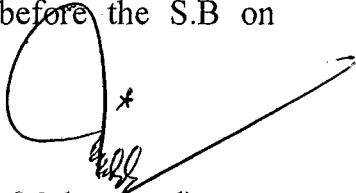


26.09.2022

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Qasim Khan, Superintendent for the respondents present.

Learned Additional Advocate General produced copy of the reply dated 07.09.2022, in execution petition submitted by the respondent department. Reply so produced, is placed on file as well as provided to the counsel for petitioner. After having submitted the reply of the respondent department by the learned Additional Advocate General, counsel for the petitioner wanted to raise yet certain objections in the tone and manner unbecoming of a professional legal practitioner. His attitude was quite arrogant and intransigent; violating the sanctity and decorum of the court. The manifested conduct exhibited by the counsel for petitioner today cannot be ignored being intentional and with purpose to pressurize the court to adopt a particular course for execution of the petition despite the fact that judgement of the Service Tribunal dated 13.07.2021 has already been conditionally/provisionally implemented vide Notification dated 10.02.2022 subject to the outcome of CPLA pending before the august Supreme Court of Pakistan. He is therefore debarred to appear before this Bench in any case as a counsel, during the next 90 days.

In view of the above factual position, the instant execution petition may be posted before another Single Bench during the period. To come up for further proceedings before the S.B on 03.11.2022.


(Mian Muhammad)
Member (E)

07.09.2022

Counsel for the petitioner present. Mr. Ajmal Khan, Assistant Secretary present. Learned AAG is not present.

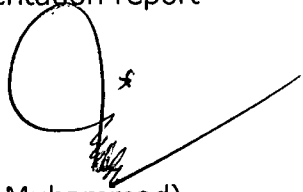
Representative of the respondent department submitted implementation report which was not in line with the judgment of the Service Tribunal dated 13.07.2021. Respondent department was directed to produce proper implementation on 26.09.2022 before S.B. The learned AAG to make sure to be present on the next date.



(Fareeha Paul)
Member (E)

19.05.2022 Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

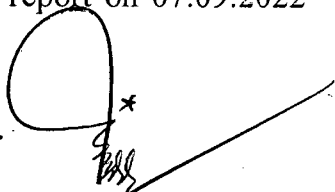
Learned AAG requested that time may be granted to him for submission of implementation report. Granted. To come up for implementation report on 15.07.2022 before S.B.


(Mian Muhammad)
Member (E)

15.07.2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Qasim Khan, Superintendent for the respondents present.


Implementation report not submitted. Learned Additional Advocate General committed at the bar that opportunity may be granted to contact and consult the respondent department for submission of proper implementation report on the next date. Adjourned. To come up for implementation report on 07.09.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

25.04.2022

None for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Qasim Khan, Superintendent for respondents present.

The respondent-department submitted Notification No. 3690-3704/Estt:V/Saleem Asmat/NT dated 10.02.2022 whereby judgement of the Service Tribunal in Service appeal No. 130/2016 of the appellant delivered on 13.07.2021, has been conditionally implemented by allowing the appellant to stand retired from service w.e.f 02.01.2019 (AN) subject to any adverse orders of the Competent Court of law in criminal case as well as pending CPLA before the august Supreme Court of Pakistan. Copy of the Notification is placed on file. Notices be issued to the petitioner and his counsel. Adjourned. To come up for further proceedings on 09.05.2022 before D.B.


(MIAN MUHAMMAD)
MEMBER(E)

09.05.2022

Petitioner present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Imran Akbar Assistant for respondents present.

Implementation report was not submitted. Respondents requested for time to submit implementation report; granted with strict direction to submit implementation report on or before the next date. To come up for implementation report on 19.05.2022 before S.B.


(Rozina Rehman)
Member (J)

21.12.2021

Junior to counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl AG alongwith Qasam Khan, Superintendent for the respondents present.

Representative of the respondents is directed to submit reply to the execution petition on next date positively. Case to come up on 09.02.2022 before the S.B.


Chairman

10.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 30.03.2022 for the same as before.


Reader

30.03.2022

Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondent present.

On previous date the case was adjourned on reader note, therefore notice of prosecution be issued to the respondents. Adjourned. To come up for further proceedings on 25.04.2022 before S.B.

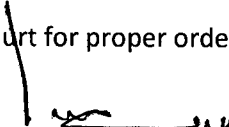



(MIAN MUHAMMAD)
MEMBER(E)

Form- A

FORM OF ORDER SHEET

Court of _____

EP No 200/21

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.09.2021	<p>The execution petition of Mr. Saleem Asmat submitted today by Mr. Bilal Ahmad Kakaizai Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	05.11.2021	<p>This execution petition be put up before S. Bench at Peshawar on <u>05/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present.</p> <p>Notices be issued to the respondents. To come up for implementation report on 21.12.2021 before the S.B.</p> <p style="text-align: right;"> Chairman</p>

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: _____

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

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

Name: Bilal - A - Kakaizai

Signature: Bilal - A - Kakaizai

Dated: 30.09.2021

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: 130 / 2016
Date of Decision: 13.07.2021


SALEEM ASMAT VS Government of Khyber Pakhtunkhwa etc.

INDEX

DESCRIPTION OF DOCUMENTS		PAGE NO:
<i>Implementation Application</i>		2 - 3
<i>Affidavit</i>		4
<i>Addresses Sheet</i>		5
Annexure-A	Judgment dated 13.07.2021	6 - 18
Wakalatnama		nil

Appellant / Applicant

Through,


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

(2)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

EP No 200/21

Service Appeal No: 130 / 2016

Date of Decision: 13.07.2021



SALEEM ASMAT

Retired Naib Tehsildar,
Irrigation, Gomal, D.I.Khan.

..... APPLICANT / APPELLANT

VERSUS

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA,**
Revenue & Estate Department,
Through Secretary / SMBR, Civil Secretariat, Peshawar.

2. **SENIOR MEMBER BOARD OF REVENUE,**
Government of Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

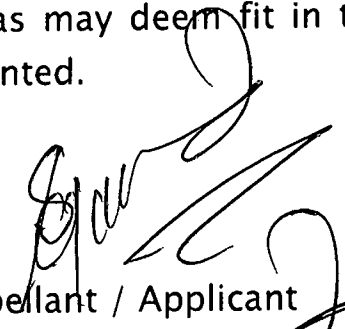
APPLICATION FOR IMPLEMENTATION OF JUDGEMENT
DATED 13.07.2021.

Respectfully Sheweth,

1. That, Appellant / Applicant filed the subject mentioned Appeal in this Honorable Tribunal, which was accepted on 13.07.2021, copy of the Judgment dated 13.07.2021 is attached as **Annexure-A.**
2. That, the Respondents were time and again requested to implement the above said Judgment in its letter & spirit but they seems to be reluctant.


- 3. That, Applicant / Appellant has already been retired and his pension is not released.
- 4. That, justice delayed is Justice denied.

In view of the above, it is requested that Respondents be directed to implement the Judgment dated 13.07.2021, without any further delay with such other relief as may deem fit in the circumstances of the case may also be granted.



Appellant / Applicant

Through:



BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.


Service Appeal No: 130 / 2016
Date of Decision: 13.07.2021

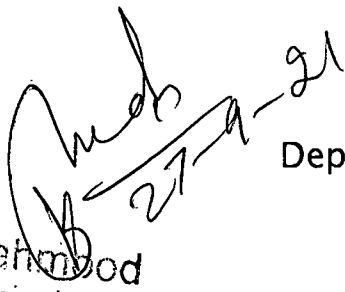
SALEEM ASMAT VS Government of Khyber Pakhtunkhwa etc.

AFFIDAVIT

I, Saleem Asmat S/o Nasrullah Khan Naib Tehsildar, Retired, Appellant / Applicant, do hereby on oath affirm and declare that the contents of the Implementation Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal.

Identified by:


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)


Khalid Mahmood
Oath Commissioner
Peshawar High Court


Deponent

5

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: 130 / 2016

Date of Decision: 13.07.2021

SALEEM ASMAT VS Government of Khyber Pakhtunkhwa etc.

ADDRESSES OF PARTIES.

APPELLANT:

SALEEM ASMAT, Retired Naib Tehsildar, Irrigation, Gomal, D.I.Khan.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa, Revenue & Estate Department, Through Secretary / SMBR, Civil Secretariat, Peshawar.
2. Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa, Peshawar.

Applicant / Appellant

Through,

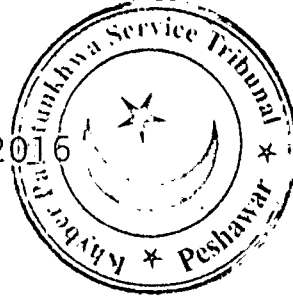

BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

A (6)

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No: 130 / 2016



M.W.F. Provincial
Service Tribunal
Diary No. 76
Dated 01-2-2016

SALEEM ASMAT,
Naib Tehsildar,
Irrigation, Gomal, D.I.Khan

APPELLANT

VERSUS

private respondents
No. 3 to 18, hence
placed Ex-parte
vide order dt.
28/4/2016.

1. GOVERNMENT OF KHYBER PAKHTUNKHWA,
Revenue & Estate Department,
Through Secretary, Civil Secretariat, Peshawar.
2. SENIOR MEMBER BOARD OF REVENUE,
Government of Khyber Pakhtunkhwa, Peshawar.
3. Ali Sher Khan, Naib Tehsildar.
4. Tariq Saleem, Naib Tehsildar.
5. Abdul Ghaffar, Naib Tehsildar.
6. Said Rehman, Naib Tehsildar.
7. Kiramatullah, Naib Tehsildar.
8. Akbar Iftikhar Ahmad, Naib Tehsildar.
9. Qaisar Khan, Naib Tehsildar.
10. Najeebullah, Naib Tehsildar.
11. Muhammad Ayub Khan, Naib Tehsildar.
12. Abdur Rehman Shah, Naib Tehsildar.
13. Sarir Ahmad, Naib Tehsildar.
14. Hasham Gul, Naib Tehsildar.
15. Muhammad Riaz, Naib Tehsildar.
16. Attaullah, Naib Tehsildar.
17. Musaddiq Hussain, Naib Tehsildar.
18. Abdul Qayum, Naib Tehsildar.

ATTESTED

EX-AMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Filed to the
Registrar
11/2/16.

Submitted to the
Registrar

11/2/16

7

8

19. Muhammad Nawaz, Naib Tehsildar.
20. Mir Laiq Shah, Naib Tehsildar.
21. Nouman Ali Shah, Naib Tehsildar.
22. Muhammad Bashir, Naib Tehsildar.
23. Hidayatullah, Naib Tehsildar.
24. Iftikhar Ahmad, Naib Tehsildar.
25. Ghulam Sarwar, Naib Tehsildar.
26. Farzand Ali, Naib Tehsildar.
27. Muqarrab Khan, Naib Tehsildar.
28. Said Rahim, Naib Tehsildar.
29. Fazli Raziq, Naib Tehsildar.
30. Shah Nawaz, Naib Tehsildar.
31. Asmatullah, Naib Tehsildar.
32. Mazhar Hussain, Naib Tehsildar.
33. Hussain Baksh, Naib Tehsildar.
34. Abdul Rashid, Naib Tehsildar.
35. Fateh Ullah, Naib Tehsildar.
36. Muhammad Akram, Naib Tehsildar.
37. Mulazim Hussain, Naib Tehsildar.
38. Muhammad Israr, Naib Tehsildar.
39. Afzal Khan, Naib Tehsildar.
40. Anwar ul Haq, Naib Tehsildar.
41. Khyzar Hayat, Naib Tehsildar.
42. Muhammad Farooq Anwar, Naib Tehsildar.
43. Kutab Khan, Naib Tehsildar.
44. Ghulam Qasim, Naib Tehsildar.
45. Qudratullah, Naib Tehsildar.
46. Aftab Hussain Shah, Naib Tehsildar.
47. Sikandar Hayat Shah, Naib Tehsildar.
48. Ghulam Abbas, Naib Tehsildar.

All Naib Tehsildars, through Respondent No. 2.

RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT, 1974
AGAINST ORDER NO. NIL DATED 07.01.2016, WHEREBY
DEPARTMENTAL APPEAL / REPRESENTATION AGAINST IMPUGNED
SENIORITY LIST HAS BEEN REJECTED.

APPROVED

EXAMINER


Member Pakhtunkhwa
Service Tribunal

Prayer: That on acceptance of this Service Appeal the Impugned Order dated 07.01.2016 be set aside and Seniority List be corrected as per Order dated 29.09.2009 and 18.01.2010 of Respondent No. 2 and Appellant be declared senior to the Private Respondents, with such other relief as may deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

1. That, vide Office Order No. 15261 / Admn: V / SL dated 10.08.2010, the Impugned Seniority List was circulated wherein Appellant was shown at S.No.62 on the basis of wrong date of promotion to the post of Naib Tehsildar i.e. 31.03.2008 instead of 13.01.2004, copy of the Impugned Seniority List is attached as Annexure-A. It is important to mention here that Appellant has only questioned the wrong date of promotion in the Impugned Seniority List.
2. That, as Appellant was assigned Seniority w.e.f 31.03.2008 and was placed at S.No.62 instead of assigning seniority from 13.01.2004, therefore, Appellant submitted his Departmental Appeal / Representation before the Respondent No. 2, copy of the same is attached as Annexure-B. Moreover Tentative Seniority List circulated vide Boards Office No. 1270/Adm dated 30.06.2010 is attached as Annexure-C.
3. That, the Competent Authority vide Order dated 16.04.2011 held the Departmental Appeal of the Appellant as non-maintainable being time barred, copy of the Order in Appeal is attached as Annexure-D. The said Order dated 16.04.2011 was challenged before the Honourable Tribunal in Service Appeal No. 813 / 2011.

ATTESTED

 EXAMINER
 Jalkhatakha
 Tribunal
 Jhansi

4. That, the above said Service Appeal was decided on 19.06.2012 with the direction to decide the Departmental Appeal of the Appellant afresh, on merits, copy of the Order / Judgment dated 19.06.2012 is attached as Annexure E.
5. That, even than the Respondents were reluctant to decide the Departmental Appeal of the Appellant hence the Appellant filed Execution Petition No. 186 / 2012 in Service Appeal No. 813 / 2011, copy of the Execution Petition is attached as Annexure F.
6. That, on 17.04.2012, during the Execution Proceedings, Appellant was handed over Order dated 12.09.2012 whereby the Departmental Appeal of the Appellant was again rejected, copy of the Order dated 12.09.2012 and Order / Judgment dated 17.04.2013 of Honourable Service Tribunal are attached as Annexure G & H.
7. That, Appellant once again preferred Service Appeal No. 932 / 2013 before the Tribunal which was decided on 01.12.2015 with the direction to the Appellate Authority to decide the Departmental Appeal of the Appellant within 30 days, copy of the Service Appeal No. 932 / 2013 along with Order dated 01.12.2015 is attached as Annexure J.
8. That, the Competent Authority once again dismissed the Departmental Appeal of the Appellant without mentioning any lawful reason or justification, copy of the Impugned Appellate Order is attached as Annexure K, hence, this Service Appeal on the following amongst other grounds: -

GROUNDS:

- A. That, the Impugned Appellate Order in Appeal dated 07.01.2016 is illegal, unlawful, void and ineffective.
- B. That, the same is against the principles of Natural Justice, also.
- C. That, Appellant was Appointed & posted as Naib Tehsildar in his own pay & scale vide Order dated 13.01.2004 and on the

(10)

(B)


same day he assumed the charge, copy of the Posting Order is attached as Annexure-L.

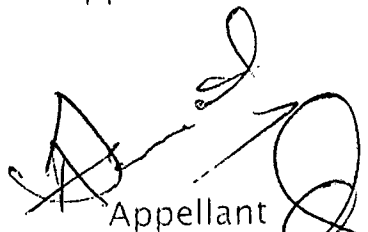
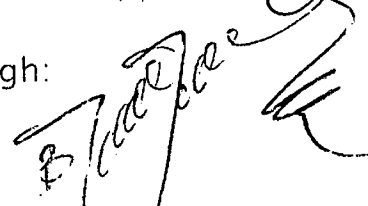
- D. That, Appellant claimed his Seniority w.e.f. the date of his posting, therefore, his appeal was accepted by the Respondent No. 2 on 29.09.2009 whereby the services of Appellant as Naib Tehsildar were regularized w.e.f. 13.01.2004, copy of the Order of Respondent No.2 is attached as Annexure-M and Order in this respect, dated 18.01.2010 is attached as Annexure-N.
- E. That, it is important to mention here that before passing the Order dated 18.01.2010 & 29.09.2009 the Appellant was considered by the Departmental Promotion committee and was found fit for promotion.
- F. That, a Seniority List showing the position of the Naib-Tehsildars according to the date of regularization of each, was circulated vide Boards office No.1270/Admn dated 30.06.2010. In this Seniority List the name of the Appellant appears at S.No.17.
- G. That, the cancellation of the Provisional Seniority List and circulation of the Impugned Seniority List is against the factual position and the service rules.
- H. That, according to the service rules and law laid down by the Superior Courts of Pakistan, the Seniority of the civil servants is determined from the date of continuous service of the officials but this principle / criteria has been by-passed and violated in a fanciful and unlawful manner, thus the Seniority List circulated is liable to be set-aside and liable to be revised / corrected in accordance with the rules.
- I. That, while dealing with the Departmental Appeal of the Appellant, the Appellate Authority did not paid any heed to the similarly placed Naib Tehsildars who were also given the seniority from back date, copies of the relevant orders are attached as Annexure O & P.

RECEIVED
10/10/10
10/10/10
10/10/10

- J. That, the Appellant has been dealt with different yardstick and the Appellate Order is seems to be best example of nepotism and favoritism.
- K. That, apart from Annexure O & P, other employees were also promoted by the Respondent No. 2 but no order or seniority from any incumbent has been withdrawn by the Respondents.
- L. That, Orders dated 18.01.2010 & 29.09.2009 are still in field and no order had been taken back or withdrawn by the Respondents.
- M. That, despite clear direction in the Judgment dated 01.12.2015; clear discrimination has been done with the Appellant.
- N. That, the act of the Respondent No. 2 is against the Article 4, 25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973.
- O. That, Appellant has no personal grudges with any incumbent above his name in the seniority List but he just wants to correct the date of his regular promotion to the post of Naib Tehsildar.
- P. That, the Order dated 07.01.2016 has been passed in hasty manner. Even otherwise the same is against the principle enshrined in the section 24-A of the General Clauses Act, 1897.

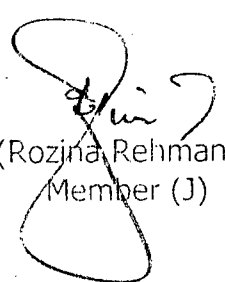
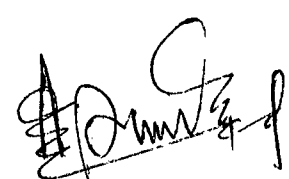
It is, therefore, requested that Appeal be accepted as prayed for.

ATTESTED

ATTESTER
Abdul Razak, Btukhwa
District Muzaffargarh
Peshawar


Appellant
Through:

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

12

Vice Appeal No. 130/2016

1	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	13.07.2021	<p><u>Present:</u></p> <p>Bilal Ahmad Kakazai, Advocate ... For Appellant</p> <p>Kabir Ullah Khattak, Additional Advocate General ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, we accept the appellant's appeal as prayed for. Consequently, the impugned order dated 07.01.2016 of departmental appellate authority is set aside and respondents are directed to give effect to the seniority of appellant by necessary correction as prayed in the appeal. There is not order as to costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 13.07.2021</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  (Rozina Rehman) Member (J) </div> <div style="text-align: center;">  (Ahmad Sultan Tareen) Chairman </div> </div>

REGISTERED

[Signature]

REGISTRAR
 District Court
 District Court
 District Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 130/2016

Date of Institution ... 01.02.2016

Date of Decision ... 13.07.2021



Saleem Asmat Naib Tehsildar, Irrigation, Gomal, D.I.Khan.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa, Revenue & Estate Department through Secretary/Senior Member Board of Revenue, Civil Secretariat, Peshawar and 47 others.

... (Respondents)

Present:

MR. BILAL AHMAD KAKAZAI,
Advocate

--- For Appellant.

KABIR ULLAH KHATTAK,
Additional Advocate General

--- For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

--- CHAIRMAN
--- MEMBER(Judicial)

JUDGEMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-The appellant named

above has invoked the jurisdiction of this Tribunal through service appeal described above in the heading challenging thereby the order of Senior Member Board of Revenue (SMBR) as to rejection of his appeal for reckoning his seniority from a particular date, which as purported by the appellant, is against the facts and law.

2. The facts as precisely gathered from the memo of appeal include that vide office order No. 15261/Admn: V/SI, dated 10.08.2010, the impugned seniority list was circulated wherein the appellant was shown at S. No. 62 on the basis of wrong date of promotion to the post of Naib Tehsildar.

31.03.2008 instead of 13.01.2004. The appellant after exhausting the remedy of departmental appeal for the first time came to this Tribunal with Service Appeal No. 813/2011 which was decided on 19.06.2012 with the direction to the respondent for decision of departmental appeal afresh. The said order was got executed through Execution Petition No.186/2012 when in the course of execution proceedings, the appellant was communicated with order dated 19.09.2012 of the Departmental Appellate Authority about rejection of his departmental appeal. This impelled the appellant for filing of Service Appeal No. 932/2013 which was decided on 01.12.2015 with direction to the appellate authority to decide the departmental appeal within 30 days. The Department Appellate Authority again rejected the appellant's appeal vide order dated 07.01.2016 and thereafter, this is the third round of appellant to this Tribunal with Service Appeal at hand, wherein he has impugned said order. Copies of the previous judgments of this Tribunal in Service Appeal No. 813/2011 and 932/2013 have been annexed by the appellant with his memo of appeal. For relevancy to the discussion hereinafter, para-4 from the judgment dated 01.12.2015 passed in Service Appeal No. 932/2013 is reproduced herein below:-

"4. The appellant claims seniority from 13.01.2004 on the basis of order of the Senior Member Board of Revenue Khyber Pakhtunkhwa dated 29.09.2009 whereby a department appeal No.338 of 2008 of the appellant was accepted on 29.09. 2009 and his services were regularized w.e.f. 13.01.2004 vide notification dated 18.01.2010. But when after the above order of SMBR the seniority list was circulated vide office order No. 15261/Admn: V/SL dated 10.08.2010, the appellant was virtually relegated in seniority list of his Sr. No. 17 and instead he was placed at serial No.62 ignoring the fact that the competent authority had already regularized his services w.e.f. 13.01.2004. It is undisputed that the order of the SMBR regularizing the services of the appellant as

[Handwritten signature]
 ATTENDED
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(15)

Naib Tehsildar is still in the field having not been challenged anywhere by anybody. Thus when once the services of the appellant as Naib Tehsildar were regularized w.e.f. 13.01.2004 so he was placed at Sr. No. 17 of the seniority list. As this order is still in the field, hence, his claim to seniority from the said date appears to be well founded. Thus prima-facie the case of seniority of the appellant is in consonance with Section 8 of the Civil Servants Act, 1973 because his services were regularized w.e.f. 13.01.2004 by the order of the competent authority. It was asserted that when the appellant was relegated, he was badly discriminated keeping in view identical case of M, Naib Din and Miraj Muhammad. That while deciding his department appeal, the competent authority ignored order of SMBR dated 29.09.2009 followed by notification dated 2010 in favor of the appellant. That in view of the celebrated judgment of the august Supreme Court of Pakistan reported as 2009-SCMR-1, the department ought to have treated the appellant similarly while discriminatory treatment has been meted out to him as is apparent from the record of the case."

3. The respondent after admission of the appeal for full hearing were put on notice. They on attending the proceedings have filed written reply/comments refuting the claim of appellant for the relief as sought by him in the memorandum of appeal. The private respondents were served with notices of appeal through registered post but none from them turned up and they were placed ex parte vide order dated 28.04.2016.

4. We have heard the arguments and perused the record.

5. It was argued on behalf of the appellant that although his services as Naib Tehsildar were regularized by an administrative order on acceptance of his appeal by the SMBR but it is specifically mentioned by SMBR in his order dated 29.09.2009 that case of the appellant for selection/promotion as Naib Tehsildar had already been decided vide minutes of Departmental Promotion Committee meeting held on 31.03.2008. The appellant's case for



ATTESTED

EXAMINER
of Pakhtunkhwa
F. Board
Peshawar

promotion was considered by DPC. His promotion was to take place in light of minutes of DPC but his services as Naib Tehsildar were regularized earlier leaving no need for order of promotion in light of DPC's recommendation. The name of appellant was included in the seniority list of Naib Tehsildars as properly circulated. His name appeared at S. No. 17 as per date of his regularization. However, this seniority position of the appellant was changed in the list circulated vide office order No. 15261/Admn: V/SL dated 10.08.2010, wherein the appellant was shown at S. No. 62 on the basis of wrong date of promotion to the post of Naib Tehsildar i.e. 31.03.2008 instead of 13.01.2004. So, the appellant started pursuit for benefits of his seniority. Counsel for the appellant argued that this is the third round of litigation in relation to seniority of the appellant when the departmental appellate authority has wrongly rejected the appeal of appellant remanded to it by judgment dated 01.12.2015 passed in Service Appeal No. 932/2013. The said judgment had settled the entitlement of appellant's seniority on merit and remanding of appeal was for technical reason of non impleadment of concerned civil servants as private respondent. The learned counsel pointed out that though the private respondents have been impleaded in the present appeal but none of them turned up to contest the claim of appellant despite service of notices upon them through registered post. While concluding his arguments, learned counsel for the appellant contended that impugned order is against the facts and law and suffer from malafide and unfairness of the respondents. Therefore, the appeal on strength of its facts and grounds is worth acceptance.

6. It was argued on behalf of respondents that promotion to the post of Naib Tehsildar from the Ministerial Establishment was doable only on

recommendation of DPC but the same in case of appellant was not accordingly made. The appellant got the promotion illegally through an administrative order which was nothing more than an out-of-turn promotion always deprecated by the Superior Courts in various pronouncements. The learned AAG concluded his arguments with the submission that order of appellant's promotion in its particular style was not worth implementation for giving him benefit of seniority on the basis of OPS service. So, his department appeal through impugned order of the competent authority was rightly rejected. He requested for dismissal of appellant's appeal with costs.

7. The respondents in their parawise comments, while giving justification of the impugned order, have termed the appellant's promotion as out-of-turn promotion having been made by an administrative order; and came up with the plea that his illegal promotion is under review in the Department. Therefore, he cannot be granted seniority w.e.f. 13.01.2004. The question which now pops up is whether in view of observations in the judgment dated 01.12.2015 passed in Service Appeal No. 932/2013, as reproduced above under the factual part, leave any force in said plea of the respondents. For the reasons to be given hereinafter, we find no force in the said plea of respondents. Needless to say that after brief account of facts in the said judgment, the adjudication followed, which is noted as: "*It is undisputed that the order of the SMBR regularizing the services of the appellant as Naib Tehsildar is still in the field having not been challenged anywhere by anybody. Thus when once the services of the appellant as Naib Tehsildar were regularized w.e.f. 13.01.2004 so he was placed at Sr. No. 17 of the seniority list. As this order is still in the field, hence, his claim to seniority from the said date appears to be well founded. Thus prima-facie the case of seniority of the appellant is in consonance with Section 8 of the*

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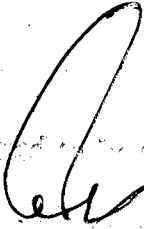
Civil Servants Act, 1973 because his services were regularized w.e.f. 13.01.2004 by the order of the competent authority. We have not been informed that the respondents had impugned the said observations before the Apex Court, and if so, what was the result. If they had not challenged, the judgment had got finality. The respondents were left with no option to take a contrary factual view to the said findings of the Tribunal not disputed by them. Therefore, we are left with no option but to decide this appeal in the same terms.


8. For what has gone above, we accept the appellant's appeal as prayed for. Consequently, the impugned order dated 07.01.2016 of departmental appellate authority is set aside and respondents are directed to give effect to the seniority of appellant by necessary correction as prayed in the appeal. There is no order as to costs. File be consigned to the record room.

ANNOUNCED
13.07.2021


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ROZINA REHMAN)
MEMBER(J)


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27/8/21

لعدالت صوبائی سسر ٹریڈیو کونسل کشتیاور

مورخہ _____
 مقدمہ _____
 دعویٰ _____

منجانب

گورنمنٹ آف کے پی کے

بنام

سید عاصم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کے لیے بلال احمد کے زنی ایڈوکیٹ، مقرر کر کے اقرار کیا جاتا ہے۔ کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے، جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی 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 اختیار ہوگا۔ از 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 باختیارات حاصل ہوں گے۔ اور اس کا ساختہ پرواختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا یا 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 لکھ دیا کہ سندر ہے۔

27-09-2021

الرقوم

Attested &
Accepted

لکھ دیا کہ سندر ہوا۔

Bilal Ahmad Kakaizai --- 17301-1353033-7

bc-11-1062 --- 0300-9020098

بمقام

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. S.B

No.

Appeal No. F.P 200 of 20 21
Sarveem Asmat Appellant/Petitioner

Govt. of KP through Secy. S.M.B.R. Respondent
Versus
Respondent No. 1

Notice to: Govt. of KP Revenue & Estate Deptt.
through Secretary S.M.B.R Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....21/12/21.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of ^{E.P} appeal is attached. Copy of ~~appeal has already been sent to you vide this~~ office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....16/11.....

Day of.....Nov.....20 21

for implementation Report



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. E.P No. 200 of 20 21
Saleem Asmat Appellant/Petitioner

Court of K.P.K. Secy. S.M.B.R. Respondent
Respondent No. 2

Notice to: —

Senior Member Board of Revenue
Court of K.P.K. Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....21/12/21.....at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of E.P appeal is attached. ~~Copy of appeal has already been sent to you vide this~~
office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....16th.....

Day of.....Nov.....20 21

for implementation
Report

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

E.P No. 200/2021

Saleem Asmat.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through chief secretary and others...Respondent

AFFIDAVIT

I, Mr. Qasim Khan superintendent (Lit-II) Board of Revenue, Khyber Pakhtunkhwa , do hereby solemnly affirm and declare that the contents of the accompanying **Para-wise Comments** submitted in the subject service appeal are true and correct to the best of my knowledge and belief and that nothing has concealed from this Honorable Service Tribunal.

ATTESTED



[Handwritten Signature]
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 200/2021.

Saleem Asmat Ex-Naib Tehsildar Appellant.

VERSUS

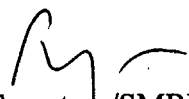
Government of Khyber Pakhtunkhwa and other.....Respondents.

Parawise reply in Execution Petition No200/2021 is as under:-

ON FACTS.

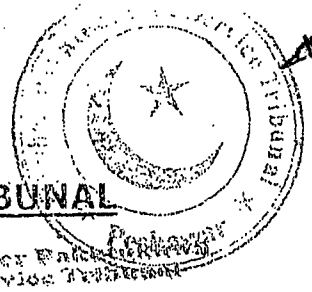
1. Correct to the extent Judgment dated 13.07.2021
2. Incorrect. Such like appeals, of his colleagues who were also promoted as Naib Tehsildars through Administrative orders but were reversed to their original lower posts has also been dismissed by this Tribunal (Annex-A). Their appeals /CPLAs before, the Supreme Court of Pakistan were remanded to the department for consideration by the department (Annex-B). Their cases were placed before the Departmental Promotion Committee but were not considered being the junior most ~~Working papers~~ is at (Annex-C) Minutes of the Departmental Promotion Committee are at (Annex-D). Appellant has already attained the age of superannuation on 02.01.2019. Beside a CPLA against the order dated 13.07.2021 of this Tribunal is pending before, the Supreme Court of Pakistan. On receipt of order/Judgment of the supreme Court of Pakistan the order will be implemented in letter and spirit.
3. Incorrect. A criminal case is also pending against the appellant before, the court vide FIR 546 dated 01.06.2018 (Annex-E)
4. As in para -2 above. The appellant has already been retired and his pension is not released due to pendency of criminal case.
5. Incorrect. On receipt of final judgment of the Supreme Court of Pakistan, the same will be implemented in letter and spirit.

Keeping in view of the above the Execution petition of the petitioner having no legal grounds may be dismissed with costs.


Secretary/SMBR
Revenue & Estate Department
(Respondent No.1&2)

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



APPEAL NO. 1130 /2016

Diary No. 1155

Dated 07-11-2016

Mr. Jehanzeb, Naib Tahsildar (BPS-14),
Tehsil Dargai, District Malakand **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 3- The Board of Revenue through its Assistant Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 9.9.2016 WHEREBY THE PROMOTION/REGULARIZATION ORDER DATED 10.9.2009 OF THE APPELLANT AS NAIB TEHSILDAR (BPS-14) HAS BEEN WITHDRAWN WITHOUT ANY REASON AND CLEAR JUSTIFICATION AND AGAINST THE APPELLATE ORDER DATED 03/11/2016 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 09.09.2016 & 03.11.2016 may very kindly be set aside and the respondents may be directed that to restored the appellant on the post of Naib Tehsildar (BPS-14) with all consequential benefits and seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

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

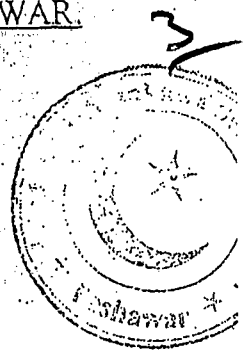
- ATTESTED**
- 1- That appellant was initially inducted in the respondent Department as Junior Clerk in the year 1982. That later on the appellant was promoted to the post of Senior Clerk (BPS-7) on the basis of seniority cum fitness.

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Appeal No. 1130/2016

Date of Institution ... 07.11.2016

Date of Decision ... 25.01.2019



Mr. Jehanzeb, Naib Tehsildar (BPS-14), Tehsil Dargai, District Malakand.
(Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and two others.
(Respondents)

Mr. Noor Muhammad Khattak, Advocate
Mr. Muhammad Asif Youssafzai, Advocate
Mr. Shaibar Khan, Advocate
Mr. Rizwanullah, Advocate
Mr. Muazzam Butt, Advocate
Mr. Khalid Anwar Afridi, Advocate
Mr. Arshad Jamal Qureshi, Advocate

--- For appellant.

Mr. Muhammad Jan,
Deputy District Attorney

--- For respondents.

MR. AHMAD HASSAN,

--- MEMBER(Executive)

MR. MUHAMMAD AMIN KHAN KUNDI


--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.-

This judgment shall dispose of the instant service appeal as well as connected service appeal no. 1132/2016 titled Anwar Hussain, appeal no. 979/2016 titled Dildar Khan, appeal no. 23/2017 titled Dildar Khan, appeal no. 1106/2016 titled Abdul Jalil, appeal no. 1128/2016 titled Muhammad Asghar Khan, appeal no. 781/2016, titled Muhammad Saeed Khan, appeal no. 1044/2016 titled Ghuncha Gul, appeal no. 1222/2018 titled Kifayatullah Khan and appeal no. 1225/2018 titled Hasnain Ahmad, as similar question of law and facts are involved therein.

ATTESTED


AHMAD HASSAN
Khyber Pakhtunkhwa

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

FACTS

3. Brief facts giving rise to the appeal in hand are that the appellant was appointed as Junior Clerk (BPS-05) in 1982 and subsequently, elevated to the post of Senior Clerk (BPS-07). After introduction of system of devolution of power plan his services were placed at the disposal of P&D Department vide order dated 01.12.2001. Later on the appellant was transferred to the office of District Office Revenue and Estate as Accountant vide order dated 07.06.2005. That he was regularly promoted to the post of Assistant (BPS-11) on 24.01.2008. The present grievance of the appellant relates to impugned order dated 09.09.2016 through which his promotion/regularization as Naib Tehsildar was withdrawn. Feeling aggrieved, he filed departmental appeal on 19.09.2016, which was dismissed on 03.11.2016, hence, the present service appeal.

ARGUMENTS

4. Learned counsel for the appellant argued that through order dated 04.11.2008, he was transferred/posted as District Revenue Accountant in own pay and scale. That vide order dated 10.06.2009 the appellant was posted as Naib Tehsildar, Othmankhel in own pay and scale. He further argued that on acceptance of a departmental appeal preferred by him, he was posted as Naib Tehsildar on acting charge basis (BPS-14) w.e.f 04.11.2008 vide order dated 10.09.2009.

5. While in service officials juniors to the appellant were promoted as Naib Tehsildar on regular basis. To protect his interests, he again filed an appeal for regularization of his services. The competent authority, (the then S.M.B.R) accepted his appeal for regularization on 07.01.2010, while formal order/notification was

ATTES



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issued on 08.01.2010. Thereafter, he started discharging duty as Naib Tehsildar.

Resultantly, not only his name was brought on the relevant seniority list of Naib Tehsildars but also inserted at the appropriate place vide notification dated 06.09.2012 and 31.08.2016. Subsequently, he received a notice from the respondents through which his appointment/promotion as Naib Tehsildar was questioned being against the law/rules alongwith directions of withdrawal. He submitted his written defense, but to his astonishment SMBR (respondent no.3) through impugned order dated 09.09.2016 withdrew promotion order of the appellant as Naib Tehsildar with immediate effect. Appellant was not treated according to Section-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973. His promotion had not only attained finality but also became a closed and past transaction. No departmental enquiry was conducted before withdrawal of the said order. He further contended that as promotion order remained in the field for more than seven years so under the principle of locus-poenitentiae, unilateral withdrawal order badly impinged upon rights of the appellant. Reliance was placed on case law reported as PLD 2017 68, 2017 PLC (C.S) 507, 2017 PLC (C.S) 587, 2016 TD(S) 401, 1998 PLC (C.S)337, 2015 PLC(C.S) 1519, 2003 PLC (C.S) 1262, 2005 T.D(S) 78, 1987 PLC (C.S) 73, 1996 PLC (C.S)1051 and 1996 PLC (C.S) 590.

6. Mr. Muzzam Butt, Advocate, learned counsel for Mr. Anwar Hussain, invited attention of this Tribunal to case reported as PLD 2013 Supreme Court 501. He urged, that in view of the importance of the present appeal, where valuable vested rights of the appellant were at stake and peculiar circumstances prevailing in FATA/settled areas, so in the interest of justice and fair play, it would be appropriate for this Tribunal to frame questions based on factual controversies, facts and laws agitated in the present appeal. Then based on that evidence would be produced

ATTACHED

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before the Tribunal for proper analysis/arguments. He further contended that it would be in the fitness of the things if the matter was placed before the Chairman Service Tribunal for revisiting the judgment of larger bench rendered in service appeal no. 94/2015 decided on 15.02.2018, because previously clear cut findings were not given on the two dissenting judgments considered during the above judgment.

7. Mr. Rizwanullah, Advocate learned counsel for the same appellant concurred with the arguments advanced by Mr. Muzzam Butt, Advocate. Reliance was also placed on case law reported as 2002 SCMR 1124, 1996 SCMR 135, 2006 SCMR 678, 1992 SCMR 1420, 2002 SCMR 71 and 2011 PLC (C.S) 11.

8. On the other hand Learned Deputy District Attorney argued that the appellant was appointed as Naib Tehsildar, Othmankhel in own pay and scale vide order dated 10.06.2009. The word "own pay and scale" was alien to the law/rules governing terms and conditions of appointment of civil servants. That after on acceptance of his departmental representation, he was promoted as Naib Tehsildar on acting charge basis through administrative order dated 10.09.2009. Vide order dated 07.01.2010 his services were regularized as Naib Tehsildar vide order dated 08.01.2010. He further argued that according to Rule-9(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989, only senior most civil servant belonging to the cadre or service concerned who was otherwise eligible for promotion but does not possess the specified length of service the authority may appoint him to the post of acting charge basis. Similarly Sub Rule-4 of the said rule provides that acting charge appointment shall be made against the posts which are likely to fall vacant for a period of six months or more. Similarly, Sub-Rule-6 of the Rules ibid laid down condition

ACCEPTED

that acting charge appointment shall not confer any vested right for regular appointment. Attention of this Tribunal was also drawn to Rule-5 of said rules that promotion may be made on the recommendation of departmental promotion/departmental selection committee. On the other hand promotion/regularization of the appellant was made in violation of the rules referred to above. Moreover, the then Senior Member Board of Revenue had not authority to regularize services of an official in judicial capacity without adopting proper procedure laid down in the rules. Normally, an appeal is preferred before the competent authority against an order by the aggrieved civil servant. Since there was no order in the field from which the appellant was aggrieved, therefore, his appeal for out of turn promotion was not covered under the rules. Illegal promotion could not gain finality. On the advice of NAB and Establishment Department the appellant was summoned by respondent no.3 to explain position on illegal promotion obtained through administrative order. Proper opportunity of hearing/written reply was afforded to the appellant before withdrawal of illegal promotion order. The proceedings of review were not conducted under E&D Rules 2011, so there was no need of formal enquiry. He further contended that the larger bench of this Tribunal in its judgment dated 15.02.2018 rendered in service appeal no. 94/2015 had considered all possible aspects of the case and thereafter gave a comprehensive and all encompassing judgment. Reliance was placed on case law reported as PLD 2017 Islamabad 81, 2018 SCMR 1218, 2003 SCMR 1269, judgment of this Tribunal dated 04.10.2016 passed in service appeal no 498/2016, service appeal no. 447/2017, and 1239/2016 decided on 04.10.2017 and 02.08.2018 respectively.

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CONCLUSION

9. The controversy of illegal appointment/promotion of the appellant starts from his appointment as District Revenue Accountant, Batkhela in own pay and scale followed by posting as Naib Tehsildar (own pay and scale) notified on 10.06.2009. In pursuance of a departmental representation dated 12.08.2009 the then Senior Member Board of Revenue promoted him as Naib Tehsildar on acting charge basis w.e.f. 04.11.2008 vide order dated 10.09.2009 followed by regularization as Naib Tehsildar vide order dated 07.01.2010 notified on 08.01.2010. Procedure for appointment in the prescribed manner is elucidated in Section-5 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. Similarly Rule-5 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 provides that in each department or office of the government there shall be one or more Departmental Promotion and Departmental Selection Committee which shall consider promotion cases of the civil servants. It is not disputed that there is no provision in law/rules which enables the competent authority to appoint a civil servant on higher scale in own pay and scale. Appointment of juniors is a source of heartburning for the seniors within the same cadre. The superior courts have always discouraged this practice being devoid of legal sanction. Such discretion if allowed will block avenues of promotion of deserving civil servants. Had the appellant been eligible for promotion to the post of Naib Tehsildar under the rules then he should not have made recourse to a short cut/illegal method of getting promotion through administrative order. It also exposed malafide of the appellant by usurping legitimate rights of deserving candidates. Entire service appeal was silent as to what was the seniority position of the appellant at the time of acting charge appointment? Learned counsel for the

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Appellant deliberately and purposely swept this important aspect under the carpet and tried to distract this Tribunal by claiming that name of the appellant was brought on the relevant seniority list after getting illegal promotion. Attention is drawn to Sub-section(1) of Section-8 of Civil Servants Act 1973 for proper administration of a service, cadre or post, the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or post to be prepared, but nothing contained herein shall be construed to confer any vested right to a particular seniority in such service, cadre or post as the case may be.

10. Learned counsel for the appellant during the course of arguments also failed to pin point any law or rule, where-under powers of regularization of civil servants were vested in the then respondent no.3. Normally, regularization of temporary, contract and adhoc employees is made through legislation/act of the Provincial Assembly, Khyber Pakhtunkhwa and judgments of the superior courts. We hope that by now it has become crystal clear that the said officer had no powers to regularize a civil servant. Orders passed by him without lawful authority were void ab-initio and also tantamount to misuse of authority under NAB Ordinance 1999. Our stance is further fortified by 2017 PLD 81, wherein it was held by the Islamabad High Court that "rights could not claim on the basis of an illegality. Illegal and void foundation could not create a right and any super structure built thereon would equally remain illegal and void. No person could justify an illegality by contending that similar other activities were going on. Rule of law could not be upheld by effectuating and enforcing the law, rather than condoning and giving legitimacy to violations of law. Legitimizing illegality lead to chaos and violation of the Fundamental Rights of the citizens. **ATTORNEY**

11. So far as the issue of closed and past transaction raised by the learned counsel for the appellant was concerned, it was deliberated by the august Supreme Court of Pakistan in case law reported as 2018 SCMR 1218. Findings of the apex court available in para-68 of the judgment are produced below for ready reference:-

First of all we would like to deal with the argument of past and closed transactions, which is the core issue in the instant matter. In Shahid Pervaiz's case (supra), this arguments was also raised and considered, wherein it was inter alia observed that:-

"116. As to the claim that the out of turn promotions are covered by the doctrine of past and closed transaction, the infirmity of the argument is self-evident. Sometimes there are wrongs without individual victims while in other cases there are identified individual victims. The brunt of out of turn promotions is always borne by the individual officers who were bypassed due to out of turn promotions. The damaging effect on the careers of deserving officers who suffered due to these out of turn promotions continue during service and even after retirement in terms of pensionary benefits. If the beneficiaries of this illegal exercise are reverted to the positions to which they would have been entitled to, on their respective merit and promotion, on their turn. This would immediately open up vistas of promotion for those deserving officers who were earlier bypassed due to out of turn promotions.

"117. In the light of the rules and principles laid down by this Court, we with respect are not inclined to agree with the proposition that vested rights that were created under a law subsequently, declared unconstitutional by this court have attained finality under doctrine of past and closed transaction, and that they are immune from the application of this aforementioned judgments of this Court. We have maintained that vested rights are generated only under a valid and uncontested instrument of law. An instrument that was still born or treated by this Court as non est is barred from creating any vested rights, let alone being protected under the doctrine of past and closed transactions. We believe that it is our duty to protect the rights and interests created under a law and also to deny the enjoyment of rights created under an invalid law. In the instant case, the petitioners are claiming the protection of rights that were created under a law that has failed to pass the test of

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constitutionality, as determined by this Court; hence, they cannot take the plea of past and closed transaction."

12. Closely related to the above proposition was the principle of locus-poenitentiae vehemently stressed by the learned counsel for the appellant. The above principle would not be applicable in the present case, as regularization was made in illegal manner. There is consistency in views of the superior courts expressed in various judgments. In case law reported as 2010 PLC (C.S) and 924, PLD 1992 S.C 207 the august court held as under:-

Locus-poenitentiae is the power of receding till a decisive step is taken but it is a principle of law that order once passed because irrevocable and past and closed transaction. If the order is illegal then perpetual rights cannot be gained on the basis of an illegal order. It was held that the principle of locus-poenitentiae would not be attracted in a case under the benefit has been extended by a law, which is violative of the provisions of the constitution.

13. On the strength of various judgments of the superior courts, wherein it was held that in cases pertaining to illegal appointments/promotions instead of penalizing the beneficiaries, action should be taken against those who were responsible for such appointments/promotions. This proposition was vociferously argued by the learned counsel for the appellant that no action was taken against the then respondent no.3. It has already been brought on record in para-8 of this judgment that when the NAB took cognizance of these illegalities and started investigation, the then SMBR got a cue that noose around his neck was being tightened so he fled from the country and still a fugitive from law. Hence, the contention of the learned counsel for the appellant is contrary to the ground realities.

14. Now turning to the point of personal hearing before withdrawal of impugned order, we would like to take learned counsel for the appellant para-9 of the service

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appeal, wherein it was specifically mentioned that a notice was served on the appellant to explain his position as to why his promotion/appointment as Naib Tehsildar should not be reconsidered/withdrawn. The appellant not only submitted reply but also appeared before respondent no.3. Hence, his assertions regarding denial of opportunity of personal hearing does not hold water. It is further clarified that he was not proceeded under E&D Rules 2011, where opportunity of personal hearing is sine qua non for completion of proceedings. However, it was established beyond an iota of doubt that he was not condemned unheard.

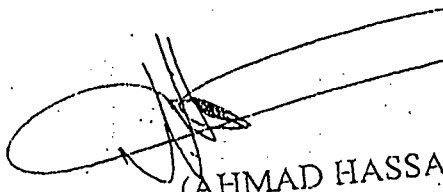
15. We have also taken into account plea of Mr. Muzzam Butt, Advocate appearing on behalf of appellant (Anwar Hussain) based case law reported as PLD 2013 501 and arguments/objections on the judgment of this Tribunal dated 15.02.2018. Microscopic study of the above judgment of the august Supreme Court of Pakistan referred to above, revealed that core issue of appointments etc. in Federal and Provincial Service Tribunals had been dilated/decided through the judgment. It was least concerned with the case in hand. On interjection by the Tribunal the learned counsel for the appellant failed to list out any single fact controversy/law point or fact needing threadbare examination/scrutiny a discussion. Moot point involved in the present appeal is withdrawal of promotion order issued through administrative order. It stands settled through the judgment referred to above. AT

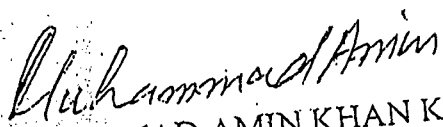
16. In order to further allay the concerns of the learned counsel for the appellant on the judgment of the larger bench dated 15.02.2018, we are of the considered Khyt that broad parameters of the present appeals were discussed in paras 3 and 5 said appeal. It provided a roadmap for dealing with individual cases. It is concluded that there was no force in the arguments.

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Appellant for revisiting the aforementioned judgment. Even, if the said Judgment was suffering from any legal infirmity, why the concerned litigants failed to challenge it before the august Supreme Court of Pakistan? It would not be out of place to mention here powers of reviewing its own judgments are not available with this Tribunal.

17. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

ANNOUNCED
25.01.2019

Certified to be true copy

Khawar
Secretary

Case No. 29-17
Number of Pages 24
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Total 24
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Date of Completion of Copy 06-1
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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Mr. Justice Gulzar Ahmed
Mr. Justice Muqbool Baqir

Civil Petitions No. 459, 460, 530, 531 & 887/2019

(Against the judgment dated 25.01.2019 of the KPK, ST,
Peshawar passed in Service Appeal No. 1128, 1130, 1132, 781,
1106/2016, 23/2017)

Muhammad Asghar Khan
Jehanzeb
Dildar Khan
Anwar Hussain
Muhammad Saeed Khan
Abdul Jall

Petitioner(s)

Versus

Govt. of KPK thr. Chief Secretary, KPK,
Peshawar & others

Respondent(s)

For the Petitioner(s) : Mr. Muhammad Shoab Shaheen, ASC
(in CPs 459 & 460)

Mr. Muhammad Muazzam Butt, ASC
Syed Rifaqat Hussain Shah, AOR
(in CPs 530 & 531/2019)

Mr. Anan Karim Kundi, ASC
Syed Rifaqat Hussain Shah, AOR
(in CP 887/2019)

Mr. Zulfikar Khalid Maluka, ASC
(in CP 475/2019)

For the Respondent(s) : Mr. Zahid Yousaf Qureshi, Addl. AG
Muhammad Ibrahim, Addl. AC
Saeed Ullah, Asstt. Secy. BOR, KP

Date of Hearing : 25.11.2019

ORDER

Gulzar Ahmed, J. After we have heard the
submissions of the learned counsel for the parties, the counsel for
the petitioners have contended that the petitioners are agreeable to
go through the process of scrutiny of their appointment/promotion

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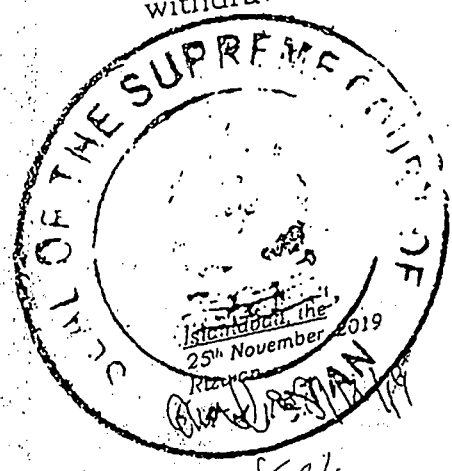
CP: 459/19 dc

cases as Naib Tehsildar and they shall appear before the DPC in this regard. Learned Addl. AG, KP appearing on behalf of the respondents states that DPC shall consider eligibility criteria and qualification etc. of the petitioners and thereupon give appropriate recommendations to the competent authority.

2. In the circumstances, it is ordered, by consent, that the DPC be held for considering the appointment/promotion cases of the petitioners within a period of three months and such should be done positively by determining the eligibility qualification and fitness of the petitioners in accordance with the rules. All the petitions, in the above terms, are disposed of. All CMAs are also disposed of.

Civil Petition No. 475/2019

3. Learned counsel states that the grievance of the petitioner has been redressed as such he wishes to withdraw this petition. The petition along with CMA is, therefore, dismissed as withdrawn.



122/10

Bel. S.
Bel. S.
Certified to be True
Senior Counsel
Supreme Court
Islamabad

GR No: 23876/19
Date of Presentation: 25/11/19
No of ...
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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

WORKING PAPER.

SUBJECT: PROMOTION TO THE POST OF NAIB TEHSILDAR IN LIGHT OF SUPREME COURT JUDGMENT DATED 25.11.2019.

In terms of Tehsildar / Naib Tehsildar Service Rules vide Notification dated 23.01.2015 (Annexure - A), amended vide notification dated 13.05.2019 (Annexure - B) the following method of promotion has been prescribed for the post of Naib Tehsildar (BS - 14):-

- i. Fifty percent by initial recruitment, through KPK Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus; and
- ii. Forty percent by promotion on the basis of seniority-cum-fitness from amongst the Kanungos with at least five years such as such who have passed the Departmental Examination of Naib Tehsildar; and
- iii. Ten percent by promotion on the basis of seniority -cum - fitness amongst junior clerks as Political Muharrirs of the offices of Political Agents with atleast ten years service

Mr. Jehanzeb is basically Assistant of the office of Deputy Commissioner Malakand. He was appointed as such on 22.02.2008. He was posted as Naib Tehsildar Dargai (own pay and scale) on 04.11.2008. He filed an appeal for regular promotion as Naib Tehsildar on 20.12.2009 and the same was accepted on 07.01.2010 by the then Senior Member Board of Revenue (Ahsan Ullah Khan) and the appellant was promoted as Naib Tehsildar (Annexure - C) through Administrative Order, illegally in violation of rules. In the internal enquiry he was served with a notice as to why not his illegal promotion order as Naib Tehsildar may be withdrawn, against which he moved to Service Tribunal and succeeded getting status quo from Service Tribunal and remained posted as Naib Tehsildar till 08.09.2016. On 09.09.2016 his illegal promotion order as Naib Tehsildar through Administrative Order was withdrawn (Annexure - D). The appellant filed appeal before Service Tribunal which has been rejected and the appellant was repatriated to his original position. He challenged the same before the Supreme Court of Pakistan vide order dated 25.11.2019 whereby his appeal has been disposed off with the direction that the DPC be held for considering the appointment / promotion cases of the petitioners within a period of three months and such should be done positively by determining the eligibility, qualification and fitness of the petitioner in accordance with the rules (Annexure - E).

It is further added that the appellant is Assistant in (BPS - 16) while the post of Naib Tehsildar is in (BPS - 14), the Provincial Government Policy does not cater promotion from upper scale to lower scale. At present there is no provision for promotion of Assistant (BS - 16) to the post of Naib Tehsildar (BS - 14). The appellant is the junior most Assistant (BPS - 16) and can be considered for promotion as Tehsildar on his own turn on availability of post of Tehsildar. He is at S No. 127 of the joint seniority list of Assistant at Provincial level prepared for the purpose of promotion as Tehsildar, as his date of promotion as Assistant is 22.02.2008.

Case is placed before the Departmental Promotion Committee for consideration the eligibility for promotion of Mr. Jehanzeb, Assistant, Deputy Commissioner office Malakand to the post of Naib Tehsildar in light of the Apex Supreme Court of Pakistan order dated 25.11.2019.



MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING REGARDING PROMOTION TO THE POST OF NAIB TEHSILDAR IN LIGHT OF JUDGMENT OF THE SUPREME COURT OF PAKISTAN DATED 25.11.2019.

A meeting of Departmental Promotion Committee regarding promotion to the post of Naib Tehsildar in light of Judgment dated 25.11.2019 of the Supreme Court of Pakistan was held on 04.02.2020 at 10:15 AM in the office of Senior Member, Board of Revenue under his Chairmanship. The following attended: -

1. Mr. Tariq Ali Khan
Secretary 1, Board of Revenue
Member
2. Mr. Muhammad Saleem
Superintendent
(Representing Deputy Secretary-I)
Member
3. Mr. Muhammad Ajmal,
Assistant Secretary (Estt;).
Secretary

The Committee examined / discussed the case one by one in light of Rules / Regulation and the prescribed criteria for promotion as Naib Tehsildar and made the recommendations:-

S No	Name, office and designation	Recommendation
1.	Mr. Jehanzeb Assistant Deputy Commissioner Office Malakand	<p>Mr. Jehanzeb is basically Assistant of the office of DC Malakand. He was appointed as such on 22.02.2008. He was illegally promoted as Naib Tehsildar through Administrative Order on 07.01.2010. His illegal promotion as Naib Tehsildar was withdrawn by the Department on 09.09.2016, against which he knock at the door of different forums and lastly the Supreme Court of Pakistan who in his judgment dated 25.11.2019 directed that the Departmental Promotion Committee be held for considering the appointment / promotion of the petitioner within a period of 3 months positively by determining the eligibility, qualification and fitness in accordance with rules.</p> <p>His case was discussed at length. At present there is no provision for promotion of Assistant of any office to the post of Naib Tehsildar. However he will be considered for promotion as Tehsildar as per rules on his own turn on availability of post in their share. Since his date of appointment as Assistant is 22.02.2008. therefore his name in the joint seniority list of Assistant at Provincial level for the purpose of promotion as Tehsildar comes at S No. 127 therefore his promotion as Naib Tehsildar at this stage does not cover the rules and cannot be acceded to.</p>

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This case was discussed at length. At present there is no provision for promotion of Junior Clerk of any office to the post of Naib Tehsildar. However he will be considered for promotion as Senior Clerk on his own turn on availability of post in their share by the Deputy Commissioner Postwar being Competent Authority. Since there is no provision in the Service Rules for promotion of Junior Clerk to the post of Naib Tehsildar therefore his promotion as Naib Tehsildar is

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Mr. Mohammad Saeed is basically Junior Clerk of the office of DC. He was appointed as such on 07.02.1990. He was illegally promoted through Administrative Order on 09.09.2010 against which he knock at the door of the Department and lastly the Supreme Court of Pakistan who in his judgment dated 25.11.2010 directed that the Departmental Promotion Committee be held for considering the appointment. Promotion of the petitioner within a period of 3 months positively by determining the eligibility, qualification and fitness in accordance with rules.

Mr. Mohammad Saeed Deputy Commissioner Office Postwar

Mr. Mohammad Saeed is basically Junior Clerk of the office of DC. He was appointed as such on 07.02.1990. He was illegally promoted through Administrative Order on 09.09.2010 against which he knock at the door of the Department and lastly the Supreme Court of Pakistan who in his judgment dated 25.11.2010 directed that the Departmental Promotion Committee be held for considering the appointment. Promotion of the petitioner within a period of 3 months positively by determining the eligibility, qualification and fitness in accordance with rules.

Mr. Mohammad Saeed Deputy Commissioner Office Postwar

Mr. Mohammad Saeed is basically Assistant of the office of DC Tank. He was appointed as such on 10.05.2006. He was illegally promoted through Administrative Order on 04.11.2010. His judgment dated 25.11.2010 directed that the Departmental Promotion Committee be held for considering the appointment. Promotion of the petitioner within a period of 3 months positively by determining the eligibility, qualification and fitness in accordance with rules.

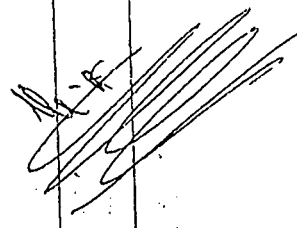
Mr. Mohammad Saeed is basically Assistant of the office of DC Tank. He was appointed as such on 10.05.2006. He was illegally promoted through Administrative Order on 04.11.2010. His judgment dated 25.11.2010 directed that the Departmental Promotion Committee be held for considering the appointment. Promotion of the petitioner within a period of 3 months positively by determining the eligibility, qualification and fitness in accordance with rules.

Mr. Muhammad Asghar Deputy Commissioner Office Shargha

Mr. Muhammad Asghar is basically Assistant of the office of DC Shargha. He was appointed as such on 25.02.2009. He was illegally promoted through Administrative Order on 05.11.2010. His judgment dated 25.11.2010 directed that the Departmental Promotion Committee be held for considering the appointment. Promotion of the petitioner within a period of 3 months positively by determining the eligibility, qualification and fitness in accordance with rules.

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2.	Mr. Muhammad Asghar Deputy Commissioner Office Shangla	<p>Mr. Muhammad Asghar is basically Assistant of the office of DC Shangla. He was appointed as such on 25.02.2009. He was illegally promoted as Naib Tehsildar through Administrative Order on 05.11.2010. His illegal promotion as Naib Tehsildar was withdrawn by the Department on 09.09.2016 against which he knock at the door of different forum and lastly the Supreme Court of Pakistan who in his judgment dated 25.11.2019 directed that the Departmental Promotion Committee be held for considering the appointment / promotion of the petitioner within a period of 3 months positively by determining the eligibility, qualification and fitness in accordance with rules.</p> <p>His case was discussed at length. At present there is no provision for promotion of Assistant of any office to the post of Naib Tehsildar. However he will be considered for promotion as Tehsildar as per rules on his own turn on availability of post in their share. Since his date of appointment as Assistant is 25.02.2009 therefore his name in the joint seniority list of Assistant at Provincial level for the purpose of promotion as Tehsildar comes at S No. 172, therefore his promotion as Naib Tehsildar at this stage does not cover the rules and cannot be acceded to.</p>
3.	Mr. Muhammad Jalil Deputy Commissioner Office Tank	<p>Mr. Muhammad Jalil is basically Assistant of the office of DC Tank. He was appointed as such on 10.05.2006. He was illegally promoted as Naib Tehsildar through Administrative Order on 04.11.2010. His illegal promotion as Naib Tehsildar was withdrawn by the Department on 09.09.2016 against which he knock at the door of different forum and lastly the Supreme Court of Pakistan who in his judgment dated 25.11.2019 directed that the Departmental Promotion Committee be held for considering the appointment / promotion of the petitioner within a period of 3 months positively by determining the eligibility, qualification and fitness in accordance with rules.</p> <p>His case was discussed at length. At present there is no provision for promotion of Assistant of any office to the post of Naib Tehsildar. However he will be considered for promotion as Tehsildar as per rules on his own turn on availability of post in their share. Since his date of appointment as Assistant is 10.05.2006 therefore his name in the joint seniority list of Assistant at Provincial level for the purpose of promotion as Tehsildar comes at S No. 93 therefore his promotion as Naib Tehsildar at this stage does not cover the rules and cannot be acceded to.</p>
4.	Mr. Muhammad Saeed Deputy Commissioner Office Peshawar	<p>Mr. Muhammad Saeed is basically Junior Clerk of the office of DC Peshawar. He was appointed as such on 07.02.1990. He was illegally promoted as Naib Tehsildar through Administrative Order on 30.09.2009. His illegal promotion as Naib Tehsildar was withdrawn by the Department on 09.09.2016 against which he knock at the door of different forum and lastly the Supreme Court of Pakistan who in his judgment dated 25.11.2019 directed that the Departmental Promotion Committee be held for considering the appointment / promotion of the petitioner within a period of 3 months positively by determining the eligibility, qualification and fitness in accordance with rules.</p> <p>His case was discussed at length. At present there is no provision for promotion of Junior Clerk of any office to the post of Naib Tehsildar. However he will be considered for promotion as Senior Clerk on his own turn on availability of post in their share by the Deputy Commissioner Peshawar being Competent Authority. Since there is no provision in the Service Rules for promotion of Junior Clerk to the post of Naib Tehsildar therefore his promotion as Naib Tehsildar at this stage does not cover the rules and cannot be acceded to.</p>





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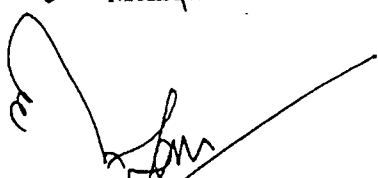
5.	Mr. Anwar Hussain Political Muharrir Deputy Commissioner Office Peshawar	<p>Mr. Anwar Hussain is basically Junior Clerk / Political Muharrir of the office of DC Kohat. He was appointed as such on 07.04.2007. He was illegally promoted as Naib Tehsildar through Administrative Order on 15.10.2010. His illegal promotion as Naib Tehsildar was withdrawn by the Department on 09.09.2016 against which he knock at the door of different forum and lastly the Supreme Court of Pakistan who in his judgment dated 25.11.2019 directed that the Departmental Promotion Committee be held for considering the appointment / promotion of the petitioner within a period of 3 months positively by determining the eligibility, qualification and fitness in accordance with rules.</p> <p>His case was discussed at length. The appellant is junior most Political Muharrir of Kohat Division. His date of appointment as per record as Junior Clerk is 07.04.2007. His name at the divisional seniority list issued by Commissioner Kohat Division comes at S No. 11. He will be promoted to the post of Naib Tehsildar on his own turn on availability of regular post in their share. Therefore his promotion as Naib Tehsildar at this stage does not cover the rules and cannot be acceded to.</p>
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The meeting was ended with a vote of thanks.


(Tariq Ali Khan)
Secretary - I Board of Revenue
Member


(Muhammad Saleem)
Superintendent Board of Revenue
(Representing Deputy Secretary - I
Member


(Muhammad Ajmal)
Assistant Secretary (Estt.)
Secretary


(Muhammad Akbar Khan)
Senior Member
Chairman

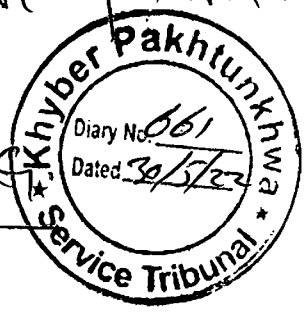
Before KPK Service Tribunal, Peshawar.

EP-NO 200/21

S.A.
C.M.

Saleem Asmat . . . v/s . . . Govt. of KPK.

APPLICATION FOR EARLY HEARING



Respectfully Sheweth,

1. That, titled Application for Implementation is pending subjudice & is fixed for 15.07.2022.
2. That, Applicant/Appellant has now been retired & due to pendency of titled lis, the department is not releasing his pension.
3. That, justice delayed is justice denied

It is, therefore, requested that an early hearing be given in order to meet ends of justice.

15/6/2022 be fixed,
instead of 15/7/22.
notices be issued
to the respondents 01/6/2022.

Applicant/Appellant

through: B/accr/acc
Bilal-A-Kakarjani
Adv, Peshawar

30.5.2022.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. DB

No. *Reg*

APPEAL No. *EP 200* of 2021.

Saleem Asmat

Appellant/Petitioner

Versus

Govt of KPK Revenue & Estate Dept Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner

Saleem Asmat Retired
Naib Tehsil dar Irrigation,
Gomal D.J. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *9-5-2022* at *09:00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. DB

No.

EP 200

21

APPEAL No..... of 20 ..

Saleem Asmat

Apellant/Petitioner

Versus

Govt of KPK Revenue & Estate Dept Peshawar

RESPONDENT(S)

Saleem ASMAT Retired

Notice to Appellant/Petitioner

Naib Tehsil dar Irrigation,

Gomal D.J. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication affidavit/counter affidavit/record/arguments/order before this Tribunal on 9-5-2022 at 09:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.