

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWARAppeal No. **11823/2020**

Date of Institution ... 07.10.2020

Date of Decision ... 21.10.2021

Muhammad Niaz (Naib Qasid) Office of Sub Registrar Haripur  
... (Appellant)

VERSUS

The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar and  
six others. ... (Respondents)Present

Syed Noman Ali Bukhari, Advocate. ... For appellant

Mr. Muhammad Adeel Butt,  
Addl. Advocate General ... For respondentsMR. AHMAD SULTAN TAREEN ... CHAIRMAN  
MR. SALAH-UD-DIN, ... MEMBER (J)JUDGMENT

**AHMAD SULTAN TAREEN, CHAIRMAN:**-The appellant has invoked the jurisdiction of this Tribunal through service appeal described above in the heading with the prayer as copied below:

*"That on acceptance of this appeal, the respondents may be directed to pay the monthly salaries to the appellant with effect from June-2010 till date and onward being on the strength of department and performing duty with entire satisfaction of his*



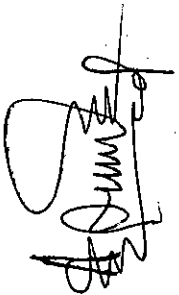
***superior. Any other remedy which this august tribunal deems fit and appropriate that may also be awarded in favor of appellant."***

2. The factual account, as given in the memorandum of appeal and deducible from copies of the supporting documents annexed with appeal taken in nutshell is, that several post were created in the Revenue Department for Registration Staff which among others include one post of *Naib Qasid* created for the office of Sub Registrar, Haripur, for which appellant having SSC certificate applied and he was appointed against the said post by order of Respondent No. 1 vide order dated 03.06.2020 issued by the Assistant Secretary (Estt), Board of Revenue, Khyber Pakhtunkhwa, Peshawar. The appellant reported his arrival in pursuance to his appointment order, he was medically examined and his charge report was forwarded to all concerned including Respondents No. 4 & 5. He after taking over the charge started to perform his duty and his first due salary was transferred to bank. Thereafter, the salary of appellant was stopped for unknown reason despite the fact that he is regularly performing his duties since his appointment. The appellant submitted several applications for release of pay but in vain, lastly the he filed departmental appeal on 26.06.2020 which was not responded within statutory period of 90 days. Having no response towards the departmental appeal within 90 days, the appellant on its presumptive rejection on expiry of 90 days approached this tribunal in pursuit of next remedy. After admission of the appeal for regular hearing, the respondents were put on notice for attendance who turned up and filed their written reply refuting the claim of appellant for the relief prayed for and requested for dismissal of the appeal with cost.



3. We have heard the arguments and perused the arguments.

4. The arguments advanced on behalf of appellant precisely lay emphasis on the points that he was properly appointed by order of Senior Member Board of Revenue, Khyber Pakhtunkhwa an ultimate authority in the Revenue Department. The copy of the order among others was forwarded to the District Officer R&E/Collector, Haripur as then he was (Respondent No. 4) and to the Senior District Accounts Officer, Haripur (Respondent No. 5). The former acted upon the order by accepting charge report of the appellant followed by preparation of his service book and sending of the HR Source-I to the latter for activation of appellant's salary. The respondent No.5 also acted upon the source sent to him by the respondent No.4. However for unknown reasons, the salary of the appellant was stopped despite allotment of personal number by the Accounts Office and crediting of the first salary to the bank account in light of the allotted personal number, which subsequently was blocked. It was further argued that the appellant kept the issue of stoppage of his salary pursuing through different applications at different levels of department hierarchy but none of them paid heed to his applications despite the fact his appointment order was/is in field. The appellant did not leave his post and he is performing his duties since his appointment which fact is evident from certificate of the Sub-registrar, Haripur issued vide No.62/SR dated 24.09.2020 in specific terms that the appellant is working in his office since 2010. It is the lawful right of the appellant to receive salary of the duty being rendered by him continuously on his post. The appellant's counsel concluded his arguments with the submission that acts and omissions on



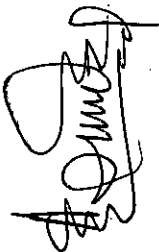
part of the departmental authorities are against the facts and law and the appeal as filed with particular facts and grounds is worth acceptance.

5. It was argued on behalf of respondents that the appellant was not appointed by any valid order of the competent authority showing the compliance of codal formalities. The appellant by production of a fake/bogus order of appointment managed to get his salary activated which was got reversed by a letter of respondent no.4 addressed to the respondent no.5. It was further argued that the certificate of the duty furnished by the appellant with his appeal is misleading as he per order dated 22.02.2019 is performing duty in the office of sub-registrar on behalf of TMA, Haripur which is evident from the copy of the order annexed with the comments. Concluding the arguments on behalf of respondents learned AAG submitted that the departmental authorities have not owned the appointment order of the appellant and this, he has got no cause of action for the instant appeal and he by his conduct appears to have come to the Tribunal with unclean hands, making his appeal liable to dismissal with cost.

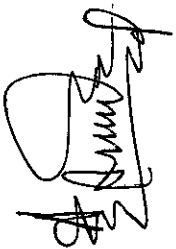
6. Having heard the arguments and perused the record with due regard to arguments of both sides, we deem it necessary to attend certain facts conspicuous on the face of available record in the context of chronology of the dispute. The dispute obviously ensues from issuing of the appointment order of the appellant on 03.06.2010 vide No.11001-6/Admn:II/PF(N) of even date. The joining report as annexed with the appeal reveals that the appellant reported for duty on 04.06.2010. He was taken on duty on same day as his joining report was affirmed and forwarded by the Sub Registrar, Haripur to Assistant Secretary Establishment Board of Revenue who issued



the appointment order as well as to the Director Land Record and the District Officer Revenue & Estate Haripur among others. It is also on record that the Service Book of the appellant was prepared which bears the relevant entries under signature of the District Officer Revenue & Estate and the Senior District Accounts Officer, Haripur. Although the copy of service book was not annexed with the memorandum of appeal but learned counsel while referring the same in his arguments produced the original service book along with its copy. The original was returned and the copy was placed on file. The appellant has also annexed with the appeal the computerized salary slip issued by the Account Office. Accordingly, the salary for the month of June-2010 through source of District Officer Revenue & Estate was credited in the bank account of the appellant. The preparation of the Service Book and source for salary are impliedly admitted in the letter dated 14.06.2010 as annexed with the comments/reply of the respondents as supporting document. It is maintained in the said letter of the District Officer Revenue & Estate that the Service Book as well Source-I etc. duly filled and signed by him, and submitted in office of the addressee (Respondent No. 5) for inducting the name of Mr. Muhammad Niaz against the post of Naib Qasid, were erroneously signed. A copy of the letter No.2558/DOR(H) Dated 09.09.2010 was produced during the course of arguments and placed on file on behalf of the appellant. The said letter also reveal that it was addressed to the Executive District Officer Finance & Planning, Haripur by the Respondent No. 4 as then he was. It was stated therein that one Mr. Muhammad Niaz S/O Muhammad Ashraf R/O Village Pharalla, Tehsil & district, Haripur was inducted as Naib Qasid (BPS-2) in Office of Sub Registrar, Haripur as per order passed by the worthy SMBR,

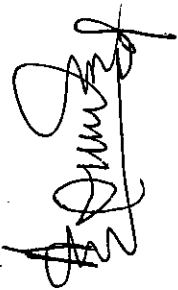


Khyber Pakhtunkhwa (Respondent No. 1) bearing No.11001-6/Admn:II/PF(N) Dated 03.06.2010. Copy of the appointment letter was also enclosed with the said letter. The enclosure of copy of the appointment order of appellant with the said letter gives rise to inference that the respondent No.4 was in receipt of the copy of said appointment order as endorsed to him. It was further stated in the letter dated 09.09.2010 that the District Account Office, Haripur has accommodated the Naib Qasid in the system, but on account of non-clarity of the post, the intimation was conveyed immediately for non-activating the data of said individual. Consequently, his name was conditionally deleted till its confirmation from the Finance Department. However, the respondents have evasively denied the appointment of appellant and may be for this reason they did not annex the said letter with their comments but the same if read with the admitted letter dated 14.06.2010, it appears that the respondent No. 4 after having got the salary of appellant stopped was finding ways to deal with the issue created by him. Anyhow, the issue was created by the respondent No. 4 and he was supposed to settle the same which for no obvious reasons remained unresolved. There is a copy of application dated 27.01.2011 as annexed with the memorandum of appeal, which the appellant submitted to the respondent No.3 i.e. the Deputy Commissioner, Haripur. Accordingly, the appellant made submissions about performance of his duties since 2010 in office of Sub Registrar, Haripur and solicited for release of his salary. Thereafter, he submitted several other application to different higher authorities seeking for release of his salary. The copy of official correspondence relating to the application of the appellant are also available on file as annexed with the appeal. There is letter bearing No.10584-90



dated 28.10.2019 issued by the Director Land Records, Board of Revenue in the name of Deputy Commissioner, Haripur, whereby, the application containing request of the appellant for release of salary was forwarded to the Respondent No. 3 along with enclosures for report. There is copy of the reminder bearing No.LR-IV/R.Muharrir/P&T/201-2 Dated 10.07.2020 whereby the Director Land Record requested the Deputy Commissioner/District Registrar, Haripur to expedite the matter for requisite comments in pursuance to the letter dated 28.10.2019. The fact of this correspondence between the Director Land Record and the Deputy Commissioner has been admitted by the respondents in their comments vide para-4 thereof and copies thereof were also annexed with the comments.

7. We are mindful of the position taken by the respondents in their comments and repeated in their arguments at the bar but we are afraid to carry their standpoint as to fakeness of the appellant's appointment order which in view of the substantive record as discussed here in above seems to be evasive. If one does not go beyond the perusal of the copies of the correspondence and record annexed with the plaint, even then the denial of appointment of appellant would not be justified. The respondent No.4 as then he was admitted vide letter dated 14.06.2010 that he signed the Service Book and the Source-I etc for inducting the name of appellant against the post of Naib Qasid but with the rider that it was erroneously signed. It is there in the said letter of respondent No.4 addressed to the respondent No.5 that there was only one sanctioned post of Naib Qasid after the retirement of Abdul Rahman Naib Qasid w.e.f. 29.05.2010 and



subsequently his son was appointed against the quota of retired Class-IV son. His case is pending due to the reason that he did not open account for the salary purpose. So it was requested that data of Mr. Muhammad Niaz Naib Qasid may not be fed in computer for salary *etc.* henceforth. The respondent No.4 nowhere mentioned in the said letter that appointment order of appellant was fake or bogus. In subsequent letter dated 09.09.2010 as produced before us during the course of arguments and discussed here in above, the respondent No.4 admitted the appointment of appellant having been made by worthy SMBR Khyber Pakhtunkhwa (Respondent No. 1) with reference to the number and date of the appointment order. The only hardship which could barely be felt from the correspondence of respondent No.4 was about availability of the post to actualize the appointment order of the appellant. We are at loss to understand that if the appointment of son of one Abdul Rehman retired Class-IV was made against the post having become vacant in the office of respondent No.4 and his son was appointed on same post, what business it had got to do with appointment of the appellant which as per his appointment order dated 03.06.2010 was made in the office of Sub Registrar, Haripur against vacant post. During the course of proceeding of appeal, when we asked about availability of appointment order of son of retired employee Mr.Abdul Rehman referred in letter dated 14.06.2010 as annexed with the comments, the learned AAG sought time for procurement of copy said order from the concerned quarter. So, the proceedings were adjourned vide order dated 13.09.2021 for the next date on 22.09.2021 to afford the respondents with the opportunity to procure and produce the copy of said order which they produced on 22.09.2021. The said





appointment order as procured and produced on behalf the respondents discloses that one Mr. Muhammad Naeem S/O Abdur Rehman r/o of Bandi Munim, Tehsil and District Haripur was appointed thereby as Naib Qasid (BPS-1) against retired employees' son quota but there is no indication of a particular vacancy therein. Rather the afore-named appointee was required to assume the duty of Naib Qasid in the department on 30.05.2010 certainly without any clue about the existence of post in any particular office of the department. The respondents when apprised that how one could infer that, in view of a specific vacancy filled by appointment order of the appellant whether right or wrong in terms of procedures, the appellant had crossed the way of appointee namely Muhammad Naeem; they could not assist the learned AAG to convince us on the said point. As far question as to relevancy of the post in appointment order of the appellant and that of Mr. Muhammad Naeem is concerned, it is not possible by any stretch of imagination to find a matching between the two orders, which in view of their distinctive nature are not mutually exclusive. As already pointed out herein above that preparation of the Service Book of appellant is not disputable because of admission of the Respondent No. 4 as then he was, in his correspondence having come under discussion here in this judgment. The entry of the appointment order of appellant in his Service Book as brought on record before us was made under signature and official stamp of the Respondent No. 4 and was endorsed by the Senior District Accounts Officer (Respondent No. 5) under his signatures and stamp of the office for Source-I pay. The performance of duty on the post of Naib Qasid in the office of Sub Registrar, Haripur by the appellant since his appointment is proved by cogent evidence of the copies of attendance register and


certificate of the Sub Registrar. The respondents have not been able to rebut the genuineness of said supporting record except evasive denials. We have not been apprised on the basis of record that any step has been taken so far to disprove the genuineness of the appointment order of the appellant. Even otherwise, we have no doubt about the external genuineness of the appointment order of the appellant issued by order of Respondent No. 1, which if otherwise suffers from any deep-down procedural flaw, is now not at risk of its undoing when it was implemented by the authorities then at helms of affairs i.e. the Respondents No. 4 and 5 in their respective domains. Having held so, we deem it useful to have recourse to Section 17 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 to ascertain the viability of the prayer of the appellant as reproduced at the very outset in this judgment herein above. It is the clear mandate of said section of law subject to exceptions that a civil servant appointed to a post shall be entitled, in accordance with the rules, to the pay sanctioned for such post. So, the appellant having held the post of Naib Qasid in office of the Sub Registrar and having performed his duty regularly on the said post since his appointment is legally entitled for the pay sanctioned for the said post. However, if the pay sanctioned for the said post was drawn by the Drawing and Disbursing Officer by allotment of position code to some other employee of the local department, option is given to the appellant, subject the observation herein after, to claim the arrears of pay against a supernumerary post to be got sanctioned by the relevant authority or he may forgo his claim obviously with reservation of right for period-wise verification of his service in his Service Book by the concerned authorities for protection of his past service and periodical increments for fixation of



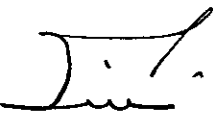
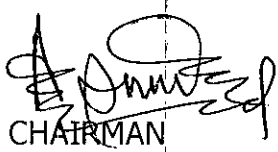
pay to be drawn henceforth. With this operative observation as to option of the appellant, it is further observed that after his having invoked the jurisdiction of this Tribunal for adjudication of his entitlement for pay, it would be unfair to deprive him from the pay since the date of institution of his present service appeal in the Tribunal i.e. 01-10-2020. Therefore, he is held entitled for the pay accordingly.

8. For what has gone above, the appeal at hand is accepted in the light of operative observations of this Tribunal and consequently it is directed in exercise of jurisdiction under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 that current salary of the appellant be restored from now instantly with payment of the arrears of pay since 01-10-2020; and the appellant will be at liberty to exercise his option for arrears of salary for the period backward from 01-10-2020 till the date when he took over charge of the post after his appointment. However, he shall not delay the exercise of such option beyond 60 days from the date of this judgment. There is no order as to cost. File be consigned to the record room.

  
(SALAH-UD-DIN)  
Member(J)

  
(AHMAD SULTAN TAREEN)  
Chairman

ANNOUNCED  
21.10.2021

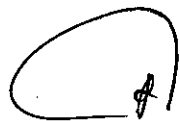
S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	21.10.2021	<p><u>Present.</u></p> <p>S. Noman Ali Bukhari, ... For appellant Advocate</p> <p>Mr. Muhammad Adeel Butt, ... For respondents. Addl. Advocate General</p> <p>Vide our detailed judgment of today, the appeal at hand is accepted in the light of operative observations of this Tribunal and consequently it is directed in exercise of jurisdiction under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 that current salary of the appellant be restored from now instantly with payment of the arrears of pay since 01-10-2020; and the appellant will be at liberty to exercise his option for arrears of salary for the period backward from 01-10-2020 till the date when he took over charge of the post after his appointment. However, he shall not delay the exercise of such option beyond 60 days from the date of this judgment. There is no order as to cost. File be consigned to the record room.</p> <p style="text-align: center;">   (SALAH-UD-DIN)  Member(J) </p> <p style="text-align: right;">   CHAIRMAN </p> <p><u>ANNOUNCED</u> 21.10.2021</p>

13.09.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional A.G alongwith M/S Tayyab Gul Superintendent and Muhammad Afzal Assistant for respondents present.

When asked about availability of appointment order of son of retired employee Mr. Abdur Rehman referred in letter dated 14.06.2010 annexed with the comments, the learned A.A.G seeks time for procurement of copy of the said order from the concerned quarter. To come up on 22.09.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

22.09.2021

Appellant with counsel present.

Muhammad Adeel Butt learned Additional Advocate General alongwith M/S Muhammad Arif Superintendent and Muhammad Afzal Assistant for respondents present.

Representative of respondent No.3 has produced the copy of appointment order required for furnishing vide previous order. Learned A.A.G seeks time to take up the matter with departmental authorities to settle the matter in house, if possible. Request is accorded. To come up on 21.10.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

16.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 25.05.2021 before S.B.


  
Reader

25.05.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Naseeb Khan, S.O for the respondents present.

Representative of the respondents requests for adjournment to submit written reply/comments. The respondents are required to submit written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 13.09.2021 before the D.B.

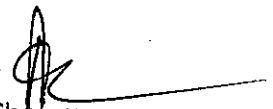
*Stipulated time has been passed and reply has not been submitted.*

  
Chairman

P.S

08.06.2021

Learned Addl. A.G be reminded about the omission and for submission of reply within extended time of 10 days.


  
Chairman

*8/6*

13.11.2020

Nemo for the appellant.

Since the Members of the High Court as well as of the District Bar Associations, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 28.01.2021 on which date to come up for preliminary hearing before S.B.

  
(Muhammad Jamal Khan)  
Member (Judicial)

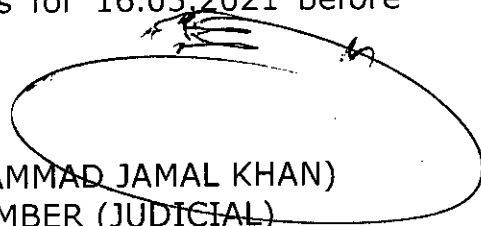
28.01.2021

Appellant is present alongwith his counsel namely, Syed Noman Ali Bukhari, Advocate.

In abridgment of what has been thrust at the bar by the learned counsel representing appellant is that on being inducted into service as Naib Qasid initially he was paid salary but later on no order with regard there to was passed despite having moved a number of applications to this effect in addition to bringing of the matter into the notice of the authority at the helm of affairs but to no avail. That he is rendering his duties regularly which is testified from the enclosed entries in the attendance register, departmental appeal was moved on 26.06.2020 which has not been responded within the statutory period of 90 days followed by the instant service appeal as having no other adequate remedy.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 16.03.2021 before

S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

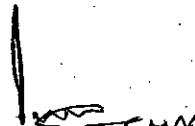

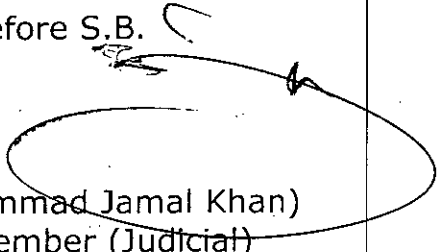
Appellant Deposited  
Security & Process Fee

Form- A

FORM OF ORDER SHEET

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

Case No.- 1/823 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2020	<p>The appeal of Mr. Muhammad Niaz presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 7/10/2020</p>
2-	8-10-2020	<p>This case is entrusted to S. Bench. for preliminary hearing to be put up there on <u>23-10-2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
23.10.2020		<p>Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, the case is adjourned to 13.11.2020 on which date to come up for preliminary arguments before S.B.</p> <p style="text-align: right;"> (Muhammad Jamal Khan) Member (Judicial)</p>



(1)

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

Execution Petition No. 389 /2021  
In Service Appeal No.1183/2020

Mr. Muhammad Niaz (naib Qasid) S/o Muhammad Ashraf  
O/o Sub-Registrar Haripur  
R/o Vilage Pharla District Haripur.

**PETITIONER**

**VERSUS**

1. The SMBR, Khyber Pakhtunkhwa, Peshawar.
2. The Director Land record, Board of revenue.
3. The Deputy Commissioner, Haripur.
4. The District Account officer Haripur.
5. The Secretary finance, Govt of KP, civil Secretariat Peshawar.
6. The Sub-registrar Revenue deptt, Haripur.

**RESPONDENTS**

.....

**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED: 21.10.2021 OF THIS  
HONOURABLE TRIBUNAL IN LETTER AND  
SPIRIT.**

.....

**RESPECTFULLY SHEWETH:**

1. That the petitioner/ appellant has filed Service Appeal in this august Service Tribunal for releasing of pay with arrears.
2. That the said appeal was finally heard on 21.10.2021. The Honorable Tribunal was kind enough to accept the appeal and the current salary of appellant restored from now with payment of arrears of pay since .01.10.2020 till the date. (Copy of Judgment is attached as annexure-A).
3. That in-action and not fulfilling formal requirements by the respondent after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.

22<sup>nd</sup> July 2022

1. Petitioner in person present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Muhammad Ijaz, Supdt and Mr. Naseeb Khan, SO for respondents present.

2. Mr. Muhammad Ijaz, Supdt office of Deputy Commissioner, Haripur present and submitted an undertaking in writing that there was no vacancy at present so that the petitioner could be adjusted in compliance with the judgment of this Tribunal. However, it was given in writing that promotions were going to be made in the next week and some posts will fall vacant. He assured that against the posts going to be vacated upon the promotion, petitioner would be adjusted. On the said assurance the petitioner was satisfied. The respondents are thus directed to adjust the petitioner in compliance with the judgment on a post soon after its vacation. In case the matter is delayed for more than one month and implementation is not made, the petitioner may come again to this Tribunal for implementation of judgment. Disposed of accordingly. Consign.

3. *Pronounced in open court in Camp Court Abbottabad and given under my hand and seal of the Tribunal on this 22<sup>nd</sup> day of July, 2022.*



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2020

Muhammad Niaz

V/S

Revenue Deptt.

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**APPELLANT**

Muhammad Niaz

THROUGH:

**(SYED NOMAN ALI BUKHARI)**  
**ADVOCATE HIGH COURT**

Room No. Fr-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar Cantt:  
Contact No. 03065109438

①

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 11823 /2020

Mr. Muhammad Niaz (NAib Qasid) S/o Muhammad Ashraf  
O/o Sub-Registrar Haripur  
R/o Village Pharla District Haripur .

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11318

Dated 07/10/2020

(Appellant)

**VERSUS**

1. The Senior Member of Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. THE Director Land record Board of revenue.
- ✓ 3. The Deputy Commissioner, Haripur.
4. The District Officer, Revenue and estate collector Haripur.
5. The District Account officer Haripur.
6. The Secretary Finance, Govt: of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
7. The Sub-Registrar, Revenue Deptt, Haripur.

(Respondents)

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**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 FOR NOT GRANTING MONTHLY SALARIES TO THE APPELLANT FROM JUNE 2010 TILL DATE & AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

**THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO PAY MONTHLY SALARIES TO THE APPELLANT WITH EFFECT FROM JUNE 2010 TILL DATE AND ONWARD BEING ON THE STRENGTH OF DEPARTMENT AND PERFORMING DUTY WITH ENTIRE SATISFACTION OF HIS SUPERIOR. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOR OF APPELLANT.**

(2)

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That in revenue deptt for registration staff several post were created wherein one post of Naib Qasid has been created in Haripur, for which appellatant having SSC certificate applied for appointment and appellatant was appointed against the post of Naib Qasid in Haripur vide order dated 03.06.2020. **copy of created posts list, SSC certificate and appointment order is attached as annexure-A, B & C.**
2. That thereafter appellatant properly submitted medical report and charge report and after taking charge appellatant start performing his duties quite efficiently and with entire satisfaction of his superior. **Copy of arrival report and medical is attached as annexure- D & E.**
3. The first month salary of the appellatant was transferred to bank, thereafter the appellatant salary was stopped for unknown reason despite that the appellatant has been regularly performing his duties till date since appointment. **Copy of salary slip, attendance register and duty certificate is attached as Annexure-F, G & H.**
4. That thereafter appellatant submitted several application for releasing of pay but in vain, lastly the appellatant filed departmental appeal on 26.06.2020 which was not responded within statutory period of 90 days. So the appellatant having no other alternate remedy but o file this service appeal on the following grounds amongst the others **Copy of applications and departmental appeal is attached as as Annexure-I & J.**

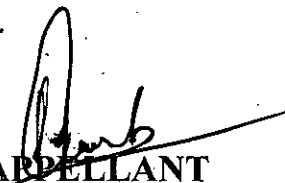
**GROUND:**

- A) That not paying the monthly salaries to the appellatant despite that the appellatant was on the strength of the Department and not taking any action on the departmental appeal of the appellatant, is against the law, facts, norms of justice, therefore, not tenable.
- B) That not paying the monthly salaries to the appellatant despite that the appellatant was on the strength and performed his duty, actually

amounts to an arbitrary act on the part of the respondents which is not tenable in the eyes of law.

- C) That from the attendance register and service certificate it is clear that the appellant regularly performing his duties, so not giving salaries to the appellant is amount to force labor and which is violation of Article- of the Constitution Islamic Republic of Pakistan.
- D) That the appellant has not been treated according to law and rules and has been deprived from the monthly salaries despite proper performance of duty, thus the action of the respondents is totally illegal and without lawful authority.
- E) That being a civil servant, the appellant is entitled to the salaries of the post in accordance with Section-17 of the Civil Servant Act, 1973.
- F) That according to superior court judgment the department cannot upheld the salary of the appellant for indefinite period. The salary of the appellant was upheld without any reason.
- G) That the appellant has been condemned unheard and no prior chance of defenses or hearing was provided to the appellant while stopping his monthly salaries.
- H) That the stoppage of salary for such a long period without any sufficient reason is illegal against the law and natural justice.
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

  
 APPELLANT  
 Muhammad Niaz

THROUGH:

  
 (SYED NOMAN ALI BUKHARI)  
 ADVOCATE HIGH COURT

(4)

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

C.M NO: \_\_\_\_/2020

IN

APPEAL NO. \_\_\_\_ /2020

Muhammad Niaz

V/S

Revenue Department


**Subject: APPLICATION FOR INTERIM RELIEF TO RELEASE**  
**SALARY OF THE APPELLANT TILL THE DISPOSAL**  
**OF MAIN APPEAL, BEING APPELLANT**  
**PERFORMING HIS DUTIES REGULARLY.**

**RESPECTFULLY SHEWETH:**


1. That the appellant has filed the instant appeal along with interim relief application for releasing of salaries but no date has been fixed yet.
2. That the appellant performing his duty regularly but stoppage of salary without any reason and justification amount to force labour which is violation of Article-13 of constitution of Pakistan as well as section 17 of Civil Servant Act, 1973.
3. That due to stoppage of salary the financial position of the appellant unbearable.
4. That the appellant has a good prima facie case and all the ingredients are in favour of the appellant.
5. That the ground of main appeal may also be integral part of this application.
6. That the appellant performing his duties regularly. So the stoppage of salary and not releasing the salary of the appellant and illegal against the law and rules.

5

It is therefore, most humbly prayed, that the acceptance of this application the respondent may be directed to release the salary of the appellant till the disposal of main appeal. Any other remedy which this august tribunal deems fit and appropriate that may also be awarded in favour of appellant.

  
**APPELLANT**  
Muhammad Niaz

THROUGH:



  
**(SYED NOMAN ALI BUKHARI)**  
**ADVOCATE HIGH COURT**

**AFFIDAVIT**

- It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

**ATTESTED**

  
DEPONENT

  
  
6-10-2020



06

A

1960

1960/11/18  
Office of Revenue, S.O. No. 11/18  
18/11/60

The Director of Land Revenue/Inspector  
General of Registration, S.O. No. 11/18

RE: PROPOSAL FOR THE ESTABLISHMENT OF A NEW OFFICE

RE:-

Reference is made to No. 1804/11/18-21/1-58,  
dated 11-1-1958, on the subject.

The proposals provided vide above referred  
letter, are outstanding; these were required to have been  
considered before submission of the proposed budget for the  
current financial year 1959-1960. Now, the finance  
department is not in a position to consider creation of  
new posts, even on the eve, where a large number of posts  
are being closed down in this department, as well as  
in other departments shown here in Annexure A. The scope of work, etc.,  
has not been given wide consideration in this context, and certain  
posts, as per details of the attached list, have been provisionally  
continued after mutual discussion with the finance department  
by the undersigned, as well, Secretary, Office of Revenue, S.O.

End: 25.

*[Signature]*  
OFFICE OF THE INSPECTOR GENERAL  
OF REGISTRATION  
S.O. NO. 11/18  
BANGALORE, KARNATAKA

8  
M. S. R.  
9/11/60  
2/1



561970

Roll No. 22206



**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION: 1987 (ANNUAL)

THIS IS TO CERTIFY THAT Mohammad Niaz

Son/Daughter of Mohammad Ashraf

and a student of Govt. High School, No.1, Haripur, Abbottabad.

has passed the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Peshawar held in April 1987 as a *Regular candidate*. He/She obtained 478 Marks out of 850 and has been placed in Grade  Representing Good

The Candidate passed in the following subjects:

- |            |                     |                |            |
|------------|---------------------|----------------|------------|
| 1. English | 3. Islamiyat        | 5. Mathematics | 7. Physics |
| 2. Urdu    | 4. Pakistan Studies | 6. Chemistry   | 8. Biology |

He/She has been awarded Grade  on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is Second January one thousand nine hundred and Seventy Two (02-01-1972)

*[Signature]*  
Asstt. Secretary  
31st August 1987

*This certificate is issued without alteration or erasure.*

*[Signature]*  
Secretary

**ATTESTED**

(9)

Admission No...7209...

Dated.....

Registration No 87...  
بسم الله الرحمن الرحيم  
1-85

Roll No...22206.....

# GOVERNMENT HIGH SCHOOL, NO. 1

HARIPUR District (Abbottabad) N. W. F. P.

S. S. C. EXAMINATION

## Provisional Certificate

Certified that Mr. Muhammad Niaz  
Son of Muhammad Ashraf who appeared from this School  
in the S.S.C. ( A ) Examination held in March 1987 has  
according to the Gazette Notification Supplied to this office by the Secretary,  
Board of Intermediate and Secondary Education, Peshawar been declared  
successful in the Examination.

His date of birth is (2-1-1972) Second January 1972

- Subject Passed.
- |             |          |               |
|-------------|----------|---------------|
| 1. English. | 2. Urdu. | 3. Islamiyat. |
| 4. Ps       | 5. Ph    | 6. Ch         |
| 7. Bio      | 8. Math  |               |

Marks obtained 478 External Grade/Division C

Internal Grade X Conduct good

Co-curricular activities X

Prepared by [Signature]

Date of Issue 16/8/87

[Signature]  
Headmaster.  
Govt. High School, No. 1  
HARIPUR  
(Abbottabad)

[Signature]  
Attested

11

10

GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 03/06/2010.

ORDER

No 11001-6/Admn: II/PF(N)

With the approval of Competent Authority

Mr. Mohammad Niazi S/O Mohammad Ashraf R/O village Pharala Tehsil and District Haripur is hereby appointed as Naib Qasid (BPS-02) in the office of Sub-Registrar, Haripur against-vacant post with immediate effect.

By Order of,  
Senior Member  
Board of Revenue Khyber Pakhtunkhwa

No 11001-6/Admn: II/PF(N)

Copy forwarded to:-

1. Section Officer-V to Chief Minister Secretariat Khyber Pakhtunkhwa w/r to his letter No. SOV/CMS/NWFP/Rev.01/09 dated 14.01.2010.
2. ✓ Private Secretary to Minister for Revenue Khyber Pakhtunkhwa
3. District Officer (R&E)/Collector, Haripur
4. Senior District Accounts Officer, Haripur
5. Official Concerned.
6. Office order file.

**ATTESTED**

Assistant Secretary (Estt)  
Board of Revenue Khyber Pakhtunkhwa

OFFICE OF THE MEDICAL SUPERINTENDENT DHO HOSPITAL HARIPUR

17



(E) ✓

Name of Official: Mr. Muhammad Niaz  
 Caste of Race Awan Father Name Muhammad Ashraf  
 Residence 7 village Phavala Teh. & Distt. Haripur  
 By, Birth was Born 02-1-1972 NWFP, Pakistan Exact Height 5-6"  
 Personal mark of Identification A mole on neck.  
 Signature of Officials [Signature]  
 Signature of Head of Department [Signature]

I do hereby certify that I have examined Mr/Mrs/Miss Muhammad Niaz  
 A candidate for Employment in the Office of the Board of Revenue K.P.K.  
 and Can't discover that he had any disease communicable or other constitutional  
 Affection or bodily infirmity except none

I do not consider this as disqualification for employment in the Office of the Board  
of Revenue K.P.K.

His age according to his own statement 38 years years  
 and by appearance about 38 years years.

LEFT HAND THUMB AND FINGER IMPRESSIONS:



Dated: 04.10.2010

ATTESTED

MEDICAL SUPERINTENDENT  
 DHO HOSPITAL HARIPUR  
 MEDICAL SUPERINTENDENT  
 D.H.O. Hospital  
 Haripur

Subject:

JOINING REPORT

E (12)

Reference:

LETTER NO.11001-6/ADMN:11/PF(N), DATED:03.06.2010

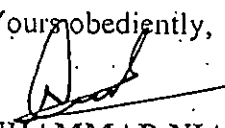
Respected Sir,

It is respectfully submitted that as per above referred Letter, I hereby reported for duty on 04.06.2010.

It is therefore, requested that I may kindly be taken on duty 2.3.f. 04.06.2010. I shall be highly obliged for this act of kindness.

Thanking you,

Yours obediently,

  
(MUHAMMAD NIAZ)

Dated: 04.06.2010

SUB REGISTRAR,  
Haripur

No. 49-53

Dated: 04.06.2010

In compliance of the letter referred above Mr. Muhammad Niaz reported for duty on 04.06.2010 and taken on duty.

  
(SUB REGISTRAR)  
Haripur

Copy for information to:-

- (1) The Senior Officer, Board of Revenue Khyber Pakhtunkhwa, Peshawar
- (2) The Assistant Secretary (Establishment), Board of Revenue Khyber Pakhtunkhwa, Peshawar
- (3) The Director, Land Record, (IGR), Khyber Pakhtunkhwa, Peshawar
- (4) The District Officer Revenue & Estate/Collector, Haripur
- (5) The Senior District Accounts Officer, Haripur
- (6) Office Order File.

  
**ATTESTED**

  
(SUB REGISTRAR)  
Haripur

F 13

Haripur

SH: 1

P Sec: 002 Month: June 2010  
HR6129 - DISTT OFFICER REV & ESTT H  
Min: Revenue Department  
NTN:  
CPF #:   
Dtd #:

Pers #: 00514262 Buckle:  
Name: MUHAMMAD NIAZ  
Dsg.: NAIB QASID  
NIC No.: 1330213201407  
CPF Interest Applied  
01 Regular / Contract

HR6129 -

PAYS AND ALLOWANCES:

0001-Basic Pay  
1000-House Rent Allowance  
1300-Medical Allowance  
1708-Adhoc Relief-2009 (01-16)

2,673.00  
802.00  
450.00  
535.00

Gross Pay and Allowances  
DEDUCTIONS:

4,460.00

CPF Balance 0.00  
3501-Benevolent Fund  
3511-Addl Group Insurance  
3604-Group Insurance

Subtr: 312.00  
22.00  
3.00  
52.00

Total Deductions

389.00

4,071.00

D.O.B  
02.01.1972  
00 Years 00 Months 028 Days  
Government Contribution To CPF :

LEP Quota:  
NBP, MAIN BRANCH HARMAIN BRANCH-HARIPUR  
PLS 8020-B  
0.00

اکاؤنٹنٹ  
جس میں تنخواہ ہے

ATTESTED





Daily Attendance Register of the

Sub Registrar Office

DATE AND HOURS

for the Month of

July

30

2018.

Serial No.	Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12
------------	------	------	---	---	---	---	---	---	---	---	---	----	----	----

	Khalid Mehmood	R.M.	X	NP	NP	NP	NP	NP	X	NP	NP	NP	NP	NP
	M. Afsar Khan		X	NP	NP	NP	NP	NP	X	NP	NP	NP	NP	NP
	محمد	MR	X	NP	NP	NP	NP	NP	X	NP	NP	NP	NP	NP

13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of Days	Remarks
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-------------------	---------

NP	X	X	NP	NP	NP	NP	NP	X	NP	NP	NP	NP	NP	NP	X	NP	NP	NP		
NP	X	X	NP	NP	NP	NP	NP	X	NP	NP	NP	NP	NP	NP	X	NP	NP	NP		
NP	X	X	NP	NP	NP	NP	NP	X	NP	NP	NP	NP	NP	NP	X	NP	NP	NP		

Medical

Daily Attendance Register of the Sub-Register

for the Month of August 33 2018

DATE AND HOURS

OF ATTENDANCE

Serial No.	Name	Rank	DATE AND HOURS												OF ATTENDANCE												Total No. of Days	Remarks							
			1	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
1-	KHALID REHMAN	R.M	u	u	u	X	u	u	u	u	X																								
2-	M. AFSAR KHAN Muhammad Nig	R.M	g	g	g	X	g	g	g	g	X																								
			1	1	g	X	1	1	1	1	X																								

*Attested*

L 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

L 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Daily Attendance Register of the SUB-REGISTRATION,  
DATE AND HOURS

for the Month of September, <sup>34</sup> 2018.  
OF ATTENDANCE

Serial No.	Name	Rank	DATE AND HOURS												OF ATTENDANCE												Total No. of Days	Remarks					
			1	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
1-	KHALID REHMAN	P.M	X		LL	LL	LL	LL			LL	X	X	g	g			g	g	g					g	g	g	g	g				
2-	M. AFSAR KHAN	P.M	X		g	g	g	g			g	g	X	g	g			g	g	L					g	g	g	g	g				
3	Mubid Nisr				g	g	g	g			g	g		g	g			g	g	g					g	g	g	g	g				

*g*  
Attended

Daily Attendance Register of the

DATE AND HOURS

for the Month of

Oct

35

2018

OF ATTENDANCE

Serial No.	Name	Rank	DATE AND HOURS												OF ATTENDANCE												Total No. of Days	Remarks						
			1	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
	Abdul Hussain	P.M.	0	0	0	0	0	X	0	0	0	0	0	X	0	0	0	0	X	0	0	0	0	X	0	0	0	0	0	0	0	0		
	M. Asrar Khan		0	0	0	0	0	X	0	0	0	0	0	X	0	0	0	0	X	0	0	0	0	X	0	0	0	0	0	0	0	0		
	جیس		1	1	1	1	0	1	1	1	1	1	0	1	1	1	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1		

*Handwritten signature/initials*













Daily Attendance Register of the

A.S.R.H.  
DATE AND HOURS

for the Month of

April

41

2019

Serial No.	Name	Rank	DATE AND HOURS												OF ATTENDANCE										Total No. of Days	Remarks											
			1	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		
1	Abid Hussain	R.M.																																			
2	M. AFSAR KHAN	Lt	3																																		
3	Awas Khan																																				
4	Mohal Aliy		1																																		

*Handwritten signature*

Handwritten notes and signatures in the Remarks column:  
 4595-4601  
 HER (DCLH)  
 16/19  
 16/19  
 52 (4)  
 3-5-19









Month of

January 2011

	1	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
Zi Nihal	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Z Ahmad																															
ib Registrar																															
iaqat Ali kh																															
restoration Adh																															
Shossus H p																															
Mehmed Hussain	10	10	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	
egistration																															
Shossus H p																															
Niaz																															
N/A																															

Attended



Month of -

February 2011

17

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zi Akhd	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
23 Ahmad Registrar																												
agrat Ali Khan Registrar	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
ahmad Ahmad Registrar	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

M. 1/93

Attended



Month of - -

April 2011

19

	1	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
Qazi Jaz Ahmad Sub Registrar Hampden	at	at		at	at	at	at	at	at		at	at	at	at	at	at		at	at	at	at	at	at		at	at	at	at	at	at
Liaquat Ali Khan Registration Mohassar HP	at	at		at	at	at	at	at	at		at	at	at	at	at	at		at	at	at	at	L	at		at	X	at	at	at	at
Khalid Hussain Registration Mohassar HP	at	at		at	at	at	at	at	at		at	at	at	at	at	at		at	at	at	at	at	at	at		X	at	at	at	at
M. Jaz N/A	at	at		at	at	at	at	at	at		at	at	at	at	at	at		at	at	at	at	at	at	at		at	at	at	at	at

Attested

Month of May 2011

Month of May 20

	1	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		
Oazi Ijaz Ahmad Sub Registrar HP		h	h	h	h	h	h		h	h	h	h	h	h		h																	
Liaquat Ali Khan R. M. Haripur		h	h	h	h	h	h		h	h	h	h	h	h		h	h	h	h	h	h	h		h	h	h	h	h	h	h		h	h
Khalid Hussain R. M. HP		no	no	no	no	no	no		no	no	no	no	no	no		no	no	no	no	no	no	no		no	no	no	no	no	no	no		no	no
M Naz		h	h	h	h	h		h	h	h	h	h	h	h	h	h	h	h	h	h	h		h	h	h	h	h	h	h	h	h	h	h

*Handwritten signature*

= Month of = June 2011 =

21

1 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

Qazi Jiaz Ahmad  
Sub Registrar HP

Liaquat Ali Khan  
Registration Mohazir

Khalid Hussain  
Registration Mohazir

Mohad N/A

					X							X											X																														
					X							X											X																														
					X							X											X																														
					X							X											X																														
					X							X											X																														

P  
Amended





Month - of - September - 2011

24

	1	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	
① Daziyaz Ahmad Sub Registrar HP				X						X							X							X							X	
② Liaquat Ali Khan Registration Mahara Haripur	r	r	r	X	r	r	r	r	r	X	r	r	r	r	r	r	L	X	r	r	r	r	r	X	r	r	r	r	r	r	L	X
③ Khalid Hussain Registration Mahara Haripur	ll	ll	ll	/	ll	ll	ll	ll	ll	ll	/	ll	ll	ll	ll	ll	ll	ll	ll	ll	ll	ll	ll	ll	ll	ll	ll	ll	ll	ll	/	X
3 Molad W'93	l	l	l	l	l	l	l	l	l	l	l	l	l	l	l	l	l	l	X	l	l	l	l	l	l	l	l	l	l	l	l	X

Attested



Month of - - October 2011

25

1 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

Khalid Rafique

Sub Registrar

Hampur

X

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X

X

X

Liaquat Ali Khan

Registration

Mohasser HP

X R R R R R R R X R R R R L R X X R R R L L X R

دعا نامہ

Khalid Hussain

Registration

Mohasser HP

X HP HP HP HP HP HP X HP HP HP HP HP HP X HP HP HP HP HP X HP

Muhammad Niaz

X X P P P P P P X P P P P P P X P P P P X X X

*[Handwritten signature]*

Month of

November 2011

26

1 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

Khalid Refique  
Sub Registrar HP

X = = = X X X

Liaquat Ali Khan  
Registration Mahan  
HP

h h h h h X = = = h h h h h h h X h h h h h X h h h

Khalid Mahmood  
Registrar Mh  
HP

h h h h h h X = = = h h h h h h h h h h h h h h h X h h h

Mohammed Niaz  
N/O

P P P P P X P P P P P P X P P P P P X P P P P X P P P

Mohammed

Month of

10 December 2011

27

	1	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	
1. Khalid Rafique Sub Registrar Hasepu				X							X																					
2. Liaquat Ali Khan Registration Mahassir Hasepu	R	R	R	X	R	R	R	R	R	R	X	R	R	R	R	L	L	X	L	L	L	L	L	X	L	L	L	L	L	L	L	L
3. Khalid Mahmood Registration Mahassir Hasepu	R	R	R	X	R	R	R	R	R	R	X	R	R	R	R	R	R	X	R	R	R	R	R	R	X	R	R	R	R	R	R	R
4. Mohad Niqz	P	P	P	-	P	P	P	P	P	-	P																					

*[Handwritten signature]*



Month - of

February 2012

29

	1	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	
(1) Khalid Rafique S.R. Haseeb					✓							✓								✓										
(2) Usqueet Ali Khan R.M. Haseeb	h	h	h	h	✓	h	h	h	h	h	h	✓	h	h	h	h	h	h	h	✓										
(3) Khalid Rafique R.M. Haseeb	h	h	h	h	✓	h	h	h	h	h	h	✓	h	h	h	h	h	h	h	✓										
4 M. Niaz	h	h	h	h		h	h	h	h	h	h		h	h	h	h	h	h	h	h	h	h	h	h	h	h	h	h	h	h

*[Handwritten signature]*

Month of

April 2012

	1	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
Khalid Rafique S.R. HP	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M
Liaquat Ali Khan R.M. HP	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Khalid Mahmood R.M. HP	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
سید	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
سید	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L

D.H.Q

0300-5636726 (30 مشرف)

Advised

17

44

# LETTERS DESPATCH REGISTER

## OFFICE OF THE SUB REGISTRAR HARIPUR

No. 62 /SR  
Dated 29/9 /2020

### CERTIFICATE

To whom it may concerned, it is certified that Mr Mohammad  
Niaz son of Mohammad Ashraf bearing CNIC No 13302-1320140-7, R/O Pharnala,  
Tehsil & District, Haripur is working in this office since 2010.



SUB REGISTRAR  
HARIPUR  
SUB REGISTRAR  
HARIPUR

8

کھنڈا دی شہ - ص ۱۰  
کھنڈا

صاحب عالی  
تذراش کھنڈا اور ہے کہ سائن لکھنڈا نامہ  
سب رٹرا آخر یہ لکھنڈا یونٹ نامہ  
دیوی نہ انجام سال 2010 سے دے  
رہے سائن کی تنخواہ کا اہل و جاری

فینٹ  
پہلے سائن بار انہی تنخواہ لکھنڈا کے  
کھنڈا کو لکھنڈا کی دروازہ لکھنڈا  
کھنڈا کے تنخواہ لکھنڈا نہ ہو  
ص ۱۰ سے سائن کھنڈا

کھنڈا کو لکھنڈا کے  
اشد عام نہ لکھنڈا دیوی کی تنخواہ  
کھنڈا کے لکھنڈا

27/1  
2011

محمد باز و نہ لکھنڈا  
کھنڈا

کھنڈا

ATTESTED



مجموعت حساب دہشتی گنتر لہری

دہشتی لہری سے سہری

حساب بحالی

گزارش بقیہ میرا آرڈر نمبر 11001-11001

صدر دفتر 6-3 کو لہوڈ آف

دہشتی سے جاری شدہ ہے

بقیہ اکھی تہ سہری سہری

نہیں ہوگا۔ کسی وقت دہشتی کیا

ہے شد مسئلہ حل نہیں ہوگا

حساب سے گزارش نہیں

صدر سہری کے احکامات

جاری ہے۔ تاریخ 15<sup>2</sup> 2011

گنتر لہری

مکمل ہے

حیاتِ دلیر DLR شہادہ

دعوتِ امت میرا و سیرگی

حیاتِ عالی

انجمنِ بیکہ میرا آرڈر مورفہ 27-6-2010

گو میرا ہے اور میں اپنی لڑکی پاقلدہ کا 10/6

کہ میرا لڑکی میرا لڑکی لڑکی لڑکی لڑکی لڑکی

یہ تیار شدہ ہے۔ میری سیرگی جاقلدہ

اکاؤنٹ آفس سے بیوکریشنل لڑکی لڑکی

میرا۔ لڑکی لڑکی اور اکاؤنٹ آفس

کی ہے میرا لڑکی لڑکی میری سیرگی

کی رجوع کی وجہ سے دوسری لڑکی ہے

میرا لڑکی لڑکی لڑکی لڑکی لڑکی

میرا لڑکی لڑکی لڑکی لڑکی لڑکی

حیاتِ دلیر سے لڑکی لڑکی لڑکی لڑکی لڑکی 19-5-2011

میرا لڑکی لڑکی لڑکی لڑکی لڑکی

IR-15

2011

جناب عالی :-

خودمانہ گزارشیں کھول کر قیدہ سائل فردی

بیروادرد نمبر کا - 11001 دورہ  $\frac{0-3}{2010}$

بھریا تہ خاصہ سبب رضہ اراضی پر لیا

تعمیرات کیوں نہ کی گئی تھیں لہذا لہذا سے اپنی

دوبلی شروع کی . سائل کی تنخواہ تعمیراتی

کے بعد سیکل 2-BPs میں قمر ہوئی تھی

سائل کی تنخواہ ناقص و صورت کی بناء

پر طاری نہ ہوئی . حالانکہ تمام حدیثات

اعادہ تراضی سے تعمیراتی کے احکامات

وہ اپنے ہیں

یہ سائل اپنے تنخواہ کے اندر نظر میں رہا

کئی بار درخواست پیش کی مگر تنخواہ جاری نہ ہوئی

میں نے لکھا ہے کہ میرا یہ تنخواہ جاری

۲۰۱۲

محمد نیاز وہ خداترن نے بھریا رضہ اراضی

8/11/2012

IR-10

2012

حکومت خراب دہریہ انداز رکھتا ہے  
بناو

کیوان  
درخواست براد ضروری  
منخواہ پارٹی

عالیٰ ... عوامانہ تدارک میں مسئلہ فوری حل  
کیا  
2010 سے یہ چیز آفس میں لے  
میں لکیر نائب قاضی اپنی خدمات بنائے  
انجمن سے ریلوئی پر انجام دے رہا ہوں  
منخواہ تقریر کو جاری نہ کیا گیا ہے  
پوشش کی بیت مار درخواست دی تہہ کوئی  
سنواری نہ ہوگی

استریا میں مسئلہ افزاں کو منخواہ جاری  
کرنے کے اقدامات جاری فرماتے ہارند

3-12  
2012

محمد نیاز دہریہ  
محمد نیاز دہریہ  
محمد نیاز دہریہ

Attested

خصوصاً فیما بینہما لودر آن رلوینر لیسار

تخون درنوائت ہمار صدر رحم جاری کرنے  
تخوہ سہ

ضمانتی - درنوائت ذمہ ہے۔

موردانہ تدارس حصہ سال فدی سال 2010 سے

لکھنؤ نائب خاصہ بدو سب رطرد ری لید میں رلو

سہ انجام دے رہا ہے سال کی تخوہ جاری نہیں ہوگی

جسے سال کی تخوہ جاری کرنے سے بہت

دفعہ افزان لگا کر دی گئی تھی حاررانی تہ سہ

سہ اب فیما بینہما لودر آن رلوینر لیسار

اسد علی حصہ ضابطہ مطلع اشرا ت کو سہ تخوہ

کارہ نوئی سہ  
25-4-2013

سہ لکھنؤ نائب خاصہ بدو سب رطرد ری لید

سہ

IR-15

سہ

(51) ڈائریکٹر جنرل سیکرٹریٹ ریگولیشنز

محفوظ :- درخواست پٹرو عدہ ورگم برائے سیکریٹری جاری کرنے  
لکھنؤ نائب قاعدہ دفتر سب ریگولیشنز آفس ریگ

ذیل سے

1) ڈائریکٹر جنرل سیکرٹریٹ ریگولیشنز قاعدہ دورہ 2015 سے 2016

2) دفتر سب ریگولیشنز ریگولیشنز آفس ریگولیشنز آفس

3) یہ کہ اس کے بعد قاعدہ 2015 کے دفتر سب ریگولیشنز آفس ریگولیشنز آفس

4) یہ کہ اس کے بعد قاعدہ 2015 کے دفتر سب ریگولیشنز آفس ریگولیشنز آفس

5) یہ کہ اس کے بعد قاعدہ 2015 کے دفتر سب ریگولیشنز آفس ریگولیشنز آفس

6) یہ کہ اس کے بعد قاعدہ 2015 کے دفتر سب ریگولیشنز آفس ریگولیشنز آفس

7) یہ کہ اس کے بعد قاعدہ 2015 کے دفتر سب ریگولیشنز آفس ریگولیشنز آفس

8) یہ کہ اس کے بعد قاعدہ 2015 کے دفتر سب ریگولیشنز آفس ریگولیشنز آفس

9) یہ کہ اس کے بعد قاعدہ 2015 کے دفتر سب ریگولیشنز آفس ریگولیشنز آفس

10) یہ کہ اس کے بعد قاعدہ 2015 کے دفتر سب ریگولیشنز آفس ریگولیشنز آفس

11) یہ کہ اس کے بعد قاعدہ 2015 کے دفتر سب ریگولیشنز آفس ریگولیشنز آفس

12) یہ کہ اس کے بعد قاعدہ 2015 کے دفتر سب ریگولیشنز آفس ریگولیشنز آفس

13) یہ کہ اس کے بعد قاعدہ 2015 کے دفتر سب ریگولیشنز آفس ریگولیشنز آفس

5-1-2015

محمد نیاز احمد

نائب قاعدہ دفتر سب ریگولیشنز آفس ریگولیشنز آفس

Attached

IR-15

2015

کثرتِ ضابطہ دائرہ لنگر لکھنؤ

صاحب عالی

گزارش رسید فروعی سال 2010 ماہ جون سے

محکمہ سر ڈیپارٹمنٹ آف ایڈیویشن بطور تاقیب قاصد

ضابطہ آدر نمبر 1101-6 سال 2010 کے تحت فروعی

سیور رگولر سہ اتمام دے رہا ہوں جسہ ضابطہ طور

فروعی تنخواہ قدر میوٹر اکاؤنٹ آف ایڈیویشن

سے منظور میوٹر فروعی و جوائن کی بنا پر

رکوردی کی سبب فروعی تاخیر ہوئی ہے۔

تمہد دلوئی سر اتمام رہا رہا ہے ایسی تنخواہ کے اہل

دینے مختلف آجاتے ہیں ایسا عشرت کثیر تیارہ روشنی

SMB شمارہ . سیکریٹری ٹولٹی کے پاس دارسی

کے ور فواد سے ارسال کر رہا . لکھنؤ دارسی

نہ بندی

ضابطہ سے گزارش رسید سال کی دارسی نوامی

20-12

2013

محمد نیاز ولد محمد شرف نائب قاصد  
ممبر ڈیپارٹمنٹ آف ایڈیویشن

11/12

لکھنؤ

IR-17

11/12

خدمت جناب طور لکڑ لیسہ، بکاؤڈر صاحب لکڑ لیسہ۔  
معاونت کے درخواست برائے رگی نسخہ جاری کرنا

جناب عالی،

جو دیانہ انزائش ہے کہ مذی سال 2010ء سے سب ریسٹور  
آفس لری پور میں بطور نائب قلمدار رہی جناب جناب  
الوجہ طریقے سے سرانجام دے رہا ہوں، اس دوران مذی  
نے اپنی نسخہ گاہ کھلنے سے کوشش کی۔ لیکن مذی کی  
نسخہ جاری نہ ہو سکی۔ جبکہ وہ سے مذی سب ریسٹور  
ہے۔ لہذا گھڑی انزائش سب ریسٹور سے لوجہ ہوتے ہیں۔

لکڑ لیسہ ایس ایم ایس میراٹی مرزا کو مذی کی رگی نسخہ جاری  
مروانے کے احکامات صادر مرزا کو مشکور فرمائیں۔

عین نواز میں ہوگی

6291  
24-10-17

ولتا میں

محمد نواز ولد محمد اسحاق نائب قلمدار سب ریسٹور آفس لری پور

24/10/17  
IR-17  
Meh  
24/10/17





GOVERNMENT OF KHYBER PAKHTUNKHWA  
INSPECTOR GENERAL REGISTRATION  
REVENUE & ESTATE DEPARTMENT

Phone No. 091- 9210057

FAX No. 0919213989

Facebook ID: [www.facebook.com/landrecord.kpk](http://www.facebook.com/landrecord.kpk) Twitter ID: @Landrecord.kpk

(54)

Email: [landrecord.kpk@gmail.com](mailto:landrecord.kpk@gmail.com)

No.LR-IV/R.Muharrir/P&T 10589-9e

Peshawar dated the 28/10/2019

To,

The Deputy Commissioner/  
Deputy Commissioner Haripur.

~~SUBJECT:- REQUEST FOR RELEASING OF SALARY~~

Refer to the subject noted above and to enclose a copy of application in respect of Mr. Muhammad Niaz s/o Muhammad Ashraf r/o Pharala Tehsil & District Haripur along-with its enclosures for report please.

Encls. No. and Date Given.

✓ Copy for information is forwarded to the applicant concerned.

*MKZ*  
Director Land Records  
Board of Revenue

*MKZ*  
Director Land Records  
Board of Revenue

De (Haripur)

Please examine & discuss  
the issue on phone.

*SO*  
Comm.  
COMMISSIONER  
RAZA  
17/13/2020  
ABBOTTABAD

*S*  
*H-92*

الصدیق انجم  
تصویر خواتین  
صدر ایف اے

ایمیل نمبر: 2010-11-06  
سیکرٹری سائل ایجوکیشن اور ٹیکنالوجی  
حکومت پاکستان

عزیزانہ،  
ہذا سائل ایجوکیشن اور ٹیکنالوجی

آئی ڈی نمبر: 11001-11-06-2010

لکھنؤ ایجوکیشن اور ٹیکنالوجی  
یہ سائل ایجوکیشن اور ٹیکنالوجی  
دولتی ادارہ کی شمولیت کر دی

یہ سائل ایجوکیشن اور ٹیکنالوجی  
تیار کیا گیا ہے۔ سائل ایجوکیشن اور ٹیکنالوجی  
یہ سائل ایجوکیشن اور ٹیکنالوجی  
یہ سائل ایجوکیشن اور ٹیکنالوجی

یہ سائل ایجوکیشن اور ٹیکنالوجی  
یہ سائل ایجوکیشن اور ٹیکنالوجی

یہ سائل ایجوکیشن اور ٹیکنالوجی

Handwritten signature

بہ ہندو تنخواہ جاری نہ ہوگی۔ یہیں تمام متعلقہ  
ادارے کے دفاتر میں درخواست پائے گئے ہیں  
یہیں شہر بیک تنخواہ جو کہ نامعلوم دیوہات  
کی بناء پر لاگی گئی کو جاری نہ کیا گیا۔

یہ کہ اپیلینٹ مسلسل اپنی ادائیگی دے رہا  
یہ کہ مسائل اپیلینٹ کی تنخواہ جاری فرمائی جانا  
قرین الصاف ضروری ہے۔

اتناں اور دھیمہ مسائل اپیلینٹ کی اپیل نہ  
منظور فرمائی جائے اپیلینٹ کی تنخواہ  
جاری بحال فرمائی جائے۔ اور محض تمام  
حقوق ذمہ داریاں سالف تنخواہ ادا کرنے  
کا حکم صادر فرمایا جائے۔

26-6  
2020

منجانب محمد نیاز و محمد اشرف سائیکہ مالہ  
نائب قاضی سید شہباز علی



57

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**BOARD OF REVENUE**  
**REVENUE AND ESTATE DEPARTMENT**  
 PHONE # 091-9210057  
 FAX # 091-9213989  
 E-MAIL: LANDRECORD.KPK@GMAIL.COM

Facebook ID: [www.facebook.com/landrecord.kpk](http://www.facebook.com/landrecord.kpk) Twitter ID: @Landrecord.kpk

Reminder Memo

LR-IV/R.Muharrir/P&T/ 201-02

Dated Peshawar the 10 / 07 / 2020

To,

The Deputy Commissioner/  
District Registrar, Haripur.

SUBJECT:-

REQUEST FOR RELEASING OF SALARY.

Reference this office letter No. LR-IV/R.Muharrir/ P&T/10589 dated 28/10/2019 to the subject noted above and to state that the requisite comments are still awaited which may be expedite at the earliest please.

*[Signature]*

Asstt. DIRECTOR LAND RECORDS/ 10/7/2020  
INSPECTOR GENERAL OF REGISTRATION

End: No. & Date even.

Copy forwarded to Sub Registrar, Haripur for similar action.

*[Signature]*

Asstt. DIRECTOR LAND RECORDS/ 10/7/2020  
INSPECTOR GENERAL OF REGISTRATION

*Attested*

بعدالت

KP Service Tribunal, Peshawar

Muhammad Niaz

2 مخانب  
بنام

vs

Revenue Deptt

مورثہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے دائر پیرس پیسٹ کے تحت پیرس پیسٹ کے تحت

کلیے سید مصباح علی بخاری

آن مقام بشادر  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب وہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے  
اور اس کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

20

ماہ

المرقوم

1329/60-7

سواہ العیاء کے لئے منظور ہے۔

مقام

13/09

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 11823/2020**

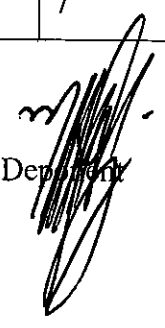
Muhammad Niaz (Naib Qasid) s/o Muhammad Ashraf R/o Village Pharla District  
Haripur..... Appellant

**Versus**

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Director Land Record Board of Revenue.
3. The Deputy Commissioner, Haripur.
4. The District Officer, Revenue and estate Collector Haripur.
5. The District Account Officer, Haripur.
6. The Secretary Finance, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
7. The Sub-Registrar, Haripur..... Respondents

**INDEX**

S. No.	Description of Documents	Annexure	Page
1.	Para-wise comments		1&2
2.	Affidavit		3
3.	Copy of letter dated, 14/06/2010	Annexure-A	4
4.	Copy of letter dated, 28/10/2019	Annexure-B	5
5.	Copy of letter dated, 10/07/2020	Annexure-C	6
6.	Copy of letter No.1129/TMA(H) dated 22/02/2019		7

  
Deputy

(1)

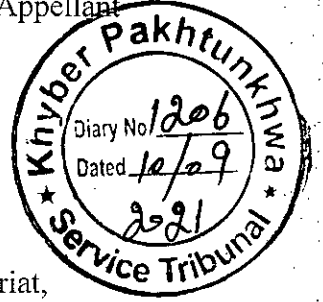
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 11823/2020**

Muhammad Niaz (Naib Qasid) s/o Muhammad Ashraf R/o Village Pharla District  
Haripur..... Appellant

**Versus**

- (1) The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- (2) The Director Land Records, Board of Revenue.
- (3) The Deputy Commissioner, Haripur.
- (4) The District Officer, Revenue & Estate/Collector Haripur.
- (5) The District Account Officer, Haripur.
- (6) The Secretary Finance, Government of Khyber Pakhtunkhwa, Civil Secretariat,  
Peshawar.
- (7) The Sub-Registrar, Haripur..... Respondents



**Joint Para-wise Comments on behalf of Respondents No. 1, 2, 3, 4, 6 & 7.**

**Preliminary Objections:**

1. That the appeal is badly time barred.
2. That the appellant has got no cause of action as neither he remained an employee of Revenue & Estate department at any point of time nor he is at present so employed.
3. That the appeal is not maintainable in its present form.
4. That the appellant has not come to this Honourable Tribunal with clean hands.
5. That the appellant is estopped by his own conduct. He did not claim to be a civil servant in time and came up after 10 years of a so called appointment letter (which is not in official record).

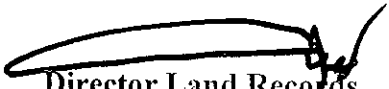
**FACTS.**

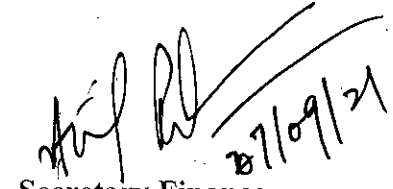
1. Incorrect. This department has neither appointed the appellant nor floated any advertisement the said post. Furthermore, no such departmental promotion/selection committee meeting was held to consider the appellant, hence plea of the appellant is denied being baseless.
2. Incorrect. The appellant is not a civil servant, therefore the question for taken over charge and performing duties does not arise.
3. Incorrect. The appellant defrauded the then DOR&E office Haripur through fake documents, therefore, salary source was sent to District Accounts Officer Haripur which was later on withdrawn vide letter dated 14.06.2010 (Annexure-A) as his appointment order was found fake/bogus. As far as duty certificate is concerned, the appellant misleads the Honourable Tribunal as the Sub-Registrar vide his attached certificate clarified that the appellant was performing duties on behalf of TMA Haripur as TMA Tax is collected on Registration throughout sourcing or themselves.
4. Incorrect. Neither any application nor any appeal within the statutory/stipulated period was received to respond. However, an application on 26.06.2020 was received which was sent to Respondent No.3 to expedite the matter at the earliest vide letter dated 10.07.2020 (Annexure-C) as he had already been requested for report vide letter dated 28.10.2019 (Annexure-B) but since no such record was available in the office of Respondent No.3 to expedite, which clearly proves that the order produced by the appellant is fake/bogus.

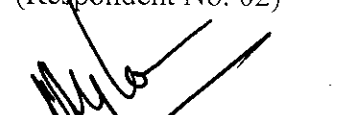
**GROUNDS**

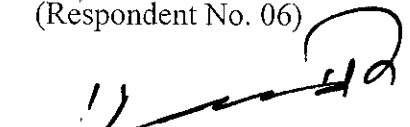
- A. Incorrect. The appellant was neither a civil servant nor at the cadre strength of the department to consider his salary case. But the appellant had concealed facts from this Honourable court as well as from the respondents, hence liable to be dismissed with cost.
- B. Incorrect. As per Para 1 & 3 of the facts.
- C. Incorrect. As per para 3 of the facts. Besides, no violations of the Article of the Constitution of Islamic Republic of Pakistan has been committed.
- D. Incorrect. No legal right of the appellant is violated nor deprived but the respondent strictly complied with the prevailing rules / policy and treated the appellant in accordance with the provision of law.
- E. Incorrect and denied. As per para 1 & 3 of the facts.
- F. Incorrect. As per Para-E of the grounds.
- G. Incorrect. As per para 3 of the facts.
- H. Incorrect. As per Para-3 of the facts.
- I. Incorrect. Since the appellant is not a civil servant, therefore have no right to prefer appeal before this Honourable court and to allow him for any additional grounds / arguments. The respondents may be permitted to reply / submit additional grounds at the time of hearing.


Keeping in view the above Para-wise comments, the service appeal has no force / legal ground may very kindly be dismissed with cost.

  
**Director Land Records**  
 Khyber Pakhtunkhwa  
 (Respondent No. 02)

  
**Secretary Finance**  
 Khyber Pakhtunkhwa  
 (Respondent No. 06)

  
**Deputy Commissioner**  
 Haripur  
 (Respondent No. 03&04)

  
**Sub-Registrar,**  
 Haripur  
 (Respondent No. 07)

  
**Senior Member**  
 Board of Revenue, Khyber Pakhtunkhwa  
 (Respondent No. 01)



3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 11823/2020**

Muhammad Niaz (Naib Qasid) s/o Muhammad Ashraf R/o Village Pharla District  
Haripur..... Appellant

**Versus**

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Director Land Record Board of Revenue.
3. The Deputy Commissioner, Haripur.
4. The District Officer, Revenue and estate Collector Haripur.
5. The District Account Officer, Haripur.
6. The Secretary Finance, Govt: of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
7. The Sub-Registrar, Haripur..... Respondents

**AFFIDAVIT**

I, Wazir Zada, Assistant Director Land Records, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm on Oath that the contents of the attached reply to the Service Appeal No. 11823/2020 are true and correct to the best of knowledge and believe and that nothing therein has been concealed or withheld from this Honourable Court.

*[Signature]*  
 Deponent  
 17/01-8111027-3  
 C.N.I.C#



4

The Senior District Accounts officer  
Haripur.

Subject: NON-ACTIVATION OF DATA OF MR. MUHAMMAD NIAZ.


Memo:

It has been brought into the notice of undersigned that the service book as well as Source-1 etc duly filled in and signed by the undersigned submitted in your office for inducting the name of Mr. Muhammad Niaz against the post of Naib Qasid has erroneously been signed.

It is pertinent to mention here that there was only a sanctioned post of Naib Qasid after the retirement of Mr. Abdur Rehman Naib Qasid of this office w.e.f. 29.05.2010 and subsequently his son was appointed in his place against the quota of sons retired class-IV. His case is pending due to the reason that he did not open bank account for the salary purpose.

It is requested that the data of Mr. Muhammad Niaz Naib Qasid may not be fed in the computer for salary etc henceforth please.

THE MATTER IS MOST URGENT AND WARRANTS YOUR PERSONAL ATTENTION PLEASE.

  
District Officer  
Revenue & Estate Collector,  
Haripur.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
INSPECTOR GENERAL REGISTRATION  
REVENUE & ESTATE DEPARTMENT

Phone No. 091- 9210057  
FAX No. 0919213989

Facebook ID: [www.facebook.com/landrecord.kpk](http://www.facebook.com/landrecord.kpk) Twitter ID: @Landrecord.kpk

54

5

mail: [landrecord.kpk@gmail.com](mailto:landrecord.kpk@gmail.com)

No. LR-IV/R. Muharrir/P&T 10589-90

Peshawar dated the 28/10/2019.

The Deputy Commissioner/  
Deputy Commissioner Haripur.

OBJECT:- REQUEST FOR RELEASING OF SALARY

Refer to the subject noted above and to enclose a copy of application in respect of  
Mr. Muhammad Niaz s/o Muhammad Ashraf w/o Piaraja Tehsil & District Haripur along with its  
enclosures for report please.

Encls. No. and Date Given.

Copy for information is forwarded to the applicant concerned.

*MKZ*  
Director Land Records  
Board of Revenue

*MKZ*  
Director Land Records  
Board of Revenue

De (Haripur)

Please examine & discuss  
the issue on phone.

*SO*  
Comm.  
COMMISSIONER  
HAZARA/13/55020  
ABBOTTABAD

6

87



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE AND ESTATE DEPARTMENT

PHONE # 091-9210057  
FAX # 091-9213989  
E-MAIL: LANDRECORD.KPK@GMAIL.COM

Facebook ID: [www.facebook.com/landrecord.kpk](http://www.facebook.com/landrecord.kpk) Twitter ID: @Landrecord.kpk

Reminder: I

LR-IV/R.Muharrir/P&T/ 201-02  
Dated Peshawar the 10 /07/2020

To  
The Deputy Commissioner/  
District Registrar, Haripur.

SUBJECT:-  
REQUEST FOR RELEASING OF SALARY.

Reference this office letter No. LR-IV/R.Muharrir/ P&T/10589 dated 28/10/2019 to the subject noted above and to state that the requisite comments are still awaited which may be expedite at the earliest please.

*[Signature]*  
Asstt. DIRECTOR LAND RECORDS/ 10/7/2020  
INSPECTOR GENERAL OF REGISTRATION

End: No. & Date even.

Copy forwarded to Sub Registrar, Haripur for similar action.

*[Signature]*  
Asstt. DIRECTOR LAND RECORDS/ 10/7/2020  
INSPECTOR GENERAL OF REGISTRATION

7

**TEHSIL MUNICIPAL ADMINISTRATION, HARIPUR**


Phone # 0995-610704, 612166/ Fax # 614736/ Facebook ID TMA, Haripur/ Twitter @Tma\_Haripur  
Email: [tma.haripur@gmail.com](mailto:tma.haripur@gmail.com)

No 1129/TMA, (H)

Dated 20/11 February 2019

TO WHOM IT MAY CONCERN

Mr. Muhammad Niaz s/o Muhammad Ashraf resident of Pharalla Tehsil & District Haripur is hereby authorized to collect the 2% immovable property tax in the office of Sub Registrar Haripur in light of this office order No. 2524/TMA, (H) dated 07.06.2018 in the best interest of the TMA, Haripur.

  
Tehsil Municipal Officer  
TMA, Haripur

Place on file

A  
24/5/2010

OFFICE ORDER

As approved by the Departmental Selection Committee in its meeting held on 19.05.2010, Mr. Mohammad Naeem s/o Abdur Rehman r/o Bandi Munim, Tehsil and District Haripur is hereby appointed as Naib Qasid (BPS-1) against retired employees' sons quota. He shall, however, assume the duty of Naib Qasid in this department on 30.05.2010.

His appointment is subject to:-

1. Good behavior/conduct.
2. Production of medical fitness certificate from Medical Superintendent, DHQ, Hospital, Haripur.
3. He will remain on probation as prescribed under the rules and if his conduct is not found upto the mark, he will be terminated from service without assigning any reason.

(Mohammad Naeem Khan)  
District Officer  
Revenue & Estate/Collector,  
Haripur.

No. E/1(2)/AE/1301-05 /DOR(H).

Dated Haripur the 19 May /2010.

Copy to the :-

1. District Coordination Officer, Haripur.
2. Senior District Accounts Officer, Haripur.
3. Deputy District Officer (Judicial), Haripur.
4. Assistant Finance (local) for necessary action.
5. Mr. Mohammad Naeem s/o Abdur Rehman r/o Bandi Munim, Tehsil and District Haripur.

District Officer  
Revenue & Estate/Collector,  
Haripur.

# SERVICE BOOK

Place on file

21/10/2021

366

OF

Mr. Muhammad Ali

S/o Muhammad Ali

Designation Asst. General Secy.

Department Revenue D. P. K.

Price : Rs. 30/-

(For use in Police Department only)

Heirs:

1. Passed S.S.C Examination during Annual
2. Session 1987. Under R.No. 22206 from BISE Peshawar.
3. \_\_\_\_\_

9. The ent  
9 and 10

Name:

Race:

Reside

Father

Date of  
nearly

Exact

Person

Left ha  
of (No

Little

Hand

Thumb

9. Signat

10. S  
Head  
Off

Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_ received back \_\_\_\_\_

Left Thumb Impression

Qualification	Date	Qualification	Date
English		First Arts	
Pushto		B.L. Or B.A.	
Urdu		Pleadership examiantion	
Plan-drawing		Training School Final examiantion	
Finger Print		Other qualification:-	
Drill Instructing			
Court Duties			
Reserve Duties			



The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

Name: MR. MUHAMMAD NIAZ

Race: AWAN

Residence: of vill: Pheralia Tehsil & Dist: Haripur.

Father's name and residence: Muhammad Ashraf As Above.

Date of birth by Christian era as 02-01-1972.  
nearly as can be ascertained: 2nd of Jan. N.H. Seventy Two.

Exact height by measurement: 5-6"

Personal marks for identification: A mole on neck.

Left hand thumb and finger impression of (Non-Gazetted) officer:

Little Finger

Ring Finger

Middle Finger

Fore Finger


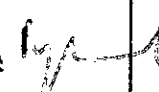
Thumb

9. Signature of Government Servant: [Signature]

10. Signature and designation of the Head of the Office, or other Attesting Officer.

DISTRICT OFFICER  
REVENUE & ESTATE  
HARIPUR



9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period		
 <b>DISTRICT OFFICER</b> <b>REVENUE &amp; ESTATE</b> <b>HARIPUR</b>				<i>Approved as with period of 50 days</i>	<i>vide order of the Govt. of India dated 03-10-1960.</i>		
	<b>DISTRICT OFFICER</b> <b>REVENUE &amp; ESTATE</b> <b>HARIPUR</b>						<b>DISTRICT OFFICER</b> <b>REVENUE &amp; ESTATE</b> <b>HARIPUR</b>
					<b>Distt. Accounts Officer</b> <b>HARIPUR</b>		

Office Of The District Officer Revenue & Estate/Collector, Haripur.

No. Gen/AF/ 2558 /DOR (H).  
Dated: 09/ Sep: 2010.

To:

The Executive District Officer  
Finance & Planning Haripur.

Subject: SANCTIONED POSTS OF NAIB QASID AND PATWARIS.

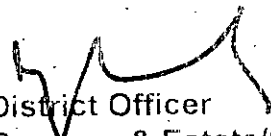
Memo:

It is stated that one Mr. Mohammad Niaz S/O Mohammad Ashraf R/O Village Pharala Tehsil & District Haripur was inducted as Naib Qasid (BPS-2) in the office of Sub-Registrar, Haripur as per order passed by the worthy SMBR, Khyber Pakhtunkhwa bearing No. 11001-6/Admn:II/PF (N) dated 03.06.2010 (Copy enclosed).

The District Account Office Haripur has accommodated the Naib Qasid in the system, but on account of non-clarity of the post the intimation was conveyed immediately for non-activating the data of the said individual. Consequently, his name was conditionally deleted till its confirmation from the Finance Department.

Similarly, this office has to confirm about the newly 06 (Six) sanctioned posts of Patwaris for further proceeding.

It is requested that this office may kindly be intimated about the subject posts in order to have confirmation and clarity on the subject please.

  
District Officer  
Revenue & Estate/Collector,  
Haripur.

## For Appellant

### Proof of duty performing -

(1) Attendance Register - Annexure - C1  
↓  
Genuine

(2) Service Certificate - Annexure - H  
↓  
Genuine

(3) Annexure - A important.  
↓

Appellant is appointed in office of sub-Registrar  
DLR is attached Department No connection with  
the appellant

(4) September, 2011 letter of DLR is ~~is~~ important.  
which is evidence of genuine appointment of  
appellant.

For Appellant

V. imp

Procure of Post & order

Office Of The District Officer Revenue & Estate/Collector, Haripur.

No. Gen/AF/ 2558 /DOR (H).

Dated: 09/Sep: 2010.

To

The Executive District Officer  
Finance & Planning Haripur. ✓

Subject:

SANCTIONED POSTS OF NAIB QASID AND PATWARIS.


Memo:

It is stated that one Mr. Mohammad Niaz S/O Mohammad Ashraf R/O Village Pharala Tehsil & District Haripur was inducted as Naib Qasid (BPS-2) in the office of Sub-Registrar, Haripur, as per order passed by the worthy S.M.B.R., Khyber Pakhtunkhwa bearing No. 11001-6/Admn.II/PF (N) dated 03.06.2010 (Copy enclosed).

The District Account Office Haripur has accommodated the Naib Qasid in the system, but on account of non-clarity of the post the intimation was conveyed immediately for non-activating the data of the said individual. Consequently, his name was conditionally deleted till its confirmation from the Finance Department.

Similarly, this office has to confirm about the newly 06 (Six) sanctioned posts of Patwaris for further proceeding.

It is requested that this office may kindly be intimated about the subject posts in order to have confirmation and clarity on the subject please.

  
District Officer  
Revenue & Estate/Collector,  
Haripur.

2001 S C M R 1320

[Supreme Court of Pakistan]

Present: Rana Bhagwan Das and Javed Iqbal, JJ

ADMINISTRATOR, DISTRICT COUNCIL, LARKANA and another---Petitioners versus  
GHULAB KHAN and 5 others---Respondents

Civil Petition No. 167-K of 2000, decided on 10th July, 2000.

(On appeal from the order dated 10-3-2000 of the High Court of Sindh, Circuit Court, Larkana, passed in C.P. No.D-24 of 2000).

**(a) Constitution of Pakistan (1973)---**

---Arts. 185(3) & 199---Constitutional petition before High Court under Art. 199 of the Constitution---Salaries of employees, withholding of---High Court, in exercise of Constitutional jurisdiction, directed the Authorities to pay the salaries of the employees---Contention by the Authorities was that the appointments of employees was illegal and made in violation of relevant recruitment rules---Validity---Salaries could not be withheld on such ground---Action should have been initiated against those who were sitting at the helm of affairs for such irregularities---Employees could not be held responsible for the same---Where substantial justice had been done, the same could not be disturbed on mere technicalities---Direction to withhold the salaries of the employees suffered from inherent vice, same was void ab initio and could not be given effect to---Leave to appeal was refused.

**(b) Administration of justice---**

---Legal formalities---Scope---Principal object behind all such formalities is to safeguard the paramount interest of justice---Legal precepts are devised with a view to impart certainty, consistency and, uniformity to the administration of justice and to secure same against arbitrariness, errors of individual judgment and mala fides.

2000 SCMR 556 ref.

Mazhar Ali B. Chohan, Advocate Supreme Court and Ahmedullah Faruqui, Advocate- on-Record for Petitioners.

Nemo for Respondents.

Date of hearing: 10th July, 2000

**ORDER**

**JAVED IQBAL, J.**---This civil petition for leave to appeal is directed against order dated 10-3-2000 passed by learned Division Bench of High Court of Sindh, Circuit Court, Larkana, with the direction that payment of salaries be made to the petitioners w.e.f. 1-7-1998 till the date of termination of their services which were terminated on the pretext that their employment was not lawful.

*Rana Appellate**Salary Council by appointment & action should be taken**41  
for such irregularities*





1980 P L C (C. S.) 592

For Appellant

[Service Tribunal Punjab]

Present: M. Saleem Chaudhry, Chairman, Mazhar Munir and S. Hafeez-ur-Rehman, Members

**ZAHEER HUSSAIN**

Versus

**DEPUTY DIRECTOR, FOOD, LAHORE REGION**

Appeal No. 341 of 1979, decided on 23rd January 1980.

**Civil service-**

--- Pay--Appointment made during ban imposed by Government--Appointment, held; though not regular salary for period service rendered cannot be withheld--Direction for payment of salary issued--Punjab Service Tribunals Act (IX of 1974), S. 4.

### **JUDGMENT**

**M. SALEEM CHAUDHRY (CHAIRMAN).**--Zaheer Hussain, appellant, was appointed as Junior Clerk, Deputy Director, Food's Office, Lahore on 25-6-1978. He received his pay for the month of July 1977 but thereafter no pay or allowances were paid to him. The Accountant-General raised an objection to his appointment as being irregular as there was a ban on recruitment. The appellant was retained in services from August 1977 to September 1979. The Department has been supporting the case of the appellant for the payment of his salary but no decision has so far been arrived at by the Finance Department. His services were terminated on 1-9-1979. Even if his appointment was not regular it is just fair that he be paid for the services rendered by him. A direction is, therefore, issued for the payment to the appellant of salary for the period from August 1977 to, September 1979 less than the pay already drawn by him.

Appeal accepted.



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 2294-95/ST

Dated: 17/11/2021

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

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


To

1. The Senior Member Board of Revenue,  
Government of Khyber Pakhtunkhwa  
Peshawar.
2. Deputy Commissioner,  
Government of Khyber Pakhtunkhwa  
Haripur.

Subject: JUDGMENT IN APPEAL NO. 11823/2020 MR. MUHAMMAD NIAZ.

I am directed to forward herewith a certified copy of Judgement dated  
21.10.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR