

23rd June, 2022

Appellant alongwith his counsel present.

Counsel for the appellant submitted an application to deposit security and process fees which is placed on file. Appellant is directed to deposit the same within 03 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 16.08.2022 before S.B.

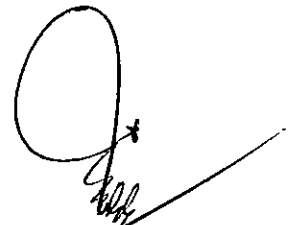
(Kalim Arshad Khan)
Chairman

22.04.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant was appointed as Naib Tehsildar through Khyber Pakhtunkhwa Public Service Commission on ~~22.01.2009~~ and is aggrieved of the amended Service Rules dated 30.03.2011, 21.12.2011 and 23.01.2015. While referring to the original Service Rules of the department notified on 27.11.2011 for promotion to the post of Tehsildar; the prescribed qualification was graduation and 50% by promotion on the basis of seniority-cum-fitness from amongst the Naib Tehsildar. However, the amendment made on 30.03.2011 the seniority of existing District Kanongo, District Revenue Accountants and Head Clerks(Revenue) was merged with the Naib Tehsildar. It was further amended on 02.12.2011 and now Sub-Registrars were also included in the 50% share reserved for Naib Tehsildar. The Service Rules were even further amended on 23.01.2015 and now the condition of prescribed qualification (graduation) was also done away with or removed. The information from respondents were collected under the RTI Act, 2013 and departmental appeal was submitted on 06.12.2019 which was rejected on 22.01.2020, he added. The appellant also filed writ petition No. 1372-P/2020 in the Peshawar High Court, Peshawar which was dismissed on 16.02.2022 being not maintainable under Article-212 of the Constitution. Where-after the instant service appeal was filed in the Service Tribunal on 18.03.2022. It was further contended that the appellant being a well qualified person appointed through Public Service Commission, is aggrieved of the impugned amendments in Service Rules and his due rights have been violated by the respondents. The instant service appeal is therefore, been instituted for redressal of his grievances.

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 23.06.2022 before S.B.



(Mian Muhammad)
Member(E)

Rs-8,800/-
Appellant Deposited
Security & Process Fee
H. M. S. S. S.
2/6/22

23rd June, 2022

Clerk of counsel for appellant present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

Respondents have not submitted written reply/comments. Learned AAG seeks time for submission of written reply/comments. To come up for written reply/comments on 16.08.2022 before S.B.



(Kalim Arshad Khan)
Chairman

16.08.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 18.10.2022 before S.B.



(Mian Muhammad)
Member (E)

18.10.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal No.580/2022 titled "Sutan Haider Shah Vs. Government of Khyber Pakhtunkhwa" on 15.11.2022 before S.B.

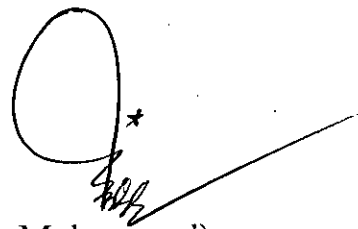


(Rozina Rehman)
Member (J)

16.11.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4 to 86.

Learned counsel for the appellant submitted an application for extension of time to submit copies of appeal, envelopes and ~~postage~~ for notice to the respondents. Application is allowed and he is directed to submit the same within 07 working days, therefore, notice be issued to the respondents for submission of reply/comments. To come up for reply/comments on 14.12.2022 before S.B.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical stroke and a diagonal line extending to the right. There is a small asterisk-like mark above the vertical stroke.

(Mian Muhammad)
Member (E)