

22.04.2022

Nemo for the appellant present.

Notices be issued to the appellant and his counsel.
Adjourned. To come up for preliminary hearing on 13.06.2022
before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

13th June, 2022

Clerk to counsel for the appellant present.

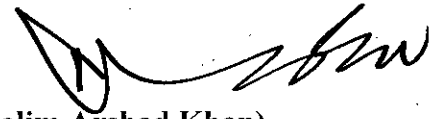
Counsel are on strike. To come up for preliminary
hearing on 20.06.2022 before S.B.



(Kalim Arshad Khan)
Chairman

20th June, 2022

1. None present for the appellant.
2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.
3. *Pronounced in open court in Peshawar and given under my hands and seal of the Tribunal this 20th day of June, 2022.*



(Kalim Arshad Khan)
Chairman

24.01.2022

Junior of learned counsel for the appellant present.

Former requests for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 22.03.2022 before S.B.


(Mian Muhammad)
Member(E)

22.03.2022

None present on behalf of the appellant. Notice be issued to appellant and his counsel for next date. To come up for preliminary hearing on 04.04.2022.


Chairman

04.04.2022

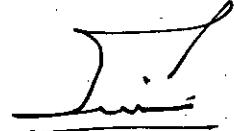
Learned counsel for the appellant seeks adjournment in order to contact the appellant. Adjourned. Last opportunity granted. To come up for preliminary hearing on 22.04.2022 before S.B.


Chairman

07.10.2021

Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 07.12.2021.

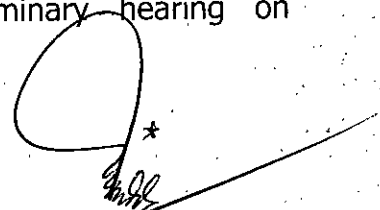


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

07.12.2021

Junior of learned counsel for the appellant present.

Junior of learned counsel for the appellant requested for adjournment on the ground that senior learned counsel is not available today. To come up for preliminary hearing on 24.01.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

20.01.2021

Junior counsel for appellant present.

He made a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court.

Adjourned to 21.04.2021 for preliminary hearing, before S.B.



(Rozina Rehman)
Member (J)

21.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 10.08.2021 for the same as before.



Reader

10.08.2021

Since 10.08.2021 has been declared public holiday on account of Ist Muharram, therefore, case to come up for the same on 07.10.2021 before S.B.



Reader

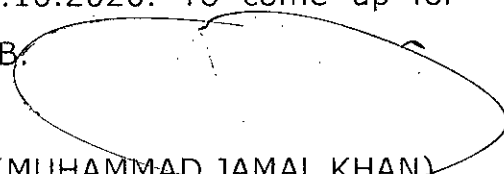
23.04.2020

Due to COVID19, the case is adjourned to 23.07.2020 for the same as before.


Reader

23.07.2020

Appellant is absent. The legal fraternity is observing strike today therefore, no proceedings could be conducted. The case is adjourned to 06.10.2020. To come up for previous proceedings before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

01.09.2020

Mr. Sheraz Ali Khan, Advocate on behalf of counsel for the appellant present.

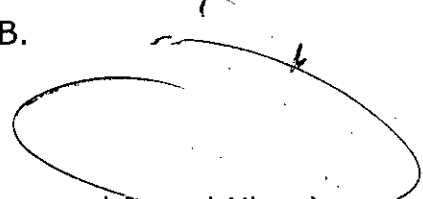
Requests for adjournment due to indisposition of learned senior counsel. Adjourned to 04.11.2020 before S.B.


Chairman

04.11.2020

Junior counsel for appellant is present.

Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned senior counsel for appellant is not available today. Adjourned to 20.01.2021 on which date to come up for preliminary hearing before S.B.

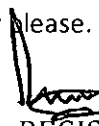

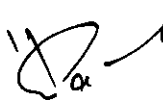

(Muhammad Jamal Khan)
Member (Judicial)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 999 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/02/2020	<p>The appeal of Mr. Shahreyar Khan resubmitted today by Mr. Shaiber Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. decrease</p> <p style="text-align: right;"> REGISTRAR = 11/2/2020</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/02/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>20.03.2020</p> <p>Clerk to counsel for the appellant present and seeks adjournment as lawyers community is on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for preliminary hearing on 23.04.2020 before S.B.</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Shaheryar Khan Naib Tehsildar Naib Tehsildar Qasba District Peshawar received today i.e. on 07.02.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of order dated 25.05 2018 mentioned in para-D of the memo of appeal is not attached with the appeal which may be placed on it.

No. 345 /S.T,

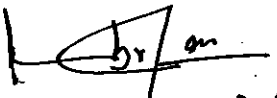
Dt. 11-02 /2020.


REGISTRAR -
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shaiber Khan Adv. Pesh.

- 1- The memorandum of appeal sign by appellant
- 2- In Para D of the appeal the date of order is wrongly mentioned 25-05-2018. The order was issued on 22-05-2018 copy of which is annexed as Annexure "A" at Page 5 of the appeal. Correction in the date made accordingly

Resubmitted with request that the same may be placed before the Hon'ble chairman of the august tribunal.


11.02.2020

BEFORE THE SERVICE TRIBUNAL, KP PESHAWAR

Service Appeal No. ⁹²²/2020

Shaheryar Khan Naib Tehsildar presently posted as Naib Tehsildar Qasba District Peshawar..... (APPELLANT)

VERSUS

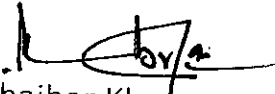
1. The Government of Khyber Pakhtunkhwa through the Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar. & others..... (RESPONDENTS)

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1	Appeal		
2	Affidavit		1-3
3	Copy of office order Dated 22-05-2018	A	04
4	Copy of minutes of meeting dated 04-11-2015	B	05
5	Copy of departmental representation	C	06
6	Copy of order dated 08-01-2020	D	07
7	Wakalatnama		08
			09


APPELLANT

THROUGH


Shaiber Khan

&

Sheraz Ali Khan

Advocates Peshawar.

Dated 07.02.2020

BEFORE THE SERVICE TRIBUNAL, KP PESHAWAR

Service Appeal No. 922/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1025

Date 7-2-2020

Shaheryar Khan Naib Tehsildar presently posted as Naib Tehsildar Qasba District Peshawar..... (APPELLANT)

VERSUS

1. The Government of Khyber Pakhtunkhwa through the Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar..... (RESPONDENTS)

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER BEARING ENDORSEMENT NO. ESTT: V/DPC/2018/22740-49 DATED 22-05-2018 WHEREBY THE APPELLANT HAS BEEN PROMOTED AS NAIB TEHSILDAR WITH IMMEDIATE EFFECT INSTEAD OF THE DATE ON WHICH THE APPELLANT WAS QUALIFIED/ELIGIBLE, DESPITE AVAILABILITY OF VACANCY AGAINST WHICH THE DEPARTMENTAL APPEAL/REPRESENTATION PREFERRED BY APPELLANT HAS BEEN DISMISSED/FILED VIDE ORDER DATED 08-01-2020.

Respectfully Sheweth;

A. That the Constitution of Islamic Republic of Pakistan aims at protecting Civil Servant in order to ensure smooth running of affairs of the Government and Institution so as to benefit the public citizenry.

~~Filed to-day~~

~~Registrar~~

~~7/2/2020~~

B. That the Appellant was initially appointed as junior clerk, the appellant was serving in the said capacity was posted as political Muharrir and now has been promoted as Naib Tehsildar BPS 14 vide office order bearing endorsement No. ESTT: V/DPC/2018/22740-49 dated 22.05.2018. (Copy of the office order is attached as annexure A).

Re-submitted to-day and filed.

Registrar

11/2/2020

C. That the appellant was entitled for promotion as Naib Tehsildar during the year 2015 and in this respect meeting of the selection committee regarding promotion of the Political Moharrir and others as Naib Tehsildar was held on 04.11.2015 but unfortunately the promotion of the appellant was deferred due to non-availability of one member of the committee. (copy of the minutes of the meeting is attached as annexure as B)

- D. That the Appellant was entitled for promotion as Naib Tehsildar w.e.f the date of availability of vacancy under the principle and criteria of seniority-cum-fitness while he was promoted as Naib Tehsildar vide order dated 22.05.2018 with immediate effect.
- E. That aggrieved of the said order appellant preferred representation dated 26.11.2019 for the grant of due rights and seniority but the competent authority vide order 08.01.2020 dismissed/filed the Appeal/representation of the appellant. (Copy of the Departmental representation is annexure C, while copy of the order dated 08.01.2020 is annexure D).
- F. That feeling aggrieved the appellant has approached this Hon'ble Tribunal through instant appeal inter- alia on the following grounds.

GROUNDS:

1. That the impugned order of promotion with immediate effect is violative and contrary to law, well-settled jurisprudence in field and practice, hence need to be modified instead of with immediate effect to the date on which the vacancy was available.
2. That the respondent/Department have also disturbed the seniority position of the appellant which needs rectification by placing the name of the appellant at his proper place/position in seniority list of the NTS.
3. That the impugned order of promotion depriving the appellant of his due right of promotion with effect from the date of entitlement of the appellant to such promotion and seniority is against the norms of justice and totally uncalled for.
4. That the respondents have ignored the well-settled principles entitling such civil servants in such circumstances to retrospective promotions.
5. That further necessary grounds will be raised during the course of arguments.


PRAYER

It is therefore, humbly prayed that on acceptance of this service Appeal;

- I. The impugned order of the competent authority dated 08.01.2020 may kindly be set-aside, the order of promotion of the appellant dated: 22.05.2018 may graciously be modified and respondents may kindly be directed to promote the appellant w.e.f 04.11.2015 the date of availability of vacancy coupled with the seniority of the appellant, instead of with immediate effect.
- II. Any other relief deemed fit and appropriate by this Hon'ble Tribunal may graciously be passed in the interest of justice and fair play, with cost.


APPELLANT

THROUGH


Shaiber Khan

&

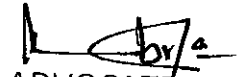
Sheraz Ali Khan

Advocates Peshawar.

Dated 07.02.2020

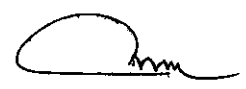
CERTIFICATE

Certified on instruction of my client that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble tribunal.


ADVOCATE

NOTE

No such like appeal has earlier been filed or pending before this Hon'ble tribunal.


DEPONENT

BEFORE THE SERVICE TRIBUNAL, KP PESHAWAR

Service Appeal No. /2020

Shaheryar Khan Naib Tehsildar presently posted as Naib Tehsildar Qasba District Peshawar

.....APPELLANT)

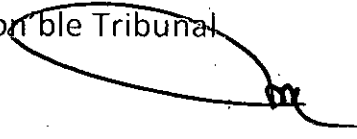
VERSUS

Government of Khyber Pakhtunkhwa through the Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar. & Another

.....(RESPONDENTS)

AFFIDAVIT

I, ~~Shaheryar~~ **Shaheryar** Khan S/O Abdul Karim Appellant, presently serving as Naib Tehsildar, do hereby on oath affirm and declare that the contents of the service appeal are true and correct to the best of my knowledge, and nothing has been canceled from this Hon'ble Tribunal

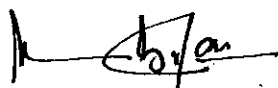


DEPONENT

CNIC# 17101-6731587-5

CELL # 0300 5905664

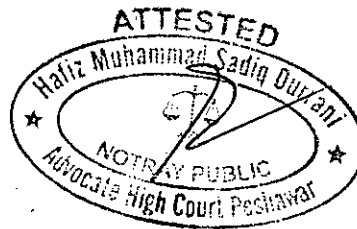
IDENTIFIED BY



SHAIBER KHAN

ADVOCATE

07 FEB 2020





GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 22/05/2018

ORDER

No. Estt:V/DPC/2018/ / Consequent upon the recommendation of Departmental Promotion Committee meeting held on 16.05.2018, the Competent Authority is pleased to order the promotion of the following Political Muharrirs / Kanungos to the post of Naib Tehsildars (BS - 14) of the offices mentioned against their names on regular basis with immediate effect:-

S.NO	NAME OF OFFICIAL WITH DESIGNATION	OFFICE
1.	Mr. Sheryar Khan Political Muharrir	Political Agent Office Mohmand Agency
2.	Mr. Zulfiqar Ahmad Political Muharrir	Assistant Political Agent Office FR Peshawar
3.	Mr. Shakeel Ahmad Political Muharrir	Political Agent Office Mohmand Agency
4.	Mr. Shah Ahmad Political Muharrir	Political Agent Office Bajuar Agency
5.	Mr. Mohammad Jamshed Naib Tehsildar (ACB)	Deputy Commissioner Office Tor Ghar
6.	Mr. Mohammad Imtiaz Kanungo	Deputy Commissioner Office Manshera
7.	Mr. Mohammad Inayat Kanungo	Deputy Commissioner Office Manshera

2. On promotion, the above officials will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules - 1989.

3. The Naib Tehsildar at S No. 2 & 4 above are placed under Revenue / Settlement Training for a period of six (06) months as required under Rules - 53 of the Tehsildar and Naib Tehsildar Departmental Examination and Training Rules - 1969. Training programme is attached.

By order of
Senior Member

No. Estt:V/DPC/2018/ 22740-49

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
2. Political Agents of the respective Agencies.
3. Deputy Commissioners of the respective Districts.
4. Agency District Accounts Officer of the respective District / Agencies.
5. Officials concerned.
6. Personal Files.

Certified to be true copy

Assistant Secretary (I. Stt)

-6-

Amended "B"

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING
REGARDING PROMOTION OF KANUNGO OF CHARSADDA DISTRICT TO THE
POST OF DISTRICT KANUNGO (BPS - 14) AND POLITICAL MOHARRIR OF
PESHAWAR DIVISION AND SENIOR CLERKS OF MALAKAND DIVISION TO THE
POST OF NAIB TEHSILDAR.

A meeting of Departmental Promotion Committee was held on 04.11.2015 at 12.00 PM in the office of Senior Member, Board of Revenue under his Chairmanship for consideration of the promotion cases of Kanungos to the post of District Kanungo of Charsadda District and Political Moharrir of Peshawar Division as well as Senior Clerk of Malakand Division to the post of Naib Tehsildar.

The following attended:-

- 1. Mr. Ghulam Muhammad,
Director Land Records. Member
- 2. Mr. Fakhr-uz-Zaman,
Secretary - I. Member
- 3. Mr. Muhammad Ajmal,
Assistant Secretary (Estt.). Secretary

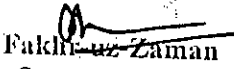
**Item No. 1. PROMOTION OF KANUNGO TO THE POST OF DISTRICT KANUNGO
(ACTING CHARGE BASIS) (BPS - 14) IN CHARSADDA DISTRICT.**


The Committee examined the record of Kanungo included in the panel for promotion against the vacant post of District Kanungos (BPS - 14) on Acting Charge Basis in Charsadda District and made following recommendations:-

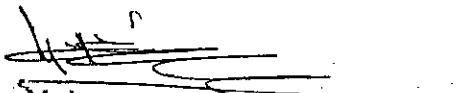
S. No.	Name of official	Recommendation
1.	Mr. Alamzeb Kanungo of Charsada District	Being the senior most Kanungo, he was considered and found fit for appointment as District Kanungo (BPS - 14) on Acting Charge Basis.


Item No. 2 & 3

The promotion cases of Political Moharrir as Naib Tehsildar in Peshawar Division and Senior Clerks to the post of Naib Tehsildar in Malakand Division were deferred due to non-availability of one Member of the Committee.

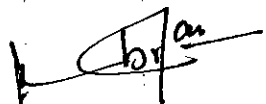

Fakhr-uz-Zaman
Secretary - I,
(Member)


Ghulam Muhammad
Director Land Records
(Member)


Muhammad Ajmal
Assistant Secretary (Estt)
(Secretary)


Muhammad Humayun Khan
Senior Member,
(Chairman)

Certified to be true copy



N B - u.c.c. Annexure 'C'

-7-

To

The Senior Member,
Board of Revenue,
Khyber Pakhtunkhwa.

PS/SMBR
Div No 7823
Date 28/11/19
Govt. of Khyber Pakhtunkhwa

AS-Esa

SUBJECT: GRANT OF SENIORITY W.E.F THE DATE OF PLACEMENT OF CASE BEFORE THE DPC FOR PROMOTION AS NAIB TEHSILDAR.

30/12

Dear Sir,

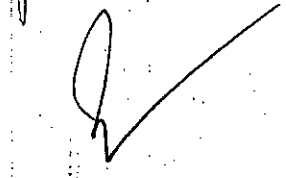
With due respect, it is submitted that the undersigned is working as Naib Tehsildar since 22.05.2018. The case of the undersigned for promotion as Naib Tehsildar was placed before the DPC for on 04.11.2015, but was not considered due to absence of one Member of the Committee (copy enclosed). Lateron, after a lapse of 02 years & 06 months the undersigned was considered for promotion on regular basis (copy of promotion order is enclosed).

Para (C) of the Page-61 of the Esia Code (copy enclosed) speaks that "If an officer is otherwise eligible for promotion but has been inadvertently omitted from consideration in the original reference due to clerical error or plain negligence and is superseded, he should be considered for promotion as soon as the mistake is noticed) hence, the delay was occurred due to negligence of the Department therefore, it is requested that my promotion as Naib Tehsildar may be treated from the date of holding of first DPC i.e 04.11.2015 and I may be given seniority as Naib Tehsildar accordingly please.

Dated: 26.11.2019

Shehryar Khan
 Shehryar Khan
 Naib Tehsildar
 Qasba Circle Peshawar

Secy-I

MBR-III


Oh

MBR-III
02/12/19

MBR-III
28/11/19

Shayla
Certified to be true copy

Shayla

-8- Annexure 'D'

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt:V/PF/Shehryar Khan/Pesh/ 822
Peshawar dated the 8 /01/2020.

To

Mr. Shehryar Khan,
Naib Tehsildar Qasba Circle Peshawar.




**SUBJECT: GRANT OF SENIORITY W.E.F THE DATE OF PLACEMENT OF
CASE BEFORE THE DPC FOR PROMOTION AS
NAIB TEHSILDAR.**

I am directed to refer to your application dated 26.11.2019 on the subject noted above and to inform you that your application for seniority has been examined and filed by the Competent Authority.


Assistant Secretary (Estt.)

~~Certified to be true copy~~

9

50 روپے	37645			
ایڈویکٹ: Shumli		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC-13-4267				
رابطہ نمبر: 0300-5870500				

Service Tribunal K.P.

بعدالت جناب:

مخائب: Appellant	دعویٰ: Service Appeal
شہریار	علت نمبر:
بنام	مورخہ:
حکومت	جرم:
کابل	تھانہ:

باعت تحریر آگے

شہریار / نائب صدر / ایسوسی ایشن

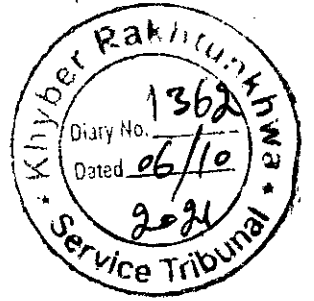
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ
 آن مقام کے لیے ایڈووکیٹ سید عزیز علی خان کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا نکالت نامہ لکھ دیا تاکہ سند رہے
 الم رقم: 06/02/2020
 DESHAWAR BAR ASSOCIATION
 KHYBER PAKHTUNKHWA

مقام پشاور
 کے لیے منظور ہے۔
 A. Nadeem
 accept
 Shumli

نوٹ: اس نکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Before the Honble Chairman K. P. Service Tribunal Peshawar

Service Appeal NO-1509 of 2021



ZAHED V/S Govt.

Application for grant of permission to the applicant
to deposit security fee as per rule.

Sir,

Allowed

1. That the titled appeal is pending before this Honble Tribunal and is fixed 16.11.21.
2. That the appellant was suffered in Covid-19 and in that season he could not deposit the security fee.
3. That the delay in depositing security fee was due to the reasons as stated herein.

It is therefore humbly requested that kindly allow the appellant to deposit security fee as per law.

Thanks
Put up to the worthy chairman with relevant appeal.

Dated
5.10.21
5/10/2021

Reader

Appellant
through: WAQAR AHMAD
BAIG
Advocate