnly affirm and declare on oath that all the contents of the instant Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent

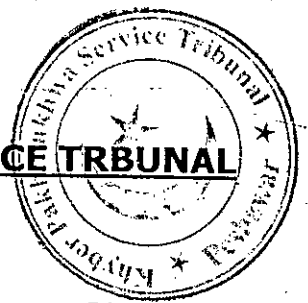
CNIC: 21303-8351494-3

Cell No: 03069222399



(5)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 603 /2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 534

Dated 22/5/20

Mr. Fida Hussain, Patwari,
O/o Political Agent Kurram Agency at Parachinar.

..... APPELLANT

VERSUS

- 1- The Govt. of Khyber Pakhtunkhwa through Senior Member Board of Revenue, Peshawar.
- 2- The Commission (FCR), Kohat Division Kohat.
- 3- The Assistant Secretary, Board of Revenue, Peshawar.
- 4- The Political Agent Kurram Agency at Parachinar.
- 5- Mr. Muhammad Amin Khan, Patwari,
Patwar Halqa Shalozan, Kurram Agency.
- 6- Mr. Aashiq Ali, Patwari,
Patwar Halqa Zeeran Yousafkheil, Kurram Agency.
- 7- Mr. Alamgir, Patwari,
Patwar Halqa Billameen, Kurram Agency.
- 8- Mr. Asghar Hussain Patwari,
Patwar Halqa SHublan, Kurram Agency.
- 9- Mr. Aashiq Hussain S/O Khadim Hussain Patwari,
C/O P.A Kurram Agency.
- 10- Mr. Jannat Khan, Patwari,
Patwar Halqa Sadda, Kurram Agency.
- 11- Mr. Mumtaz Ali Shah S/ O Mohammad Akbar, Patwari,
C/O P.A Kurram Agency.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE FINAL SENIORITY LIST OF THE PATWARI'S OF KURRAM AGENCY FOR THE YEAR 2014-15 CIRCULATED & COOMUNICATED TO THE APPELLANT VIDE DATED 12.1.2017 WHEREBY THE SENIORITY POSITION OF THE APPELLANT HAS WRONGLY BEEN ENLISTED BY THE RESPONDENT NO.4 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENT APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD OF NINETY DAYS

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Ex parte
2/4/18

Ex parte
2/4/18

Filed to-day

Registrar

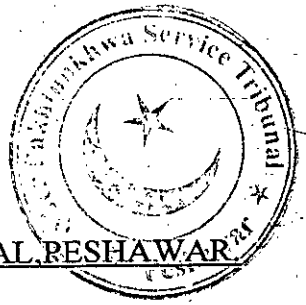
22/5/17

Re-submitted to-day
and filed.

Registrar

2/6/17

(6)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 603/2017

Date of Institution ... 22.05.2017

Date of Decision ... 26.11.2019

Mr. Fida Hussain, Patwari O/O Political Agent Kurram Agency at Parachinar.
(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue,
Peshawar and ten others. ... (Respondents)

Present:

MR. NOOR MOHAMMAD KHATTAK,
Advocate

--- For appellant.

MR. USMAN GHANI,
District Attorney

--- For respondents.

MR. ASIF HAMEED QURAISHI,
Advocate

--- For respondent no.10

MR. AHMAD HASSAN,
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENT:

AHMAD HASSAN, MEMBER:-

This judgment shall dispose of the instant service appeal as well as connected service appeal no. 226/2017 titled Jannat Khan, no. 130/2018 titled Jannat Khan and no. 1340/2017 titled Jannat Khan as similar question of law and facts are involved therein.

02. Arguments of the learned counsel for the parties heard and record perused.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(7)

ARGUMENTS:

03. Learned counsel for the appellant argued that after qualifying patwar examination and enlistment in the patwar register maintained by the respondents, he was appointed as patwari vide order dated 21.07.1996. That seniority list of patwaris of erstwhile Kurrum Agency for 2014-2015 was circulated by the respondents and communicated to the appellant on 12.01.2017, where-under private respondents junior to the appellant were shown senior without any cogent reasons/justification. The appellant preferred departmental appeal on 23.01.2017, which remained un-answered, hence, the present service appeal. It is imperative to point out that at the time of appointment of the appellant as patwari, private respondents were not eligible for appointment on account of not possessing the prescribed qualification (F.A). This requirement was inserted through letter dated 10.09.1990. He further invited attention to Rule-17 of Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules 1989 on the basis of which seniority of a civil servant is reckoned from the date of regular appointment to a post. Section-6 and 7 of Khyber Pakhtunkhwa Civil Servant Act, 1973 were also pressed into service by the learned counsel for the appellant.

04. Learned counsel for respondents 10 in rebuttal stated that his client was appointed on 09.09.1988, whereas the appellant joined service on 21.07.1996, thus he was junior and his name was rightly placed at serial no. 12 of the seniority list under question. Letter dated 10.09.1990 will not have retrospective applicability and in no case would affect the legitimate rights of the answering respondents. Seniority list was strictly drawn according to the invogue rules.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(48)

05. Learned District Attorney argued that during the year 2014-15, seniority list was prepared and communicated to the appellant on 12.01.2017 for inviting objections, if any. On receipt of objections from private respondent no.10, the same was rectified and notified accordingly. Seniority list was prepared in the light of policy of provincial government and judgment of PHC and this Tribunal.

CONCLUSION:

06. The present service appeal pertains to determination to seniority of the appellant and private respondents. It has not been disputed by both the parties that issues pertaining to seniority of a patwari are dealt with according to Section- 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989. Attention is also invited to Rule 3.6 of Land Revenue Manual, which stipulates that names of the eligible person shall be added to the list and as an when result of the patwar examination is received and no eligible person shall be refused enrolment.

Furthermore, vide letter dated 10.09.2019 the qualification was raised from Matric and FA, whereas other conditions remained unchanged.

ATTESTED

07
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

07. Based on the above criteria, now we will evaluate the case of both the parties by taking into consideration the relevant facts. It is brought on record that the appellant after passing patwar examination and enlistment of his name in patwar register was appointed as patwari on regular basis vide order dated 21.07.1996.

However, when seniority list for the year 2014-15 transmitted to the appellant vide communication dated 21.01.2017, it was observed that the private respondents were shown senior to the appellant against the invogue procedure. It merits to mention here that private respondent was appointed as patwari on adhoc basis, through order dated 14.09.1988. As his appointment was made on adhoc basis, therefore, he was

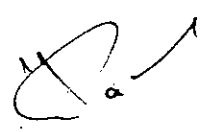
19

not entitled to be assigned seniority from the date of adhoc appointment. We repeatedly invited attention of the learned counsel for private respondent no. 10 to produce any document through which date of his regular appointment could be ascertained but to no avail. Surprisly during the course of arguments we were apprised that till date the order regarding his regular appointment was not issued by the respondents. In these circumstances the date of his regular appointment i.e 14.09.1988 was against the spirit of law and rules referred to in the preceding para. Seniority is required to be drawn according to the procedure laid down in Section-8 of the Civil Servants Act, 1973 and Government Servants (Appointment, Promotion and Transfer) Rules 1989. The case of private respondent is also hit by Section-6 and 7 of Khyber Pakhtunkhwa Civil Servants Act, 1973. To put an end to this self created controversy by not adhering to the prescribed procedure for determination of seniority, the course correction option for the respondents is redraw the seniority list strictly in accordance with our observations referred to above.

08. As a sequel to the above, impugned seniority list of the year 2014-15 is set aside and respondents are directed to draw fresh seniority list in the light of our observations referred to above. Resultantly, the instant appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

Certified to be true copy

FOR JUDGE
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(AHMAD HASSAN)
MEMBER

ANNOUNCED
26.11.2019

Date of Presentation of Application 4-2-2020
 Number of Words 2400
 Copying Fee 26
 Urgent 4
 Total 30
 Name of Applicant [Signature]
 Date of Completion of Case [Signature]
 Date of Delivery of Copy 4-2-2020
4-2-2020

ORDER

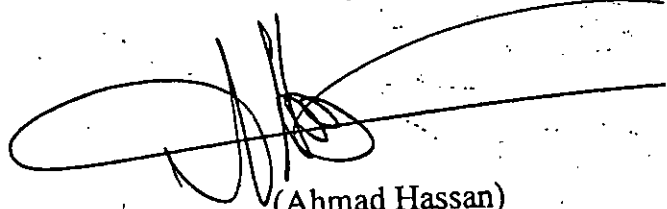
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26.11.2019


Appellant with counsel present. Mr. Usman Ghani, District Attorney alongwith Mr. M. Arif, Supdt for official respondents and private respondent no.10 with counsel present. Arguments heard and record perused.

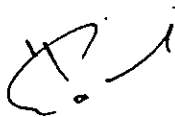
Vide our detailed judgment of today of this Tribunal placed on file, impugned seniority list of the year 2014-15 is set aside and respondents are directed to draw fresh seniority list in the light of our observations referred to above. Resultantly, the instant appeal is disposed of in the above terms. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
26.11.2019


(Ahmad Hassan)
Member

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


(Muhammad Hamid Mughal)
Member

(11)

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2187-88/ST Dated 13-12- 2019

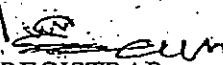
To

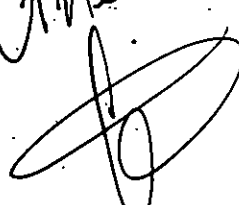
1. The Political Agent now Deputy Commissioner,
Government of Khyber Pakhtunkhwa,
Kurram Agency at Parachinar.
2. Commissioner (FCR),
Government of Khyber Pakhtunkhwa,
Kohat Division Kohat.

Subject: - JUDGMENT IN APPEAL NO. 603/2017, MR. FTDA HUSSAIN & OTHERS.

I am directed to forward herewith a certified copy of Judgement dated 26.11.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

Attested


OFFICE OF THE DEPUTY COMMISSIONER, TRIBAL DISTRICT KURRAM

No 11796-98/ESTB/DK

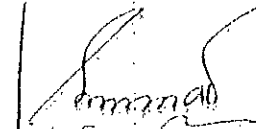
Dated: 20/08/2020

- To ✓
1. The Assistant Commissioner Upper Kurram
 2. The Assistant commissioner Lower Kurram
 3. The Assistant Commissioner Central Kurram

SUBJECT: TENTATIVE SENIORITY LIST OF CONFIRMED PATWARIS- DISTRICT KURRAM

A Tentative seniority list of confirmed/regular patwaris District Kurram as stood on 31/12/2019 is enclosed herewith for circulation amongst the patwaris in your respective sub-division.

The objections, if any may be forwarded within fifteen days positively. In case no objection is received, the seniority list will be treated as FINAL.


Deputy Commissioner
Kurram

*TM/Wis
for display on
Notice board &
amongst the
circulation
confirmed officials*

29-8-2020

No 1789-91/AKU
DT, 29/8/2020

Dk
*For display on
circulate amongst
the concern of*

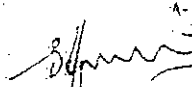
Handwritten initials and marks at the bottom right corner.

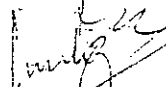
Tentative seniority list of confirmed / Regular Patwaris District Kurram as stood on 31/12/2019

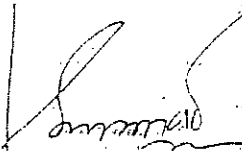
S/No.	Name & Parentage of Patwaris	Date of Birth.	Qualification	Date of Appointment	Date of confirmation as Patawari	Remarks
1.	Sayed Sharif Hussain S/O Sayed Sheraz Gul	06/02/1961	FA	15/12/1987	06/04/1998	Promoted as District Kanungo on acting charge basis
2.	Mir Afzal S/O Muhammad Afzal	22/09/1965	FA	15/12/1987	06/04/1998	Promoted as Kanungo
3.	Jannat Khan S/O Nadar Khan	05/04/1969	Matric	14/09/1988	06/04/1998	Promoted as kanungo on acting charge basis
4.	Muhammad Amin Khan S/O Baz Khan	16/01/1966	Matric	04/01/1990	06/04/1998	Promoted as kanungo on acting charge basis
5.	Ashiq Ali S/O Ghulam Ali	03/03/1964	BA	14/01/1990	06/04/1998	-
6.	Almagir Khan S/O Sardar Khan	12/04/1966	Matric	14/01/1990	06/04/1998	-
7.	Sayed Mumtaz Ali Shah S/O Sayed Muhammad Akbar	11/05/1970	Matric	18/01/1992	06/04/1998	-
8.	Shukat Ali S/O Muhammad Younis	26/05/1979	FA	11/11/2004	11/11/2004	-
9.	Fida Hussain S/O Manzoor Hussain	15/12/1970	MA	22/07/1996	17/02/2006	-
10.	Muhammad Yasin S/O Fazal Rahman	02/04/1969	FA	22/07/1996	17/02/2006	-
11.	Imtiaz Hussain S/O Iqbal Hussain	22/03/1987	MA	16/06/2010	15/07/2013	-
12.	Ghulam Hussain S/O Israr Hussain	30/04/1985	MA	15/02/2011	24/07/2013	-
13.	Dildar Hussain S/O Abdul Majan	07/02/1983	FA	01/02/2006	24/02/2014	-
14.	Jamsid Iqbal S/O Miro Mian	02/05/1979	FA	01/02/2006	16/05/2014	-
15.	Muhammad Farooq S/O Sardar Ali	20/03/1984	MA	28/06/2013	10/11/2015	-
16.	Dildar Hussain S/O Sardar Hussain	13/02/1982	MA	05/03/2012	23/01/2018	-
17.	Syed Adil Hussain S/O Syed Aqil Hussain	03/03/1987	FSC/DIT	28/06/2014	23/01/2018	-
18.	Muhammad Zaman S/O Hussain	05/03/1967	FA	28/03/2000	28/02/2018	-

[Handwritten Signature]

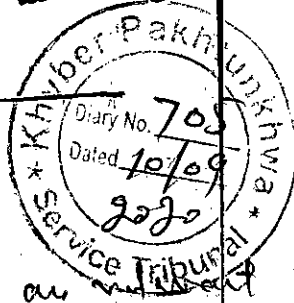
	Ghulam				
19.	Muhammad Mustafa S/O Muhammad Shah	07/04/1984	FSc	14/02/2008	28/02/2018
20.	Ibrar Hussain S/O Dilidar Hussain	03/01/1972	BA	28/03/2000	19/07/2018
21.	Israr Hussain S/O Hussain Ghulam	20/03/1968	BSc	28/03/2000	19/07/2018
22.	Shoaib Hussain S/O Imran Ali	15/02/1988	MA	07/12/2018	07/12/2018
24.	Imran Khan S/O Sayed Muhammad Akbar	11/05/1970	Matric	21/09/2006	08/04/2020
25.	Bismillah Khan S/O Gulmat Khan	06/03/1980	FA	24/06/2013	08/04/2020


District Kanungo
Kurram


Tehsildar Mahal
Kurram


Deputy Commissioner
Kurram

نوٹہ شامل کر کے دراصل No 57 سلسلہ Execution دراصل No 603
 2020 - 2017 سرورس ٹریبونل KPK شمارہ 2017



خدمت جناب کلکٹر / D.C صاحب ضلع کیم دام اقبالہ دیکر گورنمنٹ سیکرٹریٹ میں

Placed on E. petition.

Tentative seniority اعتراض بمقابلہ تنازستہ

stood on 31/12/2019
 No 11796-98/ESTB/DK
 dated 20-08-2020

عملہ مال ضلع کیم
 نیواریان

9/9/2020

Deew.

سیناریا احتجاجی و فیصلہ عدالت سرورس ٹریبونل No 603 مجموعہ No 26/11/2019

تعماری نوڈیانہ طور پر بالا معذبان Tentative seniority پر ذیل

تمام شدہ رولز اور فیصلہ عدالت سرورس ٹریبونل KPK دراصل No 603 2017
 26/11/2019 کی وجہ سے پوزیشن اعتراض برائے قانونی اور عدالتی فتاویٰ کے
 طریقہ تعاری سیناریا کے سلسلہ کیا جا چکے کہ

نیز سیناریا مذکور بالا دراصل No 603 2017 کے عدالتی فیصلہ مورخہ 26/11/2019 کے حدود

میں سے تیار کیا گیا ہے فیصلہ مذکورہ بالا بغور مطالعہ اور محفلہ ذریعہ واضح ہو گا

II مذکورہ Tentative seniority میں ابتدائی 'initial' ریکارڈ کے تحت کے بغیر بھرتی
 کیا گیا ہے یا نہیں کو بھی شامل کر کے ریکورڈ بھرتی شدہ افراد سے سینئر کے تحت
 ہو کر سر اسٹرٹم اور قوانین سرورس 1973 اور 1989 سرورس رولز اور فیصلہ مذکورہ

III کا عمل خلاف ورزی کی گئی ہے اور کوئی قسین نہیں کیا گیا ہے اس کے معنی میں
 من ذرا حین کو عدالتی فیصلہ سکشن 07 سے 1996-7-20 پر ریکورڈ بھرتی شدہ سرورس
 جبکہ فیصلہ میں ریسارڈ نمبر 10 کو Ad hoc قرار کے مورپر سائنڈنٹس کی شوبہ Ad hoc
 میں سکشن 07 فیصلہ مذکورہ میں واضح طور پر بتا کر قرار دیا گیا ہے کہ ریسارڈ نمبر 10
 بھی سکشن 07 میں نہیں ہو سکتی ہے، لہذا اسی Tentative seniority شامل کیے گئے ہیں

IV فیصلہ عدالت کے 'Conclusions' سکشن 06 سال 1973 اور 1989 کے تحت
 اور سینڈیکارڈ مینول کے فقرہ 3-6 اور نوٹیفکیشن 10-09-1990 کے تحت
 کی ذکر کیا گیا ہے

Copy sent in respect SMBR KPK
 C.M. Kohat Division Kohat
 Ass. Sec. BoR Peshawar
 Registrar KPK Service Tribunal Peshawar

آگے درجہ سے رجوع ہر ملاحظہ ہوئے

(مذکورہ کے بعد عوامی استفسارات پیش کیا گیا ہے جس سے)

Section 07 کے تحت 26/11/2019 کو No 603/2017 کے تحت KPK میں

It is brought on record کہ پاکستان ایئر لائنز کی بنا پر
that the Appellant (Fida Hussain Patwari) after passing
Patwar examination and enlistment of his name in Patwar
register was appointed as Patwari on "Regular basis" vide
order dated 21.07.1996.

That Privat Respondent نے ¹⁰ Order
was appointed on "ad hoc basis" through order dated
14.09.1988. As his appointment was made on ad hoc basis,
he was not entitled to be assigned seniority from the
date of his ad hoc appointment.

The case of privat Respondents نے
is also "hit" by section 6 and 07 of KPK
civil servant Act, 1973

1973 اور 1989 کے درمیان دفعہ اور قرار شدہ کے خلاف کسی عوامی استفسار
کو پیش کیا گیا ہے۔ یہ فیصلہ عدالت نے سپریم کورٹ میں کیوں کر دیا ہے کہ ہم نے

اور سیکشن 07 فیصلہ سپریم کورٹ میں بھی ناقص قرار دیا گیا ہے۔
میں نے اس میں "Senior most" رکھا اور 1973
1989 کی سپریم کورٹ کے فیصلے عدالت مذکورہ سے تعلق رکھتے

Testative seniority کا مفادہ 20/08/2020 کے تحت 6.03/2017 کے تحت

26/11/2019 کے تحت کو میں عدالت میں اس میں سب سے بالائی چارہ عوامی
پرست کی بنا پر یہ یوں ثابت ہے۔

9
03/2020
ڈاکٹر اعجاز علی صاحب فدا حسین پٹواری
KPK میں اس شخص کو الٹا دیا گیا ہے
03-69222399

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 603 /2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 534

Dated 22/15/2017

Mr. Fida Hussain, Patwari,
O/o Political Agent Kurram Agency at Parachinar.

..... APPELLANT

VERSUS

- 1- The Govt. of Khyber Pakhtunkhwa through Senior Member Board of Revenue, Peshawar.
- 2- The Commission (FCR), Kohat Division Kohat.
- 3- The Assistant Secretary, Board of Revenue, Peshawar.
- ✓ 4- The Political Agent Kurram Agency at Parachinar.
- 5- Mr. Muhammad Amin Khan, Patwari,
Patwar Halqa Shalozan, Kurram Agency.
- 6- Mr. Aashiq Ali, Patwari,
Patwar Halqa Zeeran Yousafkheil, Kurram Agency.
- 7- Mr. Alamgir, Patwari,
Patwar Halqa Billameen, Kurram Agency.
- 8- Mr. Asghar Hussain Patwari,
Patwar Halqa Shublan, Kurram Agency.
- 9- Mr. Aashiq Hussain S/O Khadim Hussain Patwari,
C/O P.A Kurram Agency.
- ✓ 10- Mr. Jannat Khan, Patwari,
Patwar Halqa Sadda, Kurram Agency.
- 11- Mr. Mumtaz Ali Shah S/O Mohammad Akbar, Patwari,
C/O P.A Kurram Agency.

Exempted
2/4/18

Exempted
2/4/18

Filed to-day

..... RESPONDENTS

W. D. D.
Registrar
22/5/17

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE FINAL SENIORITY LIST OF THE PATWARI'S OF KURRAM AGENCY FOR THE YEAR 2014-15 CIRCULATED & COOMUNICATED TO THE APPELLANT VIDE DATED 12.1.2017 WHEREBY THE SENIORITY POSITION OF THE APPELLANT HAS WRONGLY BEEN ENLISTED BY THE RESPONDENT NO.4 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENT APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD OF NINETY DAYS

Re-submitted to-day
and Med.

Registrar
2/6/17

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 603/2017

Date of Institution ... 22.05.2017

Date of Decision ... 26.11.2019

Mr. Fida Hussain, Patwari O/O Political Agent Kurram Agency at Parachinar.
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue,
Peshawar and ten others. ... (Respondents)

Present:

MR. NOOR MOHAMMAD KHATTAK,
Advocate

--- For appellant.

MR. USMAN GHANI,
District Attorney

--- For respondents.

MR. ASIF HAMEED QURAIISHI,
Advocate

--- For respondent no.10

MR. AHMAD HASSAN,
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)

--- MEMBER(Judicial)

JUDGMENT:

AHMAD HASSAN, MEMBER:-

This judgment shall dispose of the instant service appeal as well as connected service appeal no. 226/2017 titled Jannat Khan, no. 130/2018 titled Jannat Khan and no. 1340/2017 titled Jannat Khan as similar question of law and facts are involved therein.

02. Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS:

03. Learned counsel for the appellant argued that after qualifying patwar examination and enlistment in the patwar register maintained by the respondents, he was appointed as patwari vide order dated 21.07.1996. That seniority list of patwaris of erstwhile Kurram Agency for 2014-2015 was circulated by the respondents and communicated to the appellant on 12.01.2017, where-under private respondents junior to the appellant were shown senior without any cogent reasons/justification. The appellant preferred departmental appeal on 23.01.2017, which remained un-answered, hence, the present service appeal. It is imperative to point out that at the time of appointment of the appellant as patwari, private respondents were not eligible for appointment on account of not possessing the prescribed qualification (F.A). This requirement was inserted through letter dated 10.09.1990. He further invited attention to Rule-17 of Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules 1989 on the basis of which seniority of a civil servant is reckoned from the date of regular appointment to a post. Section-6 and 7 of Khyber Pakhtunkhwa Civil Servant Act, 1973 were also pressed into service by the learned counsel for the appellant.

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CONCLUSION:

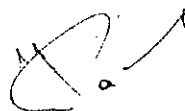
06. The present service appeal pertains to determination to seniority of the appellant and private respondents. It has not been disputed by both the parties that issues pertaining to seniority of a patwari are dealt with according to Section- 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989. Attention is also invited to Rule 3.6 of Land Revenue Manual, which stipulates that names of the eligible person shall be added to the list and as an when result of the patwar examination is received and no eligible person shall be refused enrolment.

Furthermore, vide letter dated 10.09.2019 the qualification was raised from Matric and FA, whereas other conditions remained unchanged.


07. Based on the above criteria, now we will evaluate the case of both the parties by taking into consideration the relevant facts. It is brought on record that the appellant after passing patwar examination and enlistment of his name in patwar register was appointed as patwari on regular basis vide order dated 21.07.1996. However, when seniority list for the year 2014-15 transmitted to the appellant vide communication dated 21.01.2017, it was observed that the private respondents were shown senior to the appellant against the invogue procedure. It merits to mention here that private respondent was appointed as patwari on adhoc basis, through order dated 14.09.1988. As his appointment was made on adhoc basis, therefore, he was

not entitled to be assigned seniority from the date of adhoc appointment. We repeatedly invited attention of the learned counsel for private respondent no. 10 to produce any document through which date of his regular appointment could be ascertained but to no avail. Surprisingly during the course of arguments we were apprised that till date the order regarding his regular appointment was not issued by the respondents. In these circumstances the date of his regular appointment i.e 14.09.1988 was against the spirit of law and rules referred to in the preceding para. Seniority is required to be drawn according to the procedure laid down in Section-8 of the Civil Servants Act, 1973 and Government Servants (Appointment, Promotion and Transfer) Rules 1989. The case of private respondent is also hit by Section-6 and 7 of Khyber Pakhtunkhwa Civil Servants Act, 1973. To put an end to this self created controversy by not adhering to the prescribed procedure for determination of seniority, the course correction option for the respondents is redraw the seniority list strictly in accordance with our observations referred to above.

08. As a sequel to the above, impugned seniority list of the year 2014-15 is set aside and respondents are directed to draw fresh seniority list in the light of our observations referred to above. Resultantly, the instant appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(AHMAD HASSAN)
MEMBER

ANNOUNCED
26.11.2019

(1)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. 57 /2020
In
Service Appeal No: 603/2017

Fida Hussain, Patwari

VERSUS

Political Agent Now Deputy Commissioner Kurram &
Others

APPLICATION FOR
IMPLEMENTATION OF
THE JUDGMENT AND
ORDER DATED 26th
NOVEMBER 2019 OF THIS
HONBLE TRIBUNAL

Respectfully Sheweth,

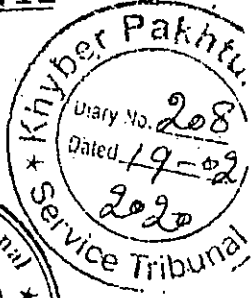
The applicant humbly submits as under:-

1. That the Applicant/ Appellant was serving
in the respondent Department.

2. That the applicant / appellant filed
departmental appeal against the
Respondents, which was not responded by
the Respondent Department.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

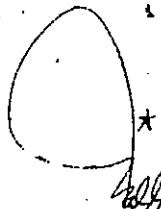


13.07.2020

Petitioner in person and Addl. AG for respondents present.

The matter was adjourned through Reader Note. The office shall, therefore, issue notices to the respondents for submission of implementation report.

Adjourned to 01.09.2020 before S.B.


(Mian Muhammad)
Member(E)

01.09.2020

Petitioner in person and Addl. AG alongwith Khwaja Islam Khan, Junior Clerk for the respondents present.

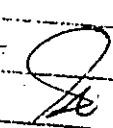
The representative of respondents states that due to prevailing circumstances owing to COVID 19, the implementation report could not be prepared. Requests for further time.

Adjourned to 05.10.2020 on which date the requisite report shall positively be submitted.


Chairman

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	1-9-20
Number of Words	300
Copying Fee	10/-
Urgent	4/-
Cost	14/-
Name of Copyist	
Date of Completion of Copy	1-9-20
Date of Delivery of Copy	1-9-20

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 57 /2020

In

Service Appeal No: 603/2017

Fida Hussain, Patwari

VERSUS

Political Agent now Deputy Commissioner Kurram & Others

Subject : **Objection on the Tentative seniority list of Patwaries revenue Staff of Tribal District Kurram by the office order no 11796/98/Estb/DK as stood on 31-12-19.**

Politely through establish rules and court decision a following strong objection on the above title seniority list :-

i. The above Apeal No 603/2017 of Court Decision dated 26-11-2019 is exceeding the terms and conditions which will be clear from careful study and implementation of the said content.

ii. Ad-hoc recruits without initial recruitment have been made senior to regular recruits by including appointment skills. Which is totally violation of the prevailing law 1973 and 1989 and the prevailing service rules and above court decision. and no distinction has been made. so object.

iii. I Fida Hussain was declared a regular Appointment through court decision section no -07 dated 21 July 1996. While in court decision respondent no-10 was declared as Adhoc. Respondent adhoc proof -The ad hoc evidence of the respondent has also been clearly stated in the said section 07 decision. Also, adhoc people never have seniority. But it has been included in this Tentative Seniority so I object.

iv. The decision of the court concludes with reference to the preparation of seniority in accordance with Section 06, Rules of 1973 and 1989, Preliminary Recruitment and Land Record Manual, Paragraph 3-6 and Notification 10-09-90.

v. The decision of the Service Tribunal KPK Appeal No: 603/2017 dated 26-11-2019 in Section 07 clearly states that

It is brought on record that the Appellant . (I Fida Hussain Patwari) after passing patwar examination and enlistment of his name in patwar register was appointed as Patwari on "Regular basis" vide order dated 21-09-1996. That private respondent no -10 Janat Khan was appointed on adhoc basis" through order dated 14-09-1988. As his appointment was made on adhoc basis. He was not entitled to be assigned seniority from the date of adhoc appointment. The case of private respondents is also "hit" by section 6 and 07 of KPK Civil servant Act, 1973.

VI. Therefore, the same temporary seniority should be revoked as per the rules and regulations of 1973 and 1989. Yance's decision should be quashed by the Court Service Tribunal KPK.

VII. And Rules 1973, 1989 to be followed by retaining Man Fida Hussain as Senior Most in Regular Regular Service Tribunal in Section 07 Decision Service Tribunal. And contempt of court should not be mentioned

VIII. Tentative seniority Prepared 20 August 2020^{by} Appeal No. 603/2017 Decision dated 25 November 2019 is contempt of court This process should be based on legal action. It is obligatory.

iX. In impunity tentative seniority list ser no-8 wrongly maintain because this person namely shoukat ali was appointed on 11/11/2004 in which capacity he is senior from the petitioner Fida Hussain regular appointment order 21-07-96 which is already shown in the judgment of this Honorable Service Tribunal KPK on 26-11-19 conclusion section No-7.

x. it is also stated that the petitioner has been objected on the above said tentative seniority to DC Kurrum stipulated time and forwarded a copy for information to this Honorable service tribunal on 10-09-2020. Which is attached.

Above objection is from fida Hussain Patwari District Kurrum KPK in front of


30.11.2020
Petitioner

Fida Hussain S/O Manzoor Hussain
Regular Patwari of Tribal District Kurrum

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 57 /2020

In

Service Appeal No: 603/2017

Fida Hussain, Patwari

VERSUS

Political Agent now Deputy Commissioner Kurram & Others

AFFIDAVIT

I, Fida Hussain S/O Manzoor Hussain Patwari Tribel District Kurrum do hereby solemnly affirm and declare on oath that the content of the objection are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


30.11.2022
Petitioner

Fida Hussain S/O Manzoor Hussain
Regular Patwari of Tribal District Kurrum

OFFICE OF THE DEPUTY COMMISSIONER, TRIBAL DISTRICT KURRAM

No. 11796-98/ESTB/DK

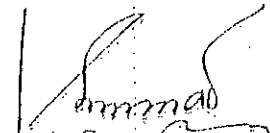
Dated: 20/08/2020

- To ✓
1. The Assistant Commissioner Upper Kurram
 2. The Assistant commissioner Lower Kurram
 3. The Assistant Commissioner Central Kurram

SUBJECT: TENTATIVE SENIORITY LIST OF CONFIRMED PATWARIS- DISTRICT KURRAM

A Tentative seniority list of confirmed/regular patwaris District Kurram as stood on 31/12/2019 is enclosed herewith for circulation amongst the patwaris in your respective sub-division.

The objections, if any may be forwarded within fifteen days positively. In case no objection is received, the seniority list will be treated as FINAL.


Deputy Commissioner
Kurram

TM/Wis
for display on
Notice boards &
amongst the
circulation amongst officials
29-8-2020

No. 1789-91/A/CC
DT. 29/8/2020

DK
For display on
circulate amongst
the concern of

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Tentative seniority list of confirmed / Regular Patwaris District Kurram as stood on 31/12/2019

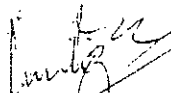
S/No.	Name & Parentage of Patwaris	Date of Birth	Qualification	Date of Appointment	Date of confirmation as Patawari	Remarks
1.	Sayed Sharif Hussain S/O Sayed Sheraz Gul	06/02/1961	FA	15/12/1987	06/04/1998	Promoted as District Kanungo on acting charge basis.
2.	Mir Afzal S/O Muhammad Afzal	22/09/1965	FA	15/12/1987	06/04/1998	Promoted as Kanungo
3.	Jannat Khan S/O Nadar Khan	05/04/1969	Matric	14/09/1988	06/04/1998	Promoted as kanungo on acting charge basis
4.	Muhammad Amin Khan S/O Baz Khan	16/01/1966	Matric	04/01/1990	06/04/1998	Promoted as kanungo on acting charge basis
5.	Ashiq Afif S/O Ghulam Afif	03/03/1964	BA	14/01/1990	06/04/1998	-
6.	Almagir Khan S/O Sardar Khan	22/04/1966	Matric	14/01/1990	06/04/1998	-
7.	Sayed Mumtaz Ali Shah S/O Sayed Muhammad Akbar	11/05/1970	Matric	18/01/1992	06/04/1998	-
8.	Shukat Ali S/O Muhammad Younis	26/05/1979	FA	11/11/2004	11/11/2004	-
9.	Fida Hussain S/O Manzoor Hussain	15/12/1970	MA	22/07/1996	17/02/2006	-
10.	Muhammad Yasin S/O Fazal Rahman	02/04/1969	FA	22/07/1996	17/02/2006	-
11.	Imtiaz Hussain S/O Iqbal Hussain	22/03/1987	MA	16/06/2010	15/07/2013	-
12.	Ghifaf Hussain S/O Israr Hussain	30/04/1985	MA	15/02/2011	24/07/2013	-
13.	Dildar Hussain S/O Abdul Majar	07/02/1983	FA	01/02/2006	24/02/2014	-
14.	Jamsid Iqbal S/O Mir Mian	02/05/1979	FA	01/02/2006	16/05/2014	-
15.	Muhammad Farooq S/O Sardar Ali	20/03/1984	MA	28/06/2013	10/11/2015	-
16.	Dildar Hussain S/O Sardar Hussain	13/02/1982	MA	05/03/2012	23/01/2018	-
17.	Syed Adil Hussain S/O Syed Aqil Hussain	03/03/1987	FSC /DIT	28/06/2014	23/01/2018	-
18.	Muhammad Zaman S/O Hussain	05/03/1967	FA	28/03/2000	28/02/2018	-

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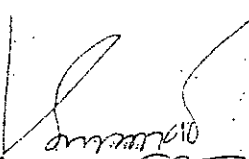
	Ghulam					
19.	Muhammad Mustafa S/O Muhammad Shah	07/04/1984	FSc	14/02/2008	28/02/2018	-
20.	Ibrar Hussain S/O Dildar Hussain	03/01/1972	BA	28/03/2000	19/07/2018	-
21.	Israr Hussain S/O Hussain Ghulam	20/03/1968	BSc	28/03/2000	19/07/2018	-
22.	Shoaib Hussain S/O Imran Ali	15/02/1988	MA	07/12/2018	07/12/2018	-
24.	Imran Khan S/O Sayed Muhammad Akbar	11/05/1970	Matric	21/09/2006	08/04/2020	-
25.	Bismillah Khan S/O Gulmat Khan	06/03/1980	FA	24/06/2013	08/04/2020	-


District Kanungo

Kurram


Tehsildar Mahal

Kurram


Deputy Commissioner

Kurram

8

7

Amir

(A)

ORD R

The following Patwari candidates are hereby appointed as Patwaris in Kurram Agency w.e.f. 9.9.1938 on temporary and adhoc basis subject to the production of age & health certificate.

- 1. Mr. Ashiq Hussain s/o Khadin Hussain of Village Kunj Alizai.
- 2. Mr. Janat Khan s/o Nadar Khan of Village Dandar.

Their appointment would be made regular only after they qualify the Patwar training from a Patwar training school on the competent authority relax rule regarding non passing of Patwar Examination in their case.

Sd/-
Political Agent,
Kurram Agency, Parachinar.

No. 10304-67 / Acctt:

Dated 14/9/1938.

Copy forwarded to the:-

- 1-Agency Accounts Officer Kurram Parachinar.
- 2-Tehsildar Bahal Kurram Parachinar.
- 3-Official concerned.

[Signature]
Political Agent,
Kurram Agency, Parachinar.

M. Janat Khan

C.T. d
[Signature]

OFFICE OF THE POLITICAL AGENT KURRAM AGENCY PARACHINAR.

14-15-90
20

No 383

/Acctt: dated Parachinar the 14/1/1990.

[Handwritten initials]

The following persons are hereby appointed as officiating Patwaris in NPS-5 against the vacant posts with effect from 8.1.1990 as stop gap arrangements for six months:-

- 1-Mr:Sharif Khan son of Hakim Khan of Village Bushara.
- 2-Mr:Abid Hussain son of Yusuf Hussain of Village Shaloman.
- 3-Mr:Mohammad Amin Khan son of Baz Khan of Village Mullah Bagh.
- 4-Mr:Ashiq Ali son of Ghulam of Village Zeran.
- 5-Mr:Alamgir Khan son of Sardar Khan of Village Dandar.
- 6-Mr:Asghar Hussain son of Makhtyar Ali of Village Mallana.

Their service will be governed by relevant service Rules. Their appointment is purely on temporary basis and liable to termination without assigning any reason.

[Signature]
Political Agent,
Kurram Agency, Parachinar.

384-73 /Acctt:

- Copy forwarded to:-
- The Asstt:Political Agent, (UK) Parachinar.
- The Agency Accounts Officer Kurram Parachinar.
- The Tehsildar Mahal Kurram Parachinar.
- Office Order file.
- 10:-The individual concerned for information.

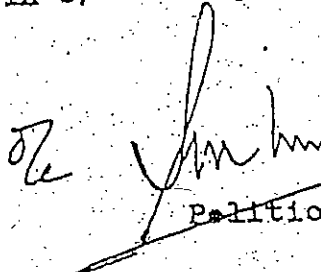
[Signature]
Political Agent,
Kurram Agency, Parachinar.

[Handwritten signature]

Dated: 18/7 /1990. F-25

No. 6999-7004 /Acctt: ^{the} Appointment of the following
Patwaris as ordered in this office order No.383/Acctt dated
14.1.90 is hereby extended for a further period of three (3) ~~mon~~
months with effect from 8.7.1990 as ~~scope~~ gap arrangement.

1. Mr. Sharif Khan s/o Hakim Khan of Vall: Bushohra
2. Mr. Abid Hussain s/o Yousaf Hussain of Shalezan
3. Mr. Mohd Amin Khan s/o Baz Khan of Mulabagh.
4. Mr. Ashiq Ali s/o Ghulam of village Zeran.
5. Mr. Alameer Khan s/o Sardar Khan of Dander.
6. Mr. Asghar Hussain s/o Mukhtyar Ali of Malana.


Political Agent, Kurram.

No. 7005-09 /Acctt:

Copy to:-

1. The Asstt: Political Agent, (UK), Parachinar.
2. The Agency Accounts Officer Kurram Parachinar.
3. The Tehsildar Mahal Kurram Parachinar.
4. Office Order File.
- 5-10. The individual concerned for information.


Political Agent, Kurram.

ATTESTED


Dated 25/11 /1990.

26

477 /Acctt: The appointment of the following patwaries
in this office order No. 383/Acctt: dated 14.1.1990 is hereby
renewed for a further period of three(3) months with effect from
1990 as stop-gap arrangement.

1. Mr: Sharif Khan s/o Hakim Khan of village Bushohra
2. Mr: Abid Hussain s/o Yousuf Hussain of village Shalozan
3. Mr: Mohd Amin Khan s/o Baz Khan of village Mula-Bagh
4. Mr: Ashiq Ali s/o Ghulam of village Zeran
5. Mr: Alamgheer Khan s/o Sardar Khan of Dander.
6. Mr: Aoghar Hussain s/o Mukhtyar Ali of village Malana.

In this connection this office Order No. 6999-7004/Acctt: dated
1990 also refers.

[Signature]

Political Agent, Kurram.

10478-88/Acctt:

Copy to the:-

1. Asstt: Political Agent, (UK) Parachinar
2. Agency Accounts Officer Kurram Parachinar
3. Tehsildar Mahal Kurram Parachinar
4. Office Order File.
5. 10. Individual concerned for information.

[Signature]

Political Agent, Kurram.

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ATTESTED

OFFICE OF THE POLITICAL AGENT, KURRAM.

No. 2432 /Acctt: The appointment of the following Patwaris as ordered vide this office Order No.11387/Acctt: dated 30/12/1990 is hereby extended for a further period of six(6) months w.e.f.8-4-1991 as stop-gap arrangements.

27

- 1- Mr. Sharif Khan s/o Hakim Khan of Bushera
- 2- Mr. Abid Hussain s/o Yusuf Hussain of Shaozan
- 3- Mr. Mohd Amin Khan s/o Baz Khan of Mulabagh
- 4- Mr. Ashiq Ali s/o Ghulam of Zeran
- 5- Mr. Alamgir Khan s/o Sardar Khan of Dandar
- 6- Mr. Asghar Hussain s/o Mukhtar Ali of Malana

In this connection this office Order No.10477/Acctt: dated 25/11/90 also refers.

[Signature]
Political Agent, Kurram.

No. 2433-42 /Acctt:
Dt. 28/3/91

Copy to the:-

- 1- Acctt: Political Agent (Upper Kurram) Parachinar
- 2- Agency Accounts Officer, Kurram Parachinar
- 3- Tehsildar Mahal, Kurram Parachinar
- 4- Office Order File
- 5- Individuals concerned

for information.

[Signature]
Political Agent, Kurram

ATTESTED

[Signature]

11/1/91

42

28

OFFICE OF THE POLITICAL AGENT, KURRAM

Dated 01/08/1991.

No. 8002 / Acctt: The appointment of the following Patwaris as ordered vide this office order No. 2432/Acctt: dated 23.5.1991 is hereby extended for a further period of six months w.e.f. 3.10.91 on adhoc basis as stop-gap arrangements.

- 1-Mr. Sharif Khan s/o Hakim Khan of Bushera.
- 2-Mr. Abid Hussain s/o Yousuf Hussain of Shahlozan.
- 3-Mr. Mohd Amin Khan s/o Baz Khan of Mulabagh.
- 4-Mr. Ashiq Ali s/o Ghulam of Zeran.
- 5-Mr. Alamgir Khan s/o Sardar Khan of Dandar.
- 6-Mr. Asghar Hussain s/o Mukhtar Ali of Malana.

In this connection this office order No. 11387/Acctt: dated 30.12.1990, also refers.

[Signature]
Political Agent, Kurram

No. / Acctt: Political Agent, Kurram

Copy to the:-

- 1. Agency Accounts Officer, Kurram
- 2. Tehsildar Mahal, Kurram.
- 3. Office Order File.

[Signature]
Political Agent, Kurram

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Handwritten notes and signatures in Urdu script at the bottom center.

RECEIVED

42

28

OFFICE OF THE POLITICAL AGENT, KURRAM

Dated 01/08/1991.

No. 80027/Acctt: The appointment of the following Patwaris as ordered vide this office order No. 2432/Acctt: dated 23.5.1991 is hereby extended for a further period of six months w.e.f. 8.10.91 on adhoc basis as stop-gap arrangements.

- 1-Mr. Sharif Khan s/o Hakim Khan of Bushera.
- 2-Mr. Abid Hussain s/o Yousuf Hussain of Shahlozan.
- 3-Mr. Mohd Amin Khan s/o Baz Khan of Mulabagh.
- 4-Mr. Ashiq Ali s/o Ghulam of Zeran.
- 5-Mr. Alamgir Khan s/o Sardar Khan of Dandar.
- 6-Mr. Asghar Hussain s/o Mukhtar Ali of Malana.

In this connection this office order No. 11387/Acctt: dated 30.12.1990, also refers.

[Signature]

Political Agent, Kurram

No. _____/Acctt: _____

Copy to the:-

- 1. Agency Accounts Officer, Kurram
- 2. Tehsildar Mahal, Kurram
- 3. Office Order File.

[Signature]

Political Agent, Kurram

[Handwritten notes in Urdu]

[Handwritten notes and signatures]

NOTED

OFFICE OF THE POLITICAL AGENT, KURRAM.

Dated 06/6 /1992.

29

374 /Acctt: The appointment of the following Patwaries as
id vide this office order No:3002/Acctt: dated 4-10-1991 is hereby
dod for a period of six months v.v.f.8-4-1992 on adhoc basis as per
arrangements.

- 1- Mr. Sherif Khan s/o Hakim Khan of Bushohra.
- 2- Mr. Abid Hussain s/o Yousuf Hussain of Shalozan.
- 3- Mr. Mohammad Amin Khan s/o Baz Khan of Kullabagh.
- 4- Mr. N. H. Ali s/o Ghulam of Loran.
- 5- Mr. Alauddin Khan s/o Sardar Khan of Dandar.
- 6- Mr. Asghar Hussain s/o Kukhtar Ali of Kalana.

In this connection this office order No:2433-42/Acctt; dated
-1991 also refers.

sd/-
Political Agent, Kurram.

3375-77 /Acctt:

y to this:-

1. Agency Accounts Officer, Kurram.
2. Tehsildar Mahal, Kurram.
3. Officer order File.

oe
Political Agent, Kurram.

Acctt
06/6/92

ATTESTED

[Signature]

No. 8941 /Acctt: dated 02/12 1992.

30

The appointment of the following Patwaris as ordered this office No.3374/Acctt: dated 6-6-1992 is hereby extended a futher period of six months w.e.f.8-10-1992 on adhoc basis top-gap arrangements :-

- 1- Mr.Sharif Khan s/o Hakim Khan of Bushera
- 2- Mr.Abid Hussain s/o Yousuf Hussain of Shalozan
- 3- Mr.Mohd Amin Khan s/o Baz Khan of Mulabagh
- 4- Mr.Ashiq Ali s/o Ghulam of Zeran
- 5- Mr.Alamgir Khan s/o Sardar Khan of Dandar
- 6- Mr.Asghar Hussain s/o Mukhtar Ali of Malana

In this connection this office order No.8002/Acctt: ad 1-10-1991 also refers.

Sd/-
Political Agent, Kurram.

/Acctt:

Copy to the:-

Agency Accounts Officer, Kurram, Parachinar
Tehsildar Mahal, Kurram, Parachinar
Office Order File

[Signature]
Political Agent, Kurram.

انڈیو کیا جانا کہ نقل طلبہ اسٹوڈنٹ
تاریخ 5/11/92
محافظ دفتر کوہاٹ

21
1992
11/11/92
11/11/92

سرکار جنرل الفراج
تاریخ
11/11/92
11/11/92

ATTESTED

[Signature]

31

OFFICE OF THE POLITICAL AGENT KURRAM.

DATED 1-11-1993

Order.

No. / Acctt: In continuation of this office order no. 2941 / Acctt: dated 2/12/1992, the following persons are hereby allowed to continue their services on ad-hoc basis till further orders.

1. Mr. Sharif Khan s/o Hakim Khan of Bushohra.
2. Mr. Abid Hussain s/o Yousuf Hussain of Shalozan.
3. Mr. Sulaiman Main Khan s/o Baz Khan of Mullahbagh.
4. Mr. Alamgeer Khan s/o Sardar Khan of Dandar.
5. Mr. Mr. Ashiq Ali s/o Ghulam Ali of Zeran.
6. Mr. Asghar Hussain s/o Mukhtar Ali of Mahaba.

sd/-
Political Agent, Kurram.

No. 7728-30 / Acctt:

Dated 1-11 / 1993

Copy to the:

1. Agency Accounts Officer, Kurram.
2. Tehsildar Mahal, Kurram.
3. Office orders file.

for Political Agent, Kurram.

Acctt.

امتیون کیا گیا ہے
مخاطب دفتر کو
5/11/93

2/11/93
4/11/93
8/11/93

تعمیرات کے لئے
مختار علی
مختار علی

TESTED

بھٹو خیاب ٹرسٹ ڈپٹی کمشنر صاحب قیاسی ضم شدہ ضلع کورم ڈاٹم اقبال

درخواست دربارہ عارضی ترتیب شدہ سیناری فیہرست
بابت بلواریاں بروی کنفریشن ۱۶ مارچ ۱۹۷۰ء کہ جس کے
ترتیب سے ہم ذیل بلواریاں کو شدید اعتراض اور
ایسے ایسے گرفتات ہیں۔

Tehsildar
District

۶/۹/۷۰
جی پائی ۱

بابت مردبانہ / عاجزانہ گزارش کی جاتی ہے کہ آجکتاب کے زیر دستگی حکم نامہ
NO: 11796-98/ESTB/DK 20/8 2020 زیر عنوان بالذیل ہم ذیل
بلواریاں کو شدید گرفتات اور اعتراضات ہیں۔ جو کہ چھاپے ہوئے ہیں
نا قابل قبول اور نقصان دہ ہے۔ کیونکہ ملازمتی قوانین کے تحت ہماری تنہائی / تقرری
وقتاً فوقتاً حسب ضابطہ اور قوانین کے ہوتی ہے۔ جا وجود اس کے کہ اس ملک خداداد میں
مصدقہ قانون رائج ہے۔ ہمارے حقوق کی پامالی کرنے کی کوشش کی جا رہی ہے۔ جو ہمیں
کسی صورت منظور نہیں ہے۔ بلکہ یہ سوال آراہ گزارش اٹھاتے ہیں کہ سیناری فیہرست
کی ترتیب کنفریشن کی تاریخ کو مقدم رکھ کر ترتیب کرنا کس بنیاد اور کہاں کا قانون ہے
اور جمعہ جمعہ دن کی مدت والے بلواریاں چھاپے ہوئے ہیں۔ اس سے ہمیں چھ بلواریوں
کی تنہائی / تقرری وقتاً فوقتاً عینہ آریا میں مدت ہے ہوتی ہے۔ جسکی احسن طریقہ
پر کیا جوتی ہے متعلقہ ادارہ اور اس میں تنہائی آریا میں یہ ذمہ داری اور فریضہ اول
ہوتا ہے کہ وہ فوراً قانونی لٹا فم لورے کریں دوسری اہم پہلو اور قانون یہ بھی ہے کہ
آریا میں مدت کے نکلنے کے ساتھ ہی کنفریشن ڈیکلار ہو جاتی ہے اور اس کے بنیاد پر اولیت
ہونے کی ترجیح ہونا مقدم ہے۔ جو قانون کی کتاب سے عیاں ہے۔ اور اسی قانون
اور اصول حکومت پاکستان کے تمام سرکاری ملازمین کے لیے یکساں اہمیت کے حامل ہیں
لہذا ہم ذیل بلواریاں استدعا اور گزارش کرتے ہیں کہ ہمیں عدالتی طریقوں
میں نا چھوٹکا جائے کیونکہ یہ سلسلہ ہمارے مفاد میں نہیں ہے کہ جن سے ضرر
معاذ جنم لیکر جات بہت آگے تک نکل جائے انضر ہم نے رقم لکھی ہے۔ مرتبہ فیہرست کو
ختم کیا جاوے اور ریگولر تقرری شدہ بنیادوں پر ترتیب کیا جائے۔ عین گزارش ہوگی

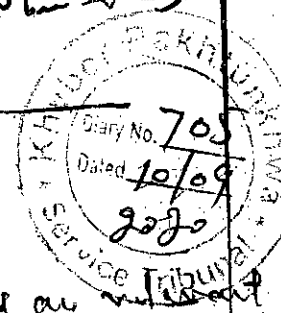
فوقہ مدنی 03/09 2020

P.T.O

العارضین بر صنفی مکتوبہ

مسند 168، رسالہ دستخط
م 06.09.2022 کو حاصلہ، حال ہی وصول کیا گیا

نوٹہ شامل کرنے دراصل No 57 سلسلہ Executions دراصل No 603
 2020 سرورس ٹریبونل KPK شمار 2017



خدمت منجانب کلکٹر / D.C صاحب منسلک نام اقبالہ دیکر گورنمنٹ سروسٹریبونل آف پاکستان

Placed on E. Petition.

اعتراضیں بمقابلہ تیار شدہ tentative seniority

stood on 31/12/2019
 No 11796-98/ESTB/DK
 dated 20-08-2020

علاء مال منسلک نام
 نیواریان

9/9/2020

Signature

سیناریاں (تعمیر و ترمیم عدالت سرورس ٹریبونل No 603 مورخہ 26/11/2019 کی ذمہ داری

مقام عالی در ذمہ داری طور پر بالا معنون tentative seniority پر ذیل

تمام شدہ رولز اور فیصلہ عدالت سرورس ٹریبونل KPK اصل No 603 مورخہ 26/11/2019 کی ذمہ داری
 پر ذمہ داری اور عدالتی فیصلے کے
 مرقعہ تیار کرنے کے سلسلہ کیا جا چکا ہے کہ

I سیناریاں مذکورہ بالا اصل No 603 مورخہ 26/11/2019 کی عدالتی فیصلہ مورخہ 26/11/2019 کے حدود

میں سے پیش کر تیار کیا گیا ہے جو فیصلہ مذکورہ بالا کے بغیر مطالعہ اور بحالہ دیکھنے والے سرورس

مذکورہ tentative seniority میں ابتدائی 'initial' دیکر ڈیکٹ منٹ کے بغیر عدالتی
 فیصلے یا اپنی فیصلے پر بھی شامل کرنے کے ریکورڈز کے بغیر عدالتی فیصلے کے بغیر

جو کہ سرورس ٹریبونل اور قوانین سرورس 1973 اور 1989 سرورس رولز اور فیصلے کے تحت
 کی طاقی خلاف ورزی نہیں کی ہے اور کوئی قسم نہیں کیا گیا ہے اس کے معنی میں

میں ذرا عین کو عدالتی فیصلہ سکشن 07 سے 1996-7-2 پر ریکورڈز کے بغیر تیار
 ہوئے ہیں اور یہ فیصلہ Ad hoc قرار کے طور پر سبڈیوژنل آفیسر کی شہادت Ad hoc
 سے سکشن 07 فیصلہ مذکورہ سے خارج طور پر بنا کر قرار دینے کے ہیں۔ نیز ایڈوائس والوں
 کے سیناریاں نہیں ہو سکتی ہیں، لیکن اسی tentative seniority شامل کرنے کے مندرجہ

مذکورہ عدالت کے 'Conclusion' سکشن 06 سال 1973 اور 1981 کے رولز اور
 اور سیناریاں تیار کرنے کے فقرہ 3-6 اور نوٹیفکیشن 09-1990 کے تحت تیار

ATTESTED

EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

آپ کے دورے کے بغیر ملاحظہ ہوئے

Copy sent to Punjab S.M.B.R. KPK
 CTR Kohat Division Kohat
 Secy, B.O.R. Peshawar
 Registrar KPK Service Tribunal Peshawar

دفعہ 7 (1) کے تحت جاری انتظامات وغیرہ پر بھی س

Section 07 کے تحت 26/11/2019 کو No 603/2017 کے تحت

It is brought on record کہ ...
that the Appellant (A Fida Hussain Patwari) after passing
Patwar examination and enlistment of his name in Patwar
register was appointed as Patwari on "Regular basis" vide
order dated 21.07.1996.

That Privat Respondent ¹¹⁰ ...
was appointed on "ad hoc basis" through order dated
14.09.1988. As his appointment was made on ad hoc basis,
he was not entitled to be assigned seniority from the
date of his ad hoc appointment.

The case of privat Respondents ...
is also "hit" by section 6 and 07 of KPK
civil servant Act, 1973

1973 اور 1989 کے درمیان جمع اور قرار دینے کے مطابق یہی عمارتی سہاگی

کو سہاگی کے طور پر ...

07 کے تحت ...

Senior most کے طور پر ...

1989 کے ...

26/11/2019 کو ...

03/2020 کو ...

03-6922399

BEFORE THE KHYBER PAKHTOON KHAWA SERVICE TRIBUNAL PESHAWAR.

REPLY ON BEHALF OF PETITIONER FIDA HUSSAIN ON THE ORDER OF AUGUS
COURT ON 30.11.2020.

IN EXECUTION PETITION NO.57/2020

IN

SERVICE APPEAL 603/2017

FIDA HUSSAINPetitioner

VERSUS

Political Agent Now Deputy Commissioner Kurram and

othersRespondents.

R/SHEWETH:

PRELIMINARY OBJECTIONS:

1. That the applicant of impleadment (Mr. Janat Khan S/o Nadar Khan as respondent No.10 in decided appeal No.603/2017 dated 26.11.2019) has got no cause of action /locus standi to file the instant application.
2. That the applicant has not come to this Honorable Tribunal with clean hands.
3. That the applicant is estopped by his own conduct to file the instant application.
4. That the instant application is not maintainable in its present form.
5. That the application is bad due to joinder for necessary party.
6. That the application of the applicant based on malified intention.
7. That the applicant has concealed materials facts from this Honorable Tribunal, while filing the instant application.

ON FACTS:

1. Incorrect, that the above titled execution petition is fixed before this Honorable Court for implementation of the Judgment of this Honorable Court Appeal No.603/2017 decided on 26.11.2019.
2. Incorrect, because the instant applicant Mr Janat Khan has already addressed and shown "Ad hoc appointee in Para 7 of the said above Judgment in Service Appeal No: 603/2017.
3. Incorrect, that the tentative seniority list of Non Regular Petwaries of the District Kurram for the Year 2019 in which the Mr. Janat Khan placed on Serial No.3 is totally against the decision of this Honorable Court.

In the said decision I have been already declared as "regular appointee" that the Mr. Janat Khan has shown and declared "Ad hoc appointee" through the conclusion of Para -7 in instant decision Appeal No.603/2017 dated 26.11.2019.


Therefore Mr. Janat Khan and like others was not entitled to be assigned seniority for "Ad hoc Appointment" and also his seniority hit by the section -6 & 7 of Khyber Pakhtunkhwa Civil Servants Act 1973.

4. Incorrect, as properly explained in the above Para.
5. Incorrect, that the applicant Mr Janat Khan respondent No.10 was clearly shown in Appeal No.603/2017 also shown and addressed "Ad hoc appointee" in Para 7 in said judgment dated 26.11.2019 because he has no cause of action / locus standi to file the instant appeal.
6. Incorrect, and misleading as stated above properly explained in the above Para.

It is therefore most humbly prayed that on the acceptance of this replay the application of the applicant Mr. Janat Khan may kindly be dismissed with cost, and also most humbly prayed that the execution / implementation directions may kindly be issued to the Respondents Department to implement the judgment and order dated 26th November 2019 of this Honorable Tribunal.

Dated: 25.01.2021

Petitioner



Fida Hussain O/o Now tribal District Kurram.



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1635 /ST

Dated: 17/08 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The Deputy Commissioner,
Government of Khyber Pakhtunkhwa,
District Kurram.

Subject: ORDER IN EXECUTION PETITION NO. 57/2020 MR. FIDA HUSSAIN.

I am directed to forward herewith a certified copy of order dated 17.08.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

The Worthy Chair - on
Government Execution Petition

محترم سرورس اور جج صاحب محترم خیر الرحمن خواجہ



Implementation No 57/2020 در عدالت میں در اپیل کر

26/11/2019 No 603/2017 در اپیل کر

فدائیں بنام پوسٹل ایجنٹ اب ڈپٹی کمشنر ضلع کرم کوٹ

Fixing Early the date for hearing
Instead the date of 17.8.2021

عنوان = NFA
01/8/2021

جناب عالیہ اس سلسلہ ذیل لکھی رسالہ ہوں گے۔

نمبر سال 2017 سے سینٹ کے عدالت میں اپیل کر 603/2017 نو حل رقم کھا جو مورخہ 26/11/2019 کو کورس میں منسلک ہے۔

نمبر 26/11/2019 سے اب تک ریسیڈنٹ نے کورس فائنل سینٹ کے حکم عدالت میں ک کٹ تیار نہیں کیا۔ بلکہ مثال نمونہ سے کام لے رہا ہے۔

نمبر 3: عدالت عالیہ نواز نے اپیل 57/2020 نو برائے Implementation میں گزشتہ 23/6/2021 کو نزدیک تاریخ 28/6/2021 قرار کیا۔

نمبر 4: جب مورخہ 28/6/2021 کو ریسیڈنٹ جعفر عدالت عالیہ میں

نو آئندہ تاریخ 17/8/2021 قرار ہوا جس سے مجھے تکلیف اور تنگدستی میں بلکہ نا اہمیدی میں اصراف سے مورخہ 17/8/2021 کے بعد آند حکم عدالت میں کافی دقت لگ چکا اب بھی لگ رہا ہے۔

عالیہ جہاد: ماہرانہ طور پر لکھی گئی کہ مورخہ 17/8/2021 کے بجائے آئندہ دو تین دنوں میں سینٹ میں بذریعہ حکم 26/11/2019 جلد از کاروائی سے سلسلہ مختصر تاریخ مورخہ 29/11/2021

تاریخیت دعاگو ہوں گا۔ شکر مورخہ 29/11/2021

سامان فدا حسین بلوچ 306922399
در اپیل کر 57/2020 ضلع کرم



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2069 /ST

Dated: 15/10 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The Deputy Commissioner,
Government of Khyber Pakhtunkhwa,
District Kurram.

Subject: ORDER IN EXECUTION PETITION NO. 57/2020 MR. FIDA HUSSAIN.

I am directed to forward herewith a certified copy of order dated 06.10.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



**OFFICE OF THE
DEPUTY COMMISSIONER KURRAM**

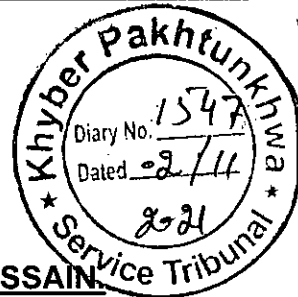


0926-310599/310777
0926-310520/311797
dckurram786@gmail.com

No. 13743 /DC (Kurram)/~~St~~ Estab Dated Parachinar October 30th /2021

To

The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar



Subject: **ORDER IN EXECUTION PETITION NO. 57/2020 MR. FIDA HUSSAIN**

Memo

With reference to your letter No: 2069/St- dated 15-10-2021 on the subject cited above.

It is stated that the compliance report could not be submitted to the Learned Services Tribunal as the case was subjudice in Peshawar High Court filed by Mr. Janat Khan vide WP No 48-P of 2021 with CM No 1966-P of 2021 in the Court of Honorable Qaiser Rashid Khan, CJ, which was disposed off on 06-10-2021.

The perusal of Khyber Pakhtunkhwa Service Tribunal Peshawar order dated 26-11-2019 revealed that *Janat Khan was appointed as Patwari on adhoc basis, through order dated 14-09-1988. As his appointment was made on adhoc basis, therefore, he was not entitled to be assigned seniority from the date of adhoc appointment.*

It is submitted that Janat Khan was appointed as Patwari vide order No. 10304-07/Acctt: dated 14-09-1988 on adhoc basis (copy attached). He got his regularization through case file No: 07/skgo dated 29-09-1997 decided on 06-04-1998 (copy attached)

It is further mentioned here that Fida Hussain was appointed as Patwari on temporary basis vide order No. 3773-77 dated 21-07-1996. His service got regularized vide order No. 792-97/ Acctt: dated 17-02-2006. Proper entries have been made in the service books of both the officials (copy attached)

A committee under the supervision of Additional Deputy Commissioner (G) has been constituted vide this office order No. 13141-43/DC(Kurram)/St-15 dated 13.10.2021 to look into the matter and to consider all these respects & put up the seniority list of Patwaries as per law as directed by Learned Services Tribunal. The committee report will be submitted in due course of time.

Deputy Commissioner
Tribal District Kurram

Put up to the court with
relevant execution petition.

Read du

2/11/21



**OFFICE OF THE
DEPUTY COMMISSIONER KURRAM**



0926-310599/310777
0926-310520/311797
dckurram786@gmail.com

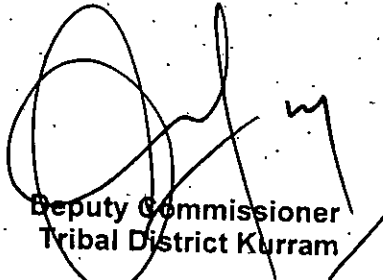
No. 13141-43 /DC (Kurram)/St-15

Dated Parachinar October/ 13th /2021

OFFICE ORDER:

In order to execute the directions of Learned Services Tribunal in Execution Petition No. 57/2020 and to submit seniority list in respect of Patwaris as per law and orders of Tribunal the following committee is hereby constituted to examine all the aspects and submit proposal regarding seniority list of Patwaris for notification within one month.

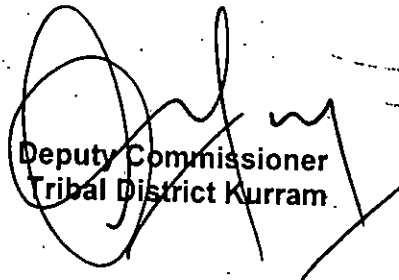
1. Additional Deputy Commissioner (General) Kurram.
2. Assistant Commissioner Upper Kurram.
3. Assistant Commissioner Lower Kurram.
4. Tehsildar Mahal Kurram


Deputy Commissioner
Tribal District Kurram

Endst: No & date even:

Copy to the: -

1. Commissioner Kohat Division, Kohat
2. All Members of the Committee.


Deputy Commissioner
Tribal District Kurram



OFFICE OF DEPUTY COMMISSIONER
TRIBAL DISTRICT KURRAM
Phone No. 0926-310777, 313599, 313532
Email: adl.pa.786@gmail.com

No. 80 /ADC (G)/Reader/Kurram

Dated: 02/12/2021

To

The Deputy Commissioner,
District Kurram.

Subject: SENIORITY LIST OF PATWARIS

Memo:

Reference to the Deputy Commissioner Kurram order No: 13141-43/DC(Kurram)/St-15 dated: 13/10/2021 regarding the Service Tribunal Peshawar appeal No: 603/17 dated 26-11-2019 and High Court decision No.37 of the 2018 in WP No. 2751-P dated 21-06-2018 on the subject cited above.

It is stated that the perusal of the Khyber Pakhtunkhwa Service Tribunal Peshawar order dated 26-11-2019 state that "Janat Khan was appointed as Patwari on Adhoc basis, through order dated 14-09-1988. As his appointment was made on adhoc basis, therefore, he was not entitled to be assigned seniority from the date of adhoc appointment".

In this connection, all the available record including the initial appointment orders and the original service books record was perused. The same reveals that patwari Janat Khan was appointed on temporary/Adhoc basis vide order No. 10304-07/Acctt: dated 14-09-1988.

Later on, Janat Khan alongwith other patwaris were regularized/confirmed by the then Political Agent on dated 06-04-1998 (copy enclosed) through case file No. 07/SKGO dated 29-09-1997. The seniority of janat khan in light of the mentioned record as to be considered with effect from 06/04/1998 and not 14/09/1988.

It is further mention here that Fida Hussain was initially recruited as Pawtari in BPS-05 purely on temporary basis vide order No.3773-77/Acctt: dated 21-07-1996 while in the KP service tribunal Peshawar order dated: 26/11/2019 it has been

Attested
27/11/21
Sd/- D.C.
Office Kurram



OFFICE OF DEPUTY COMMISSIONER
TRIBAL DISTRICT KURRAM
Phone No. 0926-310777, 313599, 313532
Email: addl.pa.786@gmail.com

No. 80 /ADC (G)/Reader/Kurram

Dated: 02/12/2021

To

The Deputy Commissioner,
District Kurram.

Subject: SENIORITY LIST OF PATWARIS

Memo:

Reference to the Deputy Commissioner Kurram order No: 13141-43/DC(Kurram)/St-15 dated: 13/10/2021 regarding the Service Tribunal Peshawar appeal No: 603/17 dated 26-11-2019 and High Court decision No.37 of the 2018 in WP No. 2751-P dated 21-06-2018 on the subject cited above.

It is stated that the perusal of the Khyber Pakhtunkhwa Service Tribunal Peshawar order dated 26-11-2019 state that "Janat Khan was appointed as Patwari on Adhoc basis, through order dated 14-09-1988. As his appointment was made on adhoc basis, therefore, he was not entitled to be assigned seniority from the date of adhoc appointment".

In this connection, all the available record including the initial appointment orders and the original service books record was perused. The same reveals that patwari Janat Khan was appointed on temporary/Adhoc basis vide order No. 10304-07/Acctt: dated 14-09-1988.

Later on, Janat Khan alongwith other patwaris were regularized/confirmed by the then Political Agent on dated 06-04-1998 (copy enclosed) through case file No. 07/SKGO dated 29-09-1997. The seniority of janat khan in light of the mentioned record as to be considered with effect from 06/04/1998 and not 14/09/1988.

It is further mention here that Fida Hussain was initially recruited as Pawtari in BPS-05 purely on temporary basis vide order No.3773-77/Acctt: dated 21-07-1996 while in the KP service tribunal Peshawar order dated:26/11/2019 it has been

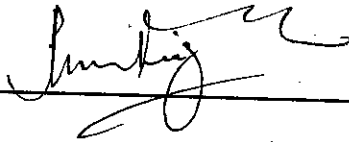
Allosted
7/12/21
Asst. DC
Office Kurram

mentioned that "Fida Hussain was appointed on regular basis vide order dated: 21/07/1996" which does not tele with the original appointment order of Patwari fida Hussain. His service got regularized vide order No. 792-97/Acctt: dated 17-02-2006. Proper entries have been made in his service book. (Copy enclosed).

Thus, in light of above discussion, the seniority has to be withdrawn from the date of the confirmation of the Patwaris as mentioned in their service books.

Hence, seniority list with drawn in light of the rules in above discussion is attached as (annexure "A") and submitted for consideration please.

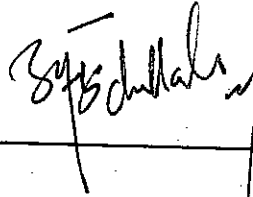
Tehsildar Mahal Parachinar



Assistant Commissioner Upper Kurram



Assistant Commissioner Lower Kurram



Additional Deputy Commissioner (G)
District Kurram

Attested
7/10/06
Supr. De
Office Kurram.

SENIORITY LIST OF REGULAR PATWARIS DISTRICT KURRAM

S/No	Name & Parentage	Date Of Birth	Qualification	Date Of Appointment	Date Of Confirmation	Remarks
1	Janat Khan S/O Nadar Khan	05-04-1969	Matric	14-09-1988	06-04-1998	Promoted as FKGO On Acting Charge Basis
2	Muhammad Amin Khan S/O Baz Khan	16-01-1966	Matric	14-01-1990	06-04-1998	Promoted as FKGO On Acting Charge Basis
3	Ashiq Ali S/O Ghulam Ali	1964	BA	14-01-1990	06-04-1998	Promoted as FKGO On Acting Charge Basis
4	Alamgir Khan S/O Sardar Khan	12-04-1966	Matric	14-01-1990	06-04-1998	
5	Asghar Hussain S/O Mukhtar Ali	18-03-1963	Matric	15-01-1990	15.01.1990 (confirmed on 15-01-1990 but dismissed due to untrained on 25-12-1999 and re-instated on 04-03-2011 without back benefits	Not eligible for Confirmation as he has not passed the basic Patwar Examination.
6	Syed Mumtaz Ali Shah S/O Said Muhammad Akbar	11-05-1970	Matric	18-01-1992	06-04-1998	
7	Muhammad Yasin S/O Fazal Rehman	02-04-1969	FA	22-07-1996	17-02-2006	
8	Fida Hussain S/O Manzoor Hussain	15-02-1970	MA	22-07-1996 ✓	17-02-2006 ✓	
9	Muhammad Zaman S/O Hussain Ghulam	05-03-1967	FA	28-03-2000	28-02-2018	
10	Israr Hussain S/O Hussain Ghulam	20-03-1968	BSc	28-03-2000	19-07-2018	
11	Abrar Hussain S/O Dildar Hussain	03-01-1972	BA	28-03-2000	19-07-2018	
12	Shoukat Ali S/O Muhammad Younas	26-05-1979	FA	11-11-2004	07-05-2013	
13	Jamshid Iqbal Bangash S/O Miromian	05-05-1979	FA	01-02-2006	16-05-2014	
14	Imran Khan S/O Hassan Khan	06-02-1986	MA	21-09-2006	21-09-2007	

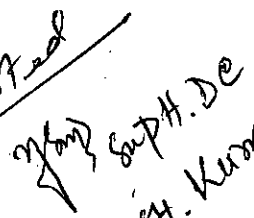
S.No. 5 not eligible

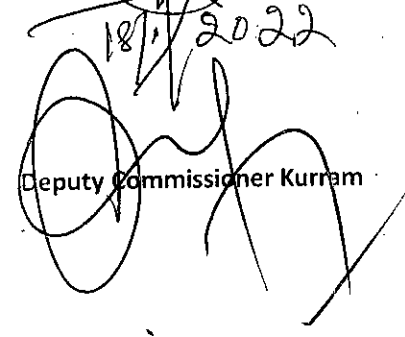

Tensidar Mahal Upper Kurram


Assistant Commissioner Upper Kurram


Assistant Commissioner Lower Kurram


Additional Deputy Commissioner (G) Kurram

Attstsd

Deputy Commissioner Kurram

18/11/2022

Deputy Commissioner Kurram

SENIORITY LIST OF REGULAR PATWARIS DISTRICT KURRAM

S/No	Name & Parentage	Date Of Birth	Qualification	Date Of Appointment	Date Of Confirmation	Remarks
15	Muhammad Mustafa S/O Muhammad Shah	07-04-1984	FSc	14-04-2008	14-04-2009	
16	Imtiaz Hussain S/O Iqbal Hussain	22-03-1987	MA	16-06-2010	15-07-2013	
17	Ghilaf Hussain S/O Israr Hussain	30-04-1985	BA	15-02-2011	24-07-2013	
18	Dildar Hussain S/O Sardar Hussain	13-02-1982	MA	05-03-2012	23-01-2018	
19	Bismillah Khan S/O Gul Mat Khan	06-03-1980	FA	24-06-2013	08-04-2020	
20	Muhammad Farooq S/O Sardar Ali	20-03-1984	MA	28-06-2013	10-11-2015	
21	Syed Adil Hussain S/O Syed Aqil Hussain	03-03-1987	FSc	28-06-2014	23-01-2018	
22	Shoaib Hussain S/O Imran Ali	15-02-1988	MA	07-12-2018	07-12-2018	
23	Syed Rahim Shah S/O Syed Badshah	01-01-1984	FA	09-01-2020	09-01-2020	
24	Syed Asif Ali Shah S/O Syed Minhaj Ul Hassan	14-05-1995	FSc	09-01-2020	09-01-2020	
25	Noor Ul Haq-I S/O Qadar Khan	05-04-1993	FSc	09-01-2020	09-01-2020	
26	Iftikhar Hussain S/O Sajjad Hussain	05-04-1985	FSc	09-01-2020	09-01-2020	
27	Nasir Hussain S/O Mir Afzal	10-04-1993	FA	09-01-2020	09-01-2020	
28	Noor Ul Haq-II S/o HajidAkhunzada	25-04-1993	FSc	09-01-2020	09-01-2020	

SN-5 not eligible


Tehsildar Mahal Upper Kurram

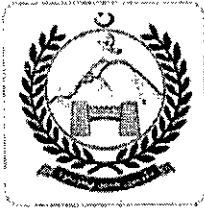

Assistant Commissioner Upper Kurram


Assistant Commissioner Lower Kurram


Additional Deputy Commissioner (G) Kurram

*Attached
7/Jan
S.P.I. De
Kurram*


Deputy Commissioner Kurram



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 974-751ST

Dated: 18-4- /2022

All communications should be
addressed to the Registrar KPK Service
Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

1. The District Account Officer,
Government of Khyber Pakhtunkhwa,
Kurram.
2. Deputy Commissioner,
Government of Khyber Pakhtunkhwa,
Kurram.

Subject: ORDER IN EXECUTION PETITION NO. 57/2020 MR. FIDA HUSSAIN.

I am directed to forward herewith a certified copy of order dated
14.04.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



OFFICE OF THE
COMMISSIONER KOHAL DIVISION
KOHAL

Ph: 0922-9360105
0922-9360212
Fax: 0922-9360105
0922-9360335

Commissioner Kohal Division, Kohal commissionerhht commissionerkohal@govmail.com
Dated: Kohal, Apr. 25 2022.

No. 57 /Reader/Com-K

To
The Deputy Commissioner,
Kurnool.

SUBJECT: JOINT PAIN WISE COMMENTS IN COG NO 702/2022 IN SERVICE APPEAL TITLED AS FIDA HUSSAIN VS DC KURRAM ETC

Number
I am directed to refer to the above noted subject and to say that the petitioner Fida Hussain, partner of District Kurnool challenged the seniority list 2014-2015 vide appeal No.602/2017 in Khyber Pakhtunkhwa Service Tribunal which disposed off the appeal by setting aside the impugned seniority list 2014-15 vide order dated 26-11-2019 which is reproduced as under:-

It merits to mention here that the private respondent (Jamar Khan) was appointed as partner on adhoc basis through order dated 14-09-1988. As his appointment was made on adhoc basis, therefore he was not entitled to be assigned seniority from the date of adhoc appointment. We repeatedly invited attention of the learned counsel for the private respondent to produce any document through which date of his regular appointment could be ascertained but to no avail.

As a sequel to the above, unpagged seniority list 2014-15 is set aside and respondents are directed to draw fresh seniority list in the light of our observations referred to above.

Instead of implementing the order of Service Tribunal, the then DC Kurnool constituted a committee to ponder over the order dated 26-11-2019. In the light of the report of the committee, seniority was issued by the DC Kurnool in which the previous position of the petitioner and the respondent has been kept intact. Now, the Commissioner Kohal Division has expressed great concern over non-implementation of Khyber Pakhtunkhwa Service Tribunal order dated 26-11-2019, as the will definitely create embarrassing situation for the official respondents. I am therefore directed to return herewith the subject pain-wise comments as intimated with the request through Tribunal order dated 26-11-2019 may strictly be implemented before submitting pain-wise comments.

I am further directed to request that such type of matters may personally be attended please.

[Signature]
Secretary to Commissioner,
Kohal Division, Kohal.

Copy forwarded to the

1. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. PS to Commissioner, Kohal Division, Kohal.

[Signature]
Secretary to Commissioner,
Kohal Division, Kohal.



**OFFICE OF THE
DEPUTY COMMISSIONER KURRAM**

No. 95 /Estt/DC(K)
Dated: 01 / 07 /2022

To

The Commissioner
Kohat Division Kohat

**SUBJECT: APPEAL NO.01/2022
COURT OF THE COMMISSIONER KOHAT DIVISION KOHAT
EXECUTION PETITION NO.57/2020 IN SERVICE APPEAL
NO.603/2017 "FIDA HUSSAIN VS DEPUTY COMMISSIONER
KURRAM & OTHERS**

Please refer to the proceedings/orders of the subject honorable court, it is submitted that orders of the Khyber Pakhtunkhwa Service Tribunal dated 26.11.2019 have already been implemented by this office (copy of the implementation report is attached).

The implementation report was also discussed by both the Parties in the Service Tribunal on 09.05.2022 but learned council for Petitioner requested the Tribunal for adjournment in order to argue the case at length. Accordingly adjourned and fixed the case on 04.07.2022 before S.B. for arguments (Copy of order sheet, dated 09.05.2022 attached)

Submitted, please


Deputy Commissioner
District Kurram






Forgoing in view, it is humbly requested that on acceptance of this departmental appeal, the impugned seniority list dated 18-01-2022 issued by the Deputy Commissioner Kurrum may very kindly be rectified/modified to the extent of appellant by placing the name of the appellant at due and proper place i.e at S.No.1 of the seniority list of regular patwari of District Kurrum with all back benefits.

Dated 21-01-2022

Yours obediently



Fida Hussain
Patwari District - Kurrum
Cell # 03069222399



**OFFICE OF THE
COMMISSIONER KOHAT DIVISION
KOHAT**

Ph: 0922-9260001
0922-9260232

Fax: 0922-3260105
0922-9260385

Commissioner Kohat Division, Kohat . commissionerkht commissionerkohat@gmail.com

No. 57 /Reader/Cmr-Kt

Dated Kohat Apr, 05 2022.

To

The Deputy Commissioner,
Kurram.

**SUBJECT: JOINT PARA WISE COMMENTS IN COC NO 70/2022 IN SERVICE
APPEAL TITLED AS FIDA HUSSAIN VS DC KURRAM ETC**

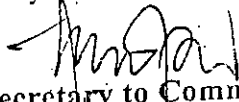
Memo:

I am directed to refer to the above noted subject and to say that the petitioner Fida Hussain, patwari of District Kurram challenged the seniority list 2014-2015 vide appeal No.603/2017 in Khyber Pakhtunkhwa Service Tribunal which disposed off the appeal by setting aside the impugned seniority list 2014-15 vide order dated 26-11-2019 which is reproduced as under:-

"it merits to mention here that the private respondent (Janat Khan) was appointed as patwari on adhoc basis through order dated 14-09-1988. As his appointment was made on adhoc basis, therefore he was not entitled to be assigned seniority from the date of adhoc appointment. We repeatedly invited attention of the learned counsel for the private respondent no 10 (Janat Khan) to produce any document through which date of his regular appointment could be ascertained, but to no avail... As a sequel to the above, impugned seniority list 2014-15 is set aside and respondents are directed to draw fresh seniority list in the light of our observations referred to above."

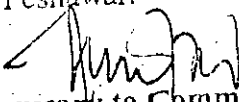
Instead of implementing the order of Service Tribunal, the then DC Kurram constituted a committee to ponder over the order dated 26-11-2019. In the light of the report of the committee, seniority was issued by then DC Kurram in which the previous position of the petitioner and the respondent has been kept intact. Now, the Commissioner Kohat Division has expressed great concern over non-implementation of Khyber Pakhtunkhwa Service Tribunal order dated 26-11-2019 as this will definitely create embarrassing situation for the official respondents. I am therefore directed to return herewith the subject para-wise comments as unsigned with the request that the Tribunal order dated 26-11-2019 may strictly be implemented before submitting para-wise comments.

I am further directed to request that such type of matters may personally be attended, please.


Secretary to Commissioner,
Kohat Division, Kohat.

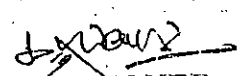
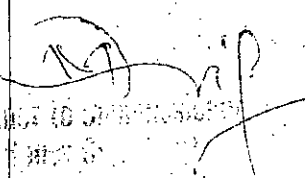
Copy forwarded to the

1. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. PS to Commissioner, Kohat Division, Kohat.


Secretary to Commissioner,
Kohat Division, Kohat.

FORM OF ORDER SHEET

COURT OF COMMISSIONER KOHAT DIVISION KOHAT

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or counsel where necessary
1	2	3
	18-05-2022	<p style="text-align: center;"><u>APPEAL NO-01/2021</u></p> <p style="text-align: center;">FIDA HUSSAIN PATWARI DISTRICT KURRAM, APPELLANT</p> <p style="text-align: center;">VERSUS</p> <p style="text-align: center;">DEPUTY COMMISSIONER, KURRAM RESPONDENT</p> <p>Appellant present. The rep: of Deputy Commissioner Kurram also present. Para wise comments and record submitted by Deputy Commissioner Kurram, perused. From perusal of the record, it is clear that the matter has already been adjudicated in Khyber Pakhtunkhwa Service Tribunal, Peshawar and the said Tribunal has decided the case in favour of the appellant vide order dated 26-11-2019. Moreover execution petition filed by the appellant in connection with the order dated 26-11-2019 is sub judice in the Tribunal. The order of Khyber Pakhtunkhwa Service Tribunal dated 14-04-2022 is also worth mentioning whereby the salary of Deputy Commissioner Kurram has been attached for wrong/non submission of implementation order. Furthermore, mere filing of CPLA in Supreme Court against the Tribunal order without interim relief does not bar the implementation of Tribunal order.</p> <p>Keeping in view the above, the instant appeal is disposed off with the direction to Deputy Commissioner Kurram to implement the order of Khyber Pakhtunkhwa Service Tribunal dated 26-11-2019 as already directed vide office letter bearing No.57/Reader dated 05-04-2022.</p> <p style="text-align: right;"> COMMISSIONER KOHAT DIVISION KOHAT</p> <p style="text-align: center;"></p>

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

**EXECUTION PETITION NO.57/2020
IN
SERVICE APPEAL NO.603/2017**

Mr. Fida Hussain, Patwari,

o/o Political Agent (Now Deputy Commissioner) Kurram-----Petitioner

VERSUS

Political Agent (Now Deputy Commissioner) Kurram & others-Respondents

REQUEST FOR RELEASE (DE-ATTACHMENT) OF SALARY

Respectfully sheweth:

It is submitted that salary of the undersigned was attached due to non- submission of implementation report in the instant case vide orders of the honorable Service Tribunal Khyber Pakhtunkhwa dated.14.4.2022.

The undersigned submitted today the requisite implementation report. It is therefore humbly requested that salary of the undersigned may please be released.

9/5/22
Deputy Commissioner
Kurram

Salary released
9/5/22



**OFFICE OF THE
COMMISSIONER KOHAT DIVISION
KOHAT**

Ph: 0922-9260001-3
0922-9260232

Fax: 0922-9260105
0922-9260385

Commissioner Kohat Division, Kohat commissionerkht commissionerkohat@gmail.com

No. 57 /Reader/Cmr-Kt

Dated Kohat Apr, 2022.

To :

The Deputy Commissioner,
Kurram.

**SUBJECT: JOINT PARA WISE COMMENTS IN CDC NO 70/2022 IN SERVICE
APPEAL TITLED AS FIDA HUSSAIN VS DC KURRAM ETC**

Memo:

I am directed to refer to the above noted subject and to say that the petitioner Fida Hussain, patwari of District Kurram challenged the seniority list 2014-2015 vide appeal No.603/2017 in Khyber Pakhtunkhwa Service Tribunal which disposed off the appeal by setting aside the impugned seniority list 2014-15 vide order dated 26-11-2019 which is reproduced as under:-

"it merits to mention here that the private respondent (Janat Khan) was appointed as patwari on adhoc basis through order dated 14-09-1988. As his appointment was made on adhoc basis, therefore he was not entitled to be assigned seniority from the date of adhoc appointment. We repeatedly invited attention of the learned counsel for the private respondent no 10 (Janat Khan) to produce any document through which date of his regular appointment could be ascertained, but to no avail..

As a sequel to the above, unpuigned seniority list 2014-15 is set aside and respondents are directed to draw fresh seniority list in the light of our observations referred to above."

Instead of implementing the order of Service Tribunal, the then DC Kurram constituted a committee to ponder over the order dated 26-11-2019. In the light of the report of the committee, seniority was issued by then DC Kurram in which the previous position of the petitioner and the respondent has been kept intact. Now, the Commissioner Kohat Division has expressed great concern over non-implementation of Khyber Pakhtunkhwa Service Tribunal order dated 26-11-2019 as this will definitely create embarrassing situation for the official respondents. I am therefore directed to return herewith the subject para-wise comments as unsigned with the request that the Tribunal order dated 26-11-2019 may strictly be implemented before submitting para-wise comments.

I am further directed to request that such type of matters may personally be attended, please.

Secretary to Commissioner,
Kohat Division, Kohat.

Copy forwarded to the

1. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. PS to Commissioner, Kohat Division, Kohat.

Secretary to Commissioner,
Kohat Division, Kohat.



**OFFICE OF THE
DEPUTY COMMISSIONER KURRAM**



0926-310599/310777
0926-310520/311797
dckurram786@gmail.com

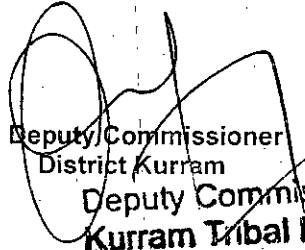
M

No. 204 /DC (Kurram)Supdt:

Dated Parachinar 18/10/1 2022

AUTHORITY LETTER/CERTIFICATE

Mr. Noor Saeed (Superintendent BPS-17) of this office is hereby authorized to attend the Service Tribunal on behalf of the undersigned in case titled "Fida Hussain Vs Deputy Commissioner Kurram" execution Petition No.57/2020.


Deputy Commissioner
District Kurram
Deputy Commissioner
Kurram Tribal District

TO BE SUBSTITUTED FOR NOTIFICATION
BEARING THE SAME NUMBER AND DATE.

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATION WING)

NOTIFICATION

Peshawar, dated the 40th September, 1990

By order of the Secretary to Government, Peshawar, exercising the powers conferred by
Section 26 of the North-West Frontier Province Civil Servants
Act, 1973 (N.W.F.P. ACT XVIII of 1973), the Governor of the
North-West Frontier Province is pleased to direct that in the
West Pakistan (Northern Zone) Patwar Subordinate Service Rules,
1953, the following further amendment shall be made, namely:

AMENDMENT

"In rule 7, for sub rule (1), the following
sub rule shall be substituted, namely:

"(1) Qualification for appointment shall be
as follows:—
(i) the M.A. or equivalent
examination from a recognised Board;

(ii) the Patwar examination from a
Patwar School established in accordance
with Paragraph 3.10 of Land Records Manual;

Provided that the provision of clause (i)
above shall not be applicable to persons who have
passed the Patwar Examination from a Patwar School
established in accordance with paragraph 3.10 of
Land Records Manual fully or partially, and
have been registered as Patwar Candidates by the
Competent Authority in the respective district
on or before the 30th June, 1990.

1990
24/9

with your permission
to be signed by me

Signature

24/9

SECRETARY TO
GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE

2803
1990

BETTER COPY OF PAGE NO.50

TO BE SUBSTITUTED FOR NOTIFICATION
BEARING THE SAME NUMBER AND DATE

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATION WING)

NOTIFICATION

Peshawar, dated the 10th September, 90.

No. SOR(S&GAD)1-22/28:- In Exercise by the powers conferred by section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P Act XVIII of 1973), the Governor of the North West Frontier Province is pleased to direct that in the west Pakistan (Northern Zone) Patwar Subordinate Service Rules, 63, the following further amendment shall be made, namely

AMENDMENT.

"In rule 7, for sub rule (1), the following sub rule shall be substituted namely:

"(1) Qualification:- No person shall be appointed to the Service unless he has passed.

- (i) The F.A. or equivalent examination from a recognized Board;
- (ii) The Patwar examination from a patwar School established in accordance with Paragraph 3 to 10 of Land Records Manual;

Provided that the provision of clause (i) above shall not be applicable to persons who have passed the Patwar Examination from a Patwar School established in accordance with paragraph 3, 10 of Land Records Manual fully or partially, and have been registered as Patwar Candidates by the Competent Authority in the respective districts on or before the 30th June, 1990.

CHIEF SECRETARY TO
GOVT. OF NORTH WEST FRONTIER PROVINCE

337
 23/10/98
 23/10/98

جای نماز

بالمثل حکم انصاف و عدل 23/10/98 عرصہ میں کیا جائے

37

انصاف و عدل کے تحت زمینوں کی تقسیم ہوگی۔ جس میں کسی قسم کی امتیاز نہ ہوگا۔



انصاف و عدل کے تحت زمینوں کی تقسیم ہوگی۔ جس میں کسی قسم کی امتیاز نہ ہوگا۔

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23-20-18-16-11-1-9-4-3-1-20

Land Revenue Act Part III (8)

24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

No. 856/Reader
 dt. 6/4/98

Handwritten signature and date: 01/4/98

359/11/98
 No. dated 01/4/98

Approved
 Muzaffar Khan

Financial Plan
 No. 114/98
 dt. 2-4-98

Submitted to
The worthy P.A. for
for favour of orders.

جسٹس عالیٰ محمد انور کاروانی کا فیصلہ نمبر 28
28
28

APAC

APAC
24/9/97

No 1785/APAC
29.9.97

کسٹمر لینڈ ریٹریو سروس
کلائر کو چیلنج - کسٹمر کی طرف
سے تین ماہ کی مدت ختم ہو رہی ہے
اپنی کی ضمانت کو کسٹمر کی طرف
سے تین ماہ کی مدت ختم ہو رہی ہے
کسٹمر کی طرف سے تین ماہ کی مدت
کسٹمر کی طرف سے تین ماہ کی مدت

کسٹمر لینڈ ریٹریو سروس
کلائر کو چیلنج - کسٹمر کی طرف
سے تین ماہ کی مدت ختم ہو رہی ہے
اپنی کی ضمانت کو کسٹمر کی طرف
سے تین ماہ کی مدت ختم ہو رہی ہے
کسٹمر کی طرف سے تین ماہ کی مدت
کسٹمر کی طرف سے تین ماہ کی مدت

LAND REVENUE ACT, 1997
Probation - A person appointed
to the service against subsistence
warranty shall remain on probation
for a period of two years.
If appointed by initiative
discretionary period
of one year if appointed otherwise

37
رجسٹر اہلکاروں میں کئی سببوں کی وجہ سے رجسٹر
تیار ہو کر سامان خراب ہے۔ جس میں مندرجہ ذیل
خارجی پرکاروں کی فہرست مندرجہ ذیل ہے
20-18-16-12-9-5-3-1
29-33-35
جس میں 29-33-35
جس میں 29-33-35
جس میں 29-33-35

لینڈ ریٹریو سروس
کسٹمر کی طرف سے تین ماہ کی مدت
کسٹمر کی طرف سے تین ماہ کی مدت
کسٹمر کی طرف سے تین ماہ کی مدت
کسٹمر کی طرف سے تین ماہ کی مدت

لینڈ ریٹریو سروس
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اپنی کی ضمانت کو کسٹمر کی طرف
سے تین ماہ کی مدت ختم ہو رہی ہے
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لیسٹ امیدواران از رجسٹر امیدواران بیٹریاں اگروم ایجنسی

نمبر شمار	نام امیدوار اور والدین	تاریخ پیدائش	تاریخ امتحان	نوعیم	امتحان پورا کرنے کا وقت	نمبر کارڈ
1	سید شریف حسین ولد شہزاد علی سید زکریا انور صاحب	18.7.84	6.2.1981	FA	9 10 / 95	19 1 / 88
2	غلام علی ولد علی حسین قوم لسانی سنگھ زبیر الہ خیر	"	"	FA	امتحان پورا کرنے کا وقت	دوسرے ملازمت اختیار کرنے کے قائل افراد رجسٹر ہے
3	شیر علی خان ولد حکیم خان قوم قبیل سنگھ لکھو	"	"	بیٹریٹ	28 11 / 96	15 1 / 90
4	میر افضل ولد شہزاد علی قوم دستوخیل سنگھ امرتسری	"	"	FA	9 10 / 95	15 12 / 87
5	عابد حسین ولد لوفت حسین نگہیں ستواراں	"	"	بیٹریٹ	15 1 / 90	دوسرے ملازمت اختیار کرنے کے قائل افراد رجسٹر ہے
6	نسیان حسین ولد طاہر علی قوم سرگرم سنگھ باراجیہ	"	"	بیٹریٹ	26 4 / 82	امتحان پورا کرنے کا وقت

مستحق برائے 7 بجے PA 94 کا مستحق ہے

دوسرے ملازمت اختیار کرنے کے قائل افراد رجسٹر ہے

دوسرے ملازمت اختیار کرنے کے قائل افراد رجسٹر ہے

شیر علی خان ولد حکیم خان قوم لسانی

فہرست پورا پورا جو اہتمام پورا ہوا اس کے مزید ملازمت کے درمیان سے نکال کر جانے کے لئے لکھا گیا ہے

نمبر	نام پورا کے احوال	تاریخ انصراف	نمبر ملازمت	نوٹس
(1)	سید شریف حسین ولد شہباز علی قوم سید زکریا یونس علی	19-1-88	دس سال	(Rd)
(2)	براق علی ولد شہباز علی قوم مدظل سکھ انور	15-12-87	کیرا 11 سال	
(3)	شہزاد امین خان ولد باز خان لہستانی ملا نام	15-1-90	8 سال	
(4)	عائشہ حسن ولد غلام علی ملکین پورہ حسن زکریا	15-1-90	8 سال	
(5)	عائشہ خان ولد سردار خان ملکین لہریہ	15-1-90	8 سال	
(6)	قرینہ علیہ ولد میر علی دوہڑی علی شہر	15-12-87	کیرا 11 سال	Deceased
(7)	عائشہ حسن ولد خادم حسین علیہ سکھ لہریہ	14-9-88	دس سال	(Rd)
(8)	فتیہ خانہ ولد نادر خان ملکین ڈنڈر ✓	14-9-88	دس سال	
(9)	قدیر علی شاہ ولد سردار شہباز سکھ لہریہ	13-1-92	6 سال	
(10)	شہزادہ خالد ولد حکیم خان مقبل لہریہ	15-1-90	3 سال	Deceased

Mohamedy

لیست اسیدر مذکور

نام اسیدر مع ولایت	تاریخ اسیدر	تاریخ اسیدر	اسم	انفال پورا	تاریخ	کسب
1. نثار حسن ولہ پورہ خدم مگن سگڑال	18-7-84		شریک	انفال پورا میں شریک		
2. سید کاظم حسن ولہ پورہ سید کاظم کلا	18-7-84	25-6-65	شریک	انفال پورا میں شریک		
3. محمد اربین خان ولہ پورہ نسائی ملاح	18-7-84	16-1-66	شریک	باس	15 1/90	
4. عامر حسن ولہ پورہ سید ال	"	3-3-63	FA	" "	15 1/90	
5. عالمگ خان ولہ پورہ سنگن سگرہ	"	12 4/66	شریک	" "	15 1/90	
6. امیر حسن پورہ سید خیل نلام	"	18 3/63	شریک	سنگن	15 1/90	
7. مہاشاد حسن ولہ پورہ سنگن	"	18 3/63	شریک	انفال پورا میں شریک		

انفال پورا میں شریک
انفال پورا میں شریک

انفال پورا میں شریک

لیست امیدواران مدرسه

نام امیدوار و نام والد	تاریخ انشماره	تاریخ مدرسه	نوع	امکان مدرسه	تاریخ	توضیحات
علی حسن و مادر سیده علی مدرسه سید محمد کربلایی	18-7-84	63/65	مدرسه	امکان مدرسه		امکان مدرسه
سید جلال حسن و مادر خانم سید کربلایی	"	63/65	مدرسه	امکان مدرسه		امکان مدرسه
نرمال خان و مادر سید مدرسه سید زین العابدین	"	173/58	مدرسه	باس	15.12.87	
سید محمد حسن و مادر سید احمد حسن سید ماه	"	112/6	مدرسه	امکان مدرسه		
عائش حسن و مادر خانم حسن مدرسه سید زین العابدین	"	153/66	مدرسه	باس	14.9.88	
سید جمال و مادر سید مدرسه سید زین العابدین	296/87	193/63	FA	مدرسه		امکان مدرسه
حنان خان و مادر مادر خان سید زین العابدین	296/87	54/69	مدرسه	باس	14.9.88	

لیست امیدواران خردوار

نام امیدوار و ولادت	تاریخ تولد	نیم	امکان بخور	تاریخ	لشکر
علی حسن ولد سرسبانه گل قوم سید سیکله کرامان	18-7-84	6 ³ / ₆₅	شیرک		امکان بخورین شیرک قابل توجه از هر خردواران است -
سید جلال حسن ولد خان حسن سید کرامان	"	6 ³ / ₆₅	شیرک		امکان بخورین شیرک قابل توجه از هر خردواران است
فرمان علی ولد میرزوی قوم میرزوی ماسر	"	17 ³ / ₅₈	شیرک	15.12.87	امکان بخورین شیرک قابل توجه از هر خردواران است
سید فضل حسن ولد سید علی حسن سید مانه	"	11 ² / ₆	شیرک		امکان بخورین شیرک قابل توجه از هر خردواران است
عائین حسن ولد خادم حسن قوم علی رکی سیکله کرامان	"	15 ³ / ₆₆	شیرک	14.9.88	
سید اقبال ولد سید محمد سید سبک	29 ⁶ / ₈₇	19 ³ / ₆₃	FA		فرمان خان در دماه امکان بخورین شیرک قابل توجه از هر خردواران است
حبیب خان ولد مادر خان گلشن زند	29 ⁶ / ₈₇	5 ⁴ / ₆₉	شیرک	14.9.88	

نام امیدوار و ولادت	تاریخ اندرز کتاب امیدوار	تاریخ سائنس	لحیم	امتحان پورا	نمره	کیسیت
محمد زمان ولد حسن بنم سائنس پوزیٹو لارکنم	29-6-87	5-3-67	FA	پاس 28 1/2 96		
اصل خان ولد عزیز ترم سائنس پوزیٹو لارکنم	"	10-2-63	FA	امتحان پورا پاس		امتحان پورا میں شرکت کرنے والے امیدوار کے
عجاز علی شاہ ولد عزیز سید لارکنم	29-6-87	10-9-87	مرکب	پاس 1995	18 1/2 92	
نور علی ولد عزیز نور علی خان لارکنم	29-6-87	25-3-7	عزیز	امتحان پورا پاس		امتحان پورا میں شرکت کرنے والے امیدوار کے
سید وہاب حسن ولد عزیز ترم سید سید لارکنم	29-6-87	7-9-87	FA	امتحان پورا پاس		امتحان پورا میں شرکت کرنے والے امیدوار کے
نار علی ولد عزیز عزیز لارکنم	29-6-87	1-2-66	FA	امتحان پورا پاس		امتحان پورا میں شرکت کرنے والے امیدوار کے
ن خان ولد عزیز سائنس پوزیٹو لارکنم	29-6-87	2-1-66	FA	امتحان پورا پاس		امتحان پورا میں شرکت کرنے والے امیدوار کے

لیست اساتذہ کرام

ردیف	نام اساتذہ کرام و ولایت	تاریخ انسترو	تاریخ تدریس	نیم	امکان تدریس	تذکرہ	تصنیف
28	حضرت جمال و لڑکانی سید جمال نگین خیر	91/94	15.5/89	FA	نہیں		
29	محمد حسین و لڑکانی اللہ علیہ السلام شیراز	27/94	2.4.89	FA	ہاں	21.7.96	911/95
30	محمد طاہر و لڑکانی خدایا علیہ السلام نایاب	18/95	1.4.68	FA	ہاں		2611/96
31	سید نامیہ و لڑکانی فرحین سید زین العابدین	12/95	28/96	FA	نہیں		2811/96
32	اسرار حسین و لڑکانی عظیم دوبیر کی شیراز	12/95	2.3.68	BSC	ہاں		2611/96
33	فدائیس و لڑکانی منظور حسین نگین شیراز	11/95	15.2.7.	FA	ہاں	21.7.96	910/95
34	افشین و لڑکانی سہیل نگین شیراز	11/95	8.1.83	FA	ہاں		2611/96
35	سیدہ علیہ السلام و لڑکانی سید ابراہیم و لڑکانی سید فرید	11/95	12.3.71	FA	ہاں		910/95

لیست اساتذہ کرام کی تفصیلات درج ذیل ہیں۔

لیسٹ آف ایڈورسرز

شمار	نام ایڈورسز اور سب	تاریخ ایڈورسز	تاریخ سروس	لغتم	امتحان سروس	تقررہ	کیسز
37	ذریعہ خان ولد حاجی عالم خان قوم قبائل سیکرٹری	11.11.95	1.4.92	FA	65	28/11/96	
3	محمد اسحاق ولد حاجی امیر سیکس مرزا خان کلا	12.3.95	2.5.79	مکرم	سٹیشننگ مرزا میں پہلے کا ٹریننگ ٹرک		

Saddar Kamajjo Kumbh
Yr: 25-7-97



**OFFICE OF THE
COMMISSIONER KOHAT DIVISION
KOHAT**

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Commissioner Kohat Division, Kohat Commissionerkht commissionerkohat@gmail.com

No. 507 /RA/Cmr-Kt

Dated Kohat Feb. 25 2022

To

The Deputy Commissioner,
Kurram.

SUBJECT: APPLICATION.

Memo:

I am directed to refer to the above noted subject and to enclose herewith an application, alongwith its enclosures, submitted by Mr. Fida Hussain, Patwari Distt: Kurram, stating therein that he had challenged the seniority of patwaris for the year 2014-15 in Khyber Pakhtunkhwa Service Tribunal wherein the said seniorities for the year 2014-15 were set aside by directing the official respondents to draw fresh seniority list in light of the observations of Service Tribunal. But instead of complying with the observations, the applicant is again placed on his previous position which comes in the purview of Contempt of Court. If someone was aggrieved of the said order of Service Tribunal, he should have challenged it before the August Supreme Court of Pakistan.

I am further directed to request that fresh seniority may be drawn in light of the observations of Khyber Pakhtunkhwa Service Tribunal order dated: 26-11-2019, under intimation to this office, please.

Assistant to Commissioner (Rev/GA)
Kohat Division, Kohat.

Endst: No. & Date Even

Copy forwarded to the PS to Commissioner, Kohat Division, Kohat.

Supds:

DCR

3/3/2022

ESM. Branch

Assistant to Commissioner (Rev/GA)
Kohat Division, Kohat.

کونسل جناب C.O.C صاحب منوع کرم دام ابوالہ

عنوان :- استراض بابت سیناری ٹیٹوریان منوع کرم

Stand on 31.12.2022

Circulated on 27/12/2022 Informed on 28/12/2022 12:31 PM

مذکورہ بالا سیناری کے سلسلہ ذیل نکات عرضی رسالہ ہوں :-

نمبر 1 موجودہ سیناری ٹیٹوریان منوع کرم سیریل نمبر 1 تا سیریل نمبر 6 پر درج شدہ افراد مطابق اپیل نمبر

603/2017 No میں منسلک فیصلہ مورخہ 26/11/2019ء کیسٹ پرائیویٹ اسپانڈنٹس سیریل نمبر 5 تا 11 میں

جنکو عدالت نے حروف نے ایڈناک بحقیقہ شدہ قرار دیا ثابت کیے ہیں۔ انکی کوئی سیناری ٹیٹوریان منوع کرم نہیں ہے۔

جیکر یہاں منوع کرم کے آئٹمز بالائے سیناری ٹیٹوریان میں شامل کر کے من ذرا حسین ٹیٹوریان ایسٹ

اپیل نمبر 603/2017 (مذکورہ) سے سنٹینر بھی لکھے گئے ہیں جو کہ سر اسر علی اور لوہین حکم فیصلہ

عدالت سررس ٹریبونل KPK کی ہے۔

نمبر 2 :- من ذرا حسین اپیل نمبر 603/2017 No فیصلہ مورخہ 26/11/2019ء میں باقاعدہ طور پر ریگولر بحقیقہ قرار دیا گیا ہے۔

خنداری سیناری ٹیٹوریان سنٹینر ٹاچا ہوں۔ چھ سیریل نمبر 8 پر سنٹینر منصفانہ اور بے قاعدہ ہے ہذا بطور طریقہ پر جو نہیں کیا گیا ہوں۔

نمبر 3 :- سر اسر مذکور بالا رد فیڈ بک تقرراً از اپیل نمبر 603/2017 No فیصلہ مورخہ 26/11/2019ء سیر 26/11/2019ء

Petition No 57 میں حکم مورخہ 19/11/2022ء کو جو وہ سیناری ٹیٹوریان سال 2022ء کو نوٹولات کی صورت میں پاس

حکم مذکور کی روشنی میں C.O.C Petition No 70 میں حکم مورخہ 25/11/2022ء جس میں باقاعدہ نوٹس

آجیٹب کو بھی لکھی ہے۔ کی نوٹولات شامل ہونا قابل ملاحظہ ہیں۔

نمبر 4 :- موجودہ سیناری ٹیٹوریان نام مذکور نام قبول ہے۔ حکم سررس ٹریبونل مورخہ 26/11/2019ء کی نوٹس لکھی ہے۔

نمبر 5 :- اپیل نمبر 603/2017 No فیصلہ مورخہ 26/11/2019ء کی سنٹینر (سات) کی روشنی میں تمام اسپانڈنٹس

جو کہ ایڈناک اور غیر کو ایڈناک برائے سیناری ٹیٹوریان منوع کرم ٹیٹوریان قرار دینے کے ہیں۔ کو سیناری ٹیٹوریان سے نکال دینے جاویں۔

تالیجاہ۔ مطابق حکم سررس ٹریبونل مورخہ 26/11/2019ء منوع کرم کے حملہ مال ٹیٹوریان کی سیناری ٹیٹوریان سے درست کیا گیا۔

واجباً عرضی ہے۔
منجانب ذرا حسین ٹیٹوریان
0306 9222 399

- 1. S.M.B.R KPK
- 2. ایسیٹ سکریٹری S.M.B.R
- 3. منشی صاحب نوٹس
- 4. راجندر صاحب ٹریبونل KPK
- 5. ایسیٹ سکریٹری A.C.E
- 6. ایسیٹ سکریٹری A.C.3
- 7. ایسیٹ سکریٹری A.D.C
- 8. ایسیٹ سکریٹری A.C.5

To

The Commissioner
Kohat Division
Kohat

Subject:- DEPARTMENTAL APPEAL AGAINST THE FINAL SENIORITY LIST OF REGULAR PATWARI DISTRICT KURRUM AS STOOD/ISSUED ON 18-01-2022

R/Sir,

Kindly refer to seniority list of patwari of District Kurrum dated 18-01-2022 issued by the Deputy Commissioner Kurrum, in this context the following facts are submitted for your kind information and necessary action/compliance of verdict of the august Service Tribunal Khyber Pakhtunkhwa :-

1. That the issue in hand is inter-se seniority of the appellant and private respondents mentioned at S.No.1 to 7 of the impugned seniority list. That the private respondents have been made senior to the appellant despite the facts that the appellant is a regular employee while the private respondents were appointed on adhoc basis.

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action
Dated 24/11/2022

Secy:	
ACF	
ACP	
AO	

2. That the case in hand remained under adjudication in the Hon'able Services Tribunal and finally decided on 26-11-2019, the crux of which is that "the appellant after passing partwar examination and enlistment of his name in patwar register was appointed as patwari on regular basis vide order dated 21-07-1996 but in the seniority list for the year 2014-15 transmitted to the appellant vide communication dated 21-01-2017, it was observed that the private respondents were shown senior to the appellant against the in-vogue procedure. Astonishingly the private respondents were appointed as patwari on adhoc basis, through order dated 14-09-1988. as such they are not entitled to be assigned seniority from the date of appointment in preference to the appellant as the services of the private respondents have not been regularized.

3. That the august Service Tribunal vide its judgment dated 26-11-2019 has set aside the seniority list of the year 2014-15 with strict direction to the respondent department to draw a fresh seniority list in light of observations of court as explained above.

4. That the present seniority list is violative of the judgment of the august Service Tribunal dated 26-11-2019 and also violative of Section 6,7 & 8 of the Civil Servants Act, 1973. Moreover, the instant seniority list is violative of rules 15 & 17 of the Khyber Pakhtunkhwa Appointment Promotion & Transfer Rules, 1989.

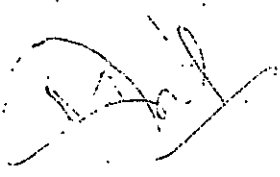
Forgoing in view, it is humbly requested that on acceptance of this departmental appeal, the impugned seniority list dated 18-01-2022 issued by the Deputy Commissioner Kurrum may very kindly be rectified/modified to the extent of appellant by placing the name of the appellant at due and proper place i.e at S.No.1 of the seniority list of regular patwari of District Kurrum with all back benefits.

Dated 21-01-2022

Yours obediently



Fida Hussain
Patwari District Kurrum
Cell # 03069222399






NOTICE TO FOLLOW

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COMMISSIONER KOHAT DIVISION
KOHAT**

 Commissioner Kohat Division, Kohat  commissionerkht  commissionerkohat@gmail.com

No. 57 /Reader/Cmr-Kt

Dated Kohat Apr, 05 2022.

To

The Deputy Commissioner,
Kurram.

**SUBJECT: JOINT PARA WISE COMMENTS IN COC NO 70/2022 IN SERVICE
APPEAL TITLED AS FIDA HUSSAIN VS DC KURRAM ETC**

Memo:

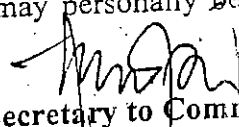
I am directed to refer to the above noted subject and to say that the petitioner Fida Hussain, patwari of District Kurram challenged the seniority list 2014-2015 vide appeal No.603/2017 in Khyber Pakhtunkhwa Service Tribunal which disposed off the appeal by setting aside the impugned seniority list 2014-15 vide order dated 26-11-2019 which is reproduced as under:-

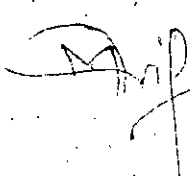
“it merits to mention here that the private respondent (Janat Khan) was appointed as patwari on adhoc basis through order dated 14-09-1988. As his appointment was made on adhoc basis, therefore he was not entitled to be assigned seniority from the date of adhoc appointment. We repeatedly invited attention of the learned counsel for the private respondent no 10 (Janat Khan) to produce any document through which date of his regular appointment could be ascertained, but to no avail...”

As a sequel to the above, impugned seniority list 2014-15 is set aside and respondents are directed to draw fresh seniority list in the light of our observations referred to above.”

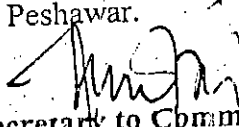
Instead of implementing the order of Service Tribunal, the then DC Kurram constituted a committee to ponder over the order dated 26-11-2019. In the light of the report of the committee, seniority was issued by then DC Kurram in which the previous position of the petitioner and the respondent has been kept intact. Now, the Commissioner Kohat Division has expressed great concern over non-implementation of Khyber Pakhtunkhwa Service Tribunal order dated 26-11-2019 as this will definitely create embarrassing situation for the official respondents. I am therefore directed to return herewith the subject para-wise comments as unsigned with the request that the Tribunal order dated 26-11-2019 may strictly be implemented before submitting para-wise comments.

I am further directed to request that such type of matters may personally be attended, please.

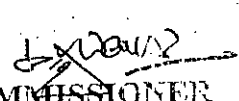
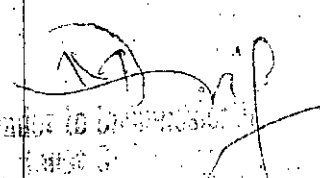

Secretary to Commissioner,
Kohat Division, Kohat.


Copy forwarded to the

1. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. PS to Commissioner, Kohat Division, Kohat.


Secretary to Commissioner,
Kohat Division, Kohat.

FORM OF ORDER SHEET
COURT OF COMMISSIONER KOHAT DIVISION KOHAT

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or counsel where necessary
1	2	3
	18-05-2022	<p style="text-align: center;"><u>APPEAL NO-01/2021</u></p> <p style="text-align: center;">FIDA HUSSAIN PATWARI DISTRICT KURRAM ..APPELLANT</p> <p style="text-align: center;">VERSUS:</p> <p style="text-align: center;">DEPUTY COMMISSIONER, KURRAM RESPONDENT</p> <p>Appellant present. The rep: of Deputy Commissioner Kurram also present. Para wise comments and record submitted by Deputy Commissioner Kurram, perused. From perusal of the record, it is clear that the matter has already been adjudicated in Khyber Pakhtunkhwa Service Tribunal, Peshawar and the said Tribunal has decided the case in <u>favour of the appellant</u> vide order dated <u>26-11-2019</u>. Moreover execution petition filed by the appellant in connection with the order dated <u>26-11-2019</u> is sub judice in the Tribunal. The order of Khyber Pakhtunkhwa Service Tribunal dated <u>14-04-2022</u> is also worth mentioning whereby the salary of Deputy Commissioner Kurram has been <u>attached for wrong/non submission of implementation order</u>. Furthermore, mere filing of CPLA in Supreme Court against the Tribunal order without interim relief does not bar the implementation of Tribunal order.</p> <p>Keeping in view the above, the instant appeal is disposed off with the direction to Deputy Commissioner Kurram to <u>implement the order of Khyber Pakhtunkhwa Service Tribunal dated 26-11-2019</u> as already directed vide office letter bearing No.57/Reader dated 05-04-2022.</p> <div style="text-align: right; margin-top: 20px;">  COMMISSIONER KOHAT DIVISION KOHAT </div> <div style="text-align: left; margin-top: 20px;">  <small>DEPUTY COMMISSIONER</small> <small>KOHAT DIVISION KOHAT</small> </div>