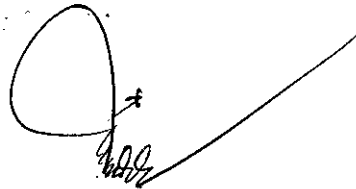


05.09.2022

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 to 4 present. Private respondent No 5 in person present. Learned counsel for the appellant as well as learned counsel for private respondent No. 5 are absent due to strike of lawyers.

Arguments were partially heard by a bench comprising of learned Member Judicial Ms. Rozina Rehman and learned Member Executive Miss. Fareeha Paul, therefore, the appeal in hand may be fixed for further arguments/clarification and order before the concerned D.B on 04.10.2022 at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

04.10.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney for official respondents No. 1 to 4 present. Private respondent No 5 alongwith his counsel present. Arguments were partially heard by a bench comprising of one of us (Ms. Rozina Rehman learned Member Judicial) and learned Member Executive Miss. Fareeha Paul, therefore, the appeal in hand be fixed for further arguments/clarification and order before the concerned D.B on 09.11.2022 at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat




(Salah-Ud-Din)
Member (J)
Camp Court Swat

06.06.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG for official respondents and private respondent No.5 in person present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for arguments on 08.06.2022 before the D.B at camp court Swat. .



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

8th June, 2022

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG for official respondents and private respondent No.5 in person present.

Counsel are on strike. To come up for arguments on 06.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

06.07.2022

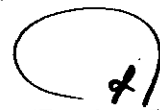
Appellant alongwith his counsel present.

Noor Zaman Khattak, learned District Attorney for official respondents No.1 to 4 present. Private respondent No.5 alongwith his counsel present.

Partial arguments heard. To come up for further arguments/clarification and order on 05.09.2022 before this D.B at Camp Court, Swat.



(Fareeha Paul)
Member (E)
Camp Court, Swat





(Rozina Rehman)
Member (J)
Camp Court, Swat

07.02.2022 Tour is hereby canceled .Therefore, the case is adjourned to 04.04.2022 for the same as before at Camp Court Swat.

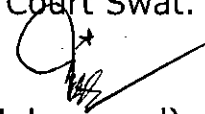

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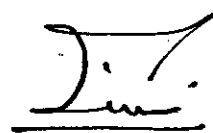
04.04.2022 Appellant in person present. Mr. Saif-ur-Rehman, Superintendent alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents No. 1 to 4 present. Private respondent No. 5 in person present and requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. Last chance given. To come up for arguments on 12.05.2022 before the D.B at Camp Court Swat.


(Rozina Rehman)
Member (J)
Camp Court Swat


(Salah-ud-Din)
Member (J)
Camp Court Swat

12.05.2022 Appellant alongwith counsel present. Mr. Saif-ur-Rehman, Superintendent alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 4 present. Private respondent No. 5 alongwith Mr. Maaz Madni, Advocate (junior of learned counsel for private respondent No. 5) present, who requested for adjournment on the ground that learned counsel for private respondent No. 5 is busy in the august Peshawar High Court, Peshawar. Another last opportunity given. Adjourned. To come up for arguments on 06.06.2022 before the D.B at Camp Court Swat.


(Mian Muhammad)
Member (E)
Camp Court Swat


(Salah-ud-Din)
Member (J)
Camp Court Swat

09.12.2021

Counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for official respondents present. Private respondent No.5 present.

In order to prepare the brief, learned counsel for appellant requested for adjournment; granted. To come up for arguments on 07.01.2022 before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat.

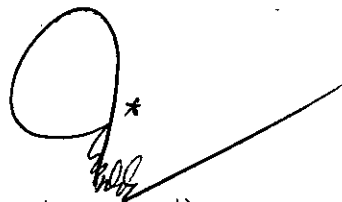


(Rozina Rehman)
Member (J)
Camp Court, Swat

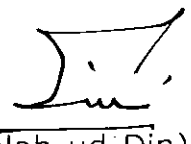
07.01.2022

Appellant in person present. Mr. Farhad, Computer Operation alongwith Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for official respondents No. 1 to 4 present. Private respondent No. 5 in person present.

Appellant requested for adjournment on the ground that his counsel is out of station today. Adjourned. To come up for arguments before the D.B on 07.02.2022 at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat




(Salah-ud-Din)
Member (J)
Camp Court Swat

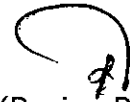
06.10.2021

Appellant alongwith his counsel present.

Mr. Riaz Khan Paindakheil, Assistant Advocate General alongwith Mr. Saif-Ur-Rehman Superintendent for official respondents No. 1 to 5 and private respondents No.6 alongwith his counsel present.

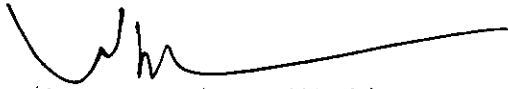
Learned counsel for private respondents No.6 requested for adjournment; granted. To come up arguments on 04.11.2021 before D.B at Camp Court, Swat.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat

04.11.2021

Appellant in person present. Mr. Riaz Khan Paindakheil, Assistant Advocate General for official respondents No. 1 to 4 present. Private respondent No. 5 present and submitted an application for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Appellant is also requesting for adjournment on the ground that his counsel has taken his ailing son to Lahore for medical treatment. Adjourned. To come up for arguments before the D.B on 09.12.2021 at Camp Court Swat.


(Atiq-Ur-Rehman Wazir)
Member (Executive)
Camp Court, Swat


(Salah-Ud-Din)
Member (Judicial)
Camp Court, Swat

07/04/2021

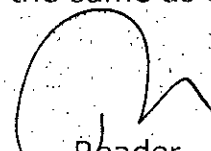
Due to COVID-19, the case is adjourned to

09/06/2021 for the same.


READER

10.08.2021

Since 1st Moharram has been declared as Public holiday, therefore, case is adjourned to 30.08.2021 for the same as before.



Reader

Due to non availability of DB
to come up for the same on 24/11/21


Reader

8/12/20

Due to COVID-19 case is
adjourned to 02-02-2021

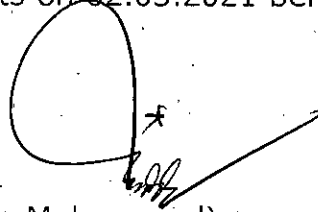

Reader

02.02.2021

Appellant present in person:

Muhammad Raiz Khan Paindakheil learned Assistant Advocate General for official respondents No.1 to 4 present. Counsel for private respondent No.5 present.

Former made a request for adjournment as his counsel is busy before Dar-ul-Qaza; granted. To come up for arguments on 02.03.2021 before D.B at Camp Court, Swat.



(Mian Muhammad)
Member (E)
Camp Court, Swat



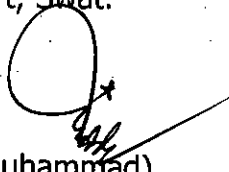
(Rozina Rehman)
Member (J)
Camp Court, Swat

02.03.2021

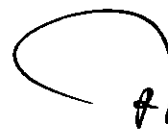
Appellant in person present.

Noor Zaman Khan Khattak learned District Attorney alongwith Saif ur Rehman Superintendent for official respondents No.1 to 4 present. Private respondent No.5 in person present.

Lawyers community is on strike, therefore, case is adjourned to 7/4/2021 for arguments before D.B at Camp Court, Swat.



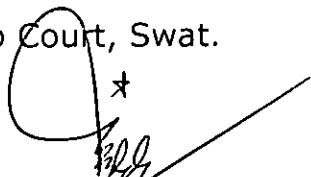
(Mian Muhammad)
Member (E)
Camp Court, Swat

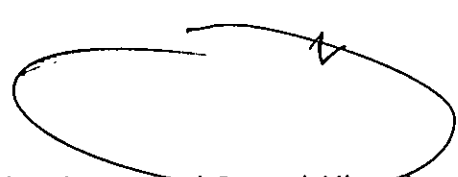


(Rozina Rehman)
Member (J)
Camp Court, Swat

05.10.2020

Appellant himself alongwith his counsel present. Mr. Usman Ghani, District Attorney alongwith Mr. Saif-ur-Rehman, Superintendent on behalf of respondents No. 1 & 2, Mr. Mukhtiar Ali, Assistant Secretary on behalf of respondents No. 3 & 4 and private respondent No. 5 alongwith his counsel are also present. Both the parties jointly made a request for adjournment. Adjourned to 03.11.2020 on which to come up for arguments before D.B at Camp Court, Swat.


(Mian Muhammad)
Member (Executive)
Camp Court Swat


(Muhammad Jamal Khan)
Member (Judicial)
Camp Court Swat


03.11.2020


Appellant in person present.

Muhammad Jan learned Deputy Attorney for respondents No.1 to 4 present. Private respondent No.5 in person present.

Lawyers are on general strike, therefore, case is adjourned to 08.12.2020 for arguments, before D.B at Camp Court, Swat.

~~Both parties have agreed to adjourn the case to 08.12.2020 for arguments before D.B at Camp Court, Swat.~~

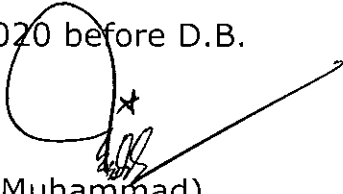

(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat

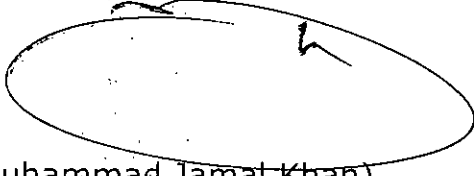

(Rozina Rehman)
Member (J)
Camp Court, Swat

21.09.2020

Appellant is present in person. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith representative of the department Mr. Muhammad Arif, Superintendent and private respondent No. 5 are also present.

Appellant has submitted transfer application of the titled appeal to Swat Bench and its fixation with Appeal bearing no. 269/2020 captioned Iftikhar Ali Versus Deputy Commissioner Buner, and Appeal No. 1083/2020 titled Muhammad Irfan Versus Chief Secretary Khyber Pakhtunkhwa which are already fixed in Swat Bench as common question of law and facts are involved in all the three appeals. Copy of instant application was handed over to learned Assistant Advocate General. File to come up for arguments/further proceedings on 28.09.2020 before D.B.


(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

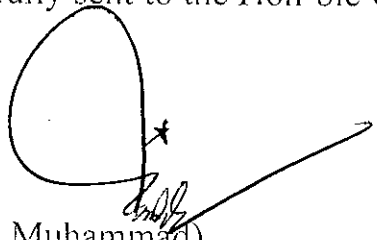
28.09.2020

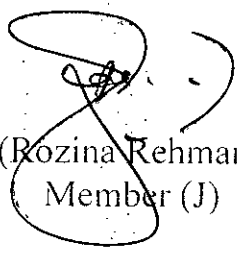
Appellant present through counsel.

Mr. Muhammad Jan learned Deputy District Attorney for official respondents No. 1 to 4 present. Private respondent No.5 alongwith counsel present.

It was on 21.09.2020 when an application was submitted by appellant seeking transfer of the instant appeal to Swat Bench. Case was fixed for arguments and today it was pending before this Tribunal for arguments and further proceedings.

In view of transfer application and reply, case is respectfully sent to the Hon'ble Chairman for appropriate orders.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

09.03.2020

Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney alongwith Saif ur Rehman Superintendent and Muhammad Arif Superintendent for official respondents present. Private respondent No.5 in person present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for further proceedings/arguments on 16.04.2020 before D.B.


Member


Member

16.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.07.2020 before D.B.


Reader

16.07.2020

Due to COVID-19, the case is adjourned for the same on 21.09.2020 before D.B.


Reader

0c

03.12.2019

Appellant in person and Mr. Ziaullah, DDA for the respondents present.

The appellant has submitted an application for adjournment on account of engagement of his learned counsel before the Honourable High Court Bench at Saidu Sharif.

Adjourned to 06.01.2020 for arguments before D.B.

Member

Chairman



06.01.2020

Appellant with counsel present. Addl: AG alongwith Mr. M. Arif, Supdt and Mr. Jamil-ul-Hadi, Naib Tehsildar for official respondents and private respondent no. 5 in person present. Joint request made for adjournment. Adjourn. To come up for arguments on 30.01.2020 before D.B.



Member



Member

~~30~~.01.2020

Appellant in person present. Mr. Ziaullah, DDA alongwith Saif Ur Rehman, Supdt, Mr. Afaan Samad, Junior Clerk for official respondents and private respondent no.5 in person present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 09.03.2020 before D.B.



Member




Member

30.08.2019

Learned counsel for the appellant present. Mr. Riaz Khan Pindakhel learned Assistant Advocate General alongwith Mr. Atta Ullah Assistant Secretary for the official respondents present. Mr. Shazullah Yousafzai Advocate submitted Vaklat Nama on behalf of Mr. Noor Muhammad Khattak Advocate in favor of private respondent No.5. Junior to counsel for the private respondent No.5 seeks adjournment as senior counsel for the appellant is not in attendance. Request accepted. Learned counsel for the appellant insisted for arguments but the request of junior counsel for the private respondent is genuine as learned senior counsel for the private respondent is not available today. Last opportunity is granted. Adjourned. To come up for arguments on 16.10.2019 before D.B


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

16.10.2019

Appellant in person present. Mr. Ziaullah, DDA alongwith Mr. M. Arif, Supdt for official respondents and private respondent no.5 with counsel present. Appellant seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on 03.12.2019 before D.B.


Member


Member

16.08.2019

Appellant Iftikhar Ali in person present. The appeal was fixed for 27.08.2019 before D.B for arguments, however, the appellant submitted application for suspension of meeting for the D.P.C till the disposal of the present appeal before the Hon'ble Chairman of this Tribunal. The Chairman of this Tribunal marked the application for today before the D.B. The appellant stated that his counsel is not available today and requested for adjournment. Representative of official respondents as well as private respondent No. 5 are also not available today as the case was already fixed for 27.08.2019. Therefore, notices be issued to official respondents No. 1 to 4 as well as private respondent No. 5 for 22.08.2019 for arguments on the aforesaid application as well as on main appeal.


(HUSSAIN SHAH)

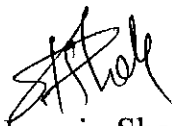
MEMBER


(MUHAMMAD AMIN KUNDI)


MEMBER

22.08.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Atta Ullah Assistant Secretary and Mr. Munawar Shah ASC for the official respondents and private respondent No. 5 in person present. Private respondent No.5 submitted application for adjournment as his counsel is not in attendance Adjourned. To come up for arguments on ~~30~~ 08.2019 before D.B.


(Hussain Shah)

Member


(M. Amin Khan Kundi)

Member

19.03.2019

Appellant in person present. Mr. Kabirullah Khattak learned Addl; AG alongwith M/S Arif Superintendent and Asad Ullah Tehsildar representative of the official respondents present. Written reply on behalf of official respondents as well as private submitted. Mr. Anwar Hssain Advocate submitted wakalat nama in favor of private respondent. Adjourn. To come up for rejoinder/arguments on 07.05.2019 before D.B.

07.05.2019

Appellant in person and Mr. Muhammad Jan, DDA alongwith Muhammad Arif, Superintendent for the official respondents and private respondent No. 5 in person present.



Member
Jan, DDA

The appellant has submitted rejoinder to the comments of respondents No. 1 to 4 which is placed on record. To come up for arguments on 02.07.2019 before the D.B.




Member



Chairman

02.07.2019

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Private respondent No. 5 in person present. Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 27.08.2019 before D.B



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

28.12.2018

Appellant in person present. Muhammad Arif Superintendent representative of the respondent department present and seeks time to furnish written reply. Granted. To come up for written reply/comments on 10.01.2019 before S.B.



Member

10.1.2019

Appellant in person and Addl. AG alongwith Nasir Abbas, N.T for the respondents present.

Representative of the respondents requests for adjournment as the requisite reply/comments are in the process of preparation. Adjourned to 27.02.2019 before S.B.



Chairman

27.02.2019

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Asad Ullah, Naib Tehsildar, Mr. Javed Khan, Assistant for official respondents and private respondent no.5 in person present. Written reply on behalf of respondents not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 19.03.2019 before S.B.



Member
(Ahmad Hassan)

13.12.2018

Counsel for the appellant Ifthihar Ali present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was serving as Patwari in Revenue Department, he was posted as Tehsil Revenue Accountant Mandanr District Buner vide order dated 26.12.2014 while private respondent No. 5 Muhammad Irfan was adjusted from Patwari to Tehsil Revenue Accountant vide order dated 15.02.2016. It was further contended that the appellant is senior to private respondent No. 5 but the official respondents has sent/forwarded the name of private respondent No. 5 for promotion to the post of District Revenue Accountant vide letter dated 19.03.2018. It was further contended that the appellant came to know about the said letter on 06.08.2018, he filed departmental appeal on 15.08.2018 to the effect that the name of the appellant also be sent for promotion to the post of District Revenue Accountant but the departmental appeal of the appellant was not decided within the statutory period, therefore, sending/forwarding for promotion only the name of private respondent No. 5 to post of District Revenue Accountant is illegal and liable to be rectified.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 28.12.2018 before S.B. Learned counsel for the appellant also submitted application for suspension of the impugned letter dated 19.03.2018 and restraining official respondents from taking adverse action against the appellant while serving as Tehsil Revenue Accountant. Notice of the same be also issued to the respondents for the date fixed.



Appellant Deposited
Security & Process Fee


Muhammad Amin Khan Kundi
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1463/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/12/2018	<p>The appeal of Mr. Iftikhar Ali presented today by Mr. Mushtaq Ahmad Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	07/12/2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13/12/2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

02:02.2021

Appellant present in person.

Muhammad Raiz Khan Paindakheil learned Assistant Advocate General for official respondents No.1 to 4 present. Counsel for private respondent No.5 present.

Former made a request for adjournment as his counsel is busy before Dar-ul-Qaza; granted. To come up for arguments on 02.03.2021 before D.B at Camp Court, Swat.

(Mian Muhammad)
Member (E)
Camp Court, Swat

(Rozina Rehman)
Member (J)
Camp Court, Swat

03.11.2020

Appellant in person present.

Muhammad Jan learned Deputy Attorney for respondents No.1 to 4 present. Private respondent No.5 in person present.

Lawyers are on general strike, therefore, case is adjourned to 08.12.2020 for arguments, before D.B at Camp Court, Swat. ~~On the meanwhile, the order of maintenance of~~
~~of Swat is also shall remain operative till next date.~~

(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat

(Rozina Rehman)
Member (J)
Camp Court, Swat

28.09.2020

Appellant present through counsel.

Mr. Muhammad Jan learned Deputy District Attorney for official respondents No. 1 to 4 present. Private respondent No.5 alongwith counsel present.

It was on 21.09.2020 when an application was submitted by appellant seeking transfer of the instant appeal to Swat Bench. Case was fixed for arguments and today it was pending before this Tribunal for arguments and further proceedings.

In view of transfer application and reply, case is respectfully sent to the Hon'ble Chairman for appropriate orders.

(Mian Muhammad)
Member (E)

(Rozina Rehman)
Member (J)

05.10.2020

Appellant himself alongwith his counsel present. Mr. Usman Ghani, District Attorney alongwith Mr. Saif-ur-Rehman, Superintendent on behalf of respondents No. 1 & 2, Mr. Mukhtiar Ali, Assistant Secretary on behalf of respondents No. 3 & 4 and private respondent No. 5 alongwith his counsel are also present. Both the parties jointly made a request for adjournment. Adjourned to 03.11.2020 on which to come up for arguments before D.B at Camp Court, Swat.

(Mian Muhammad)
Member (Executive)
Camp-Court Swat

(Muhammad Jamal Khan)
Member (Judicial)
Camp Court Swat

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No.....1463.....2018

Iftihar Ali presently serving as tehsile revenue accountant (TRA) Mandanr district buner
.....appellant



Vs

Deputy commissioner Buner and others.....Respondents

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6	Adjustment order dated 25.2.2016 of the respondent no 5	"A1"	9
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9	Order of adjustment of respondent no 5 as TRA	"D"	17
10	Transfer order dated 13.8.2015 of respondent no 5	"E"	18
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Dated: 05 /12/2018


Appellant
Through
Mushtaq ahmad 
khan Office at
district court
daggar.buner
Cell no
03469014199

11

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No.....2018

Iftihar Ali presently serving as tehsile revenue accountant (TRA) Mandanr district bunerappellant

Vs

1. Deputy commissioner Buner at daggar..
2. Commissioner Malakand at saido sharif swat
3. Senior member Board of revenue, revenue and estate department kpk at peshawar.
4. Govt of K.P.K through secretary to Govt of khyberpukhtoonkhwa revenue and estate department at Peshawar.
5. Muhammad Irfan presently working as TRA Daggar

Appeal against the impugned letter/list endst No 7461/DC/Buner/esst dated 19 March 2018 whereby the respondent No 5 namely Muhammad Irfan has been shown the only tehsile revenue Accountant (TRA) in district buner and name of the appellant has been dropped from the list of TRAs despite his highest position on the pedestal of seniority of TRAs.

Respectfully sheweth:

1. That initially the appellant was serving as patwari in revenue department but later on was appointed /posted as tehsile revenue accountant (TRA) mandanr vide order dated 26.12.014 under an assurance that his appointment was on regular basis.(appointment order of appellant attached as Anx A)
2. That since the aforesaid date the appellant has been serving as TRA with full zeal and zest to the entire satisfaction of his superiors.
3. That after completion of 3 years service length on the post of TRA, which is a prescribe service length for onward promotion to the post of district revenue accountant (DRA), the appellant was under legitimate expectancy that he will be promoted to one of the post of DRA laying vacant in district buner but astonishingly one Muhammad irfan(respondent No 5) has, now, been shown the only TRA in district buner through an impugned letter/list dated 19 march 2018 despite the fact that he was adjusted on the post of TRA on 15.2,2016 and rank much junior to the appellant moreover he is also ineligible for the post of TRA and DRA as per law and rules. (adjustment order dated 15.2/2016 of Muhammad Irfan attached as Anx A1)
4. That the aforesaid letter/list came into the knowledge of the appellant on 6.8.2018 and before that the appellant had several time visited the office of the DCO Buner for ventilation of his griviances but the office willfully concealed the latter/order dated 19 march 2018 from the appellant and on

6.8.2018 when the appellant came to know regarding the letter he immediately obtained its copy from establishment.(copy of impugned letter/list dated 19 march 2018 attached as anx B)

5. That it is pertinent to mention here that respondent No 5 was appointed as patwari vide order dated 28.9.2009 and latter on he was transferred as halqa patwari in deferent stations such as halqa patwari Nagrai,halqa riga,halqa cheena chanar,halqa kolyariai and halqa topi vide respectively orders dated 14.10.2009, 24.9.2010, 13.1.2012, 29.3.2014 and 29.8.2014.(appointment orders of Muhammad irfan (respondent no 5) and his transfer orders attached as mark C and C1)
6. That on 1.12.2014 the said Muhammad irfan(respondent no 5) was adjusted on the post of TRA dagger but after few months he was again transferred to the post of patwari vide order dated 13.8.2015 .(order of adjustment as TRA and transfer order dated 13.8.2015 of Muhammad irfan attached as mark D & E)
7. That aggrieved from the order of transfer dated 13.8.2015 as halqa patwari , the respondent no 5 filed a departmental appeal before the respondent no 2 but his appeal was rejected .he also filed a representation before the respondent no 3 but did not succeed hence as a last resort preferred an appeal before this worthy tribunal which was replied by the respondents no 1 to 3 and raised therein the preliminary objection that neither the appeal of Muhammad irfan(respondent no 5) was maintainable nor he was qualified for the post of TRA .hence noticing his obvious failure the respondent no 5 ultimately withdraw his appeal and produced a fraudulent order of adjustment dated 15.2.2016 although he was taking the salaries of the post of patwari during the period .(appeal to service tribunal , withdrawal order and pay slips of Muhammad irfan attached as marks F and G)
8. That the appellant have also filled several application before his upper hierarchy for his appointment as DRA but due to political pressure and back stair influence the name of Muhammad irfan has been shown as TRA while the appellant have been ignored.(applications to respondents are attached as mark H).
9. That the appellant also preferred departmental appeal against the impugned letter dated 19 march 2018 through dairy no 10319 but the same was not decided by the respondent no 2 within the prescribe statutory period.(departmental appeal attached as anx I)
- 10.That the appellant now approaches this worthy tribunal for ventilation of his grievances on the following grounds inter alia.

GROUND:

1. That the impugned letter/list dated 19 march 2018 is against the law,rules, natural justice and in effective upon the accrued rights of the appellant.

3

2. That despite the order dated 15.2.2016 , Muhammad irfan is junire to the appellatant on the post of TRA because from 13.8.2015 till 15.2.2016 he remained as patwari which is legally a break in his service as a TRA ,hence he is not qualified to the post of TRA as per law and rules available on the subject matter .
3. That as per law and rules and legitimate expectancy the appellatant is entitled to be appointed to the post of DRA laying vacant ,and his named be placed in the list of regular TRAs district Buner.
4. That the appellatant has duly been appointed as TRA and serving as such for more than 3 years which is prescribe length of service for onward promotion to the post of DRA hence being senior most TRA entitle to the post of DRA.
5. That non mentioning the name of appellatant in the impugned letter dated 19 march 2018 despite the fact that he was senior most TRA, is based on malice on the part of respodnent no 1.
6. That the appellatant has not been treated according to the law and natural jutice,hence the impugned letter is against the spirit of the law and the appellatant should be declared the senior most TRA and entitle for promotion to the post of DRA in district Buner .
7. That the appellatant seek the permission of this worthy tribunal to rely on additional grounds at the time of arguments.

It is therefore kindly prayed that on acceptance of this appeal the impugned letter/list dated 19/3/2018 may kindly be set aside/modified and the name of the appellatant may kindly be placed in the list of regular TRAs and consequently be declare entitled to the post of TRA & DRA and directed to be appointed by promotion as DRA with all back benefits.

Any other relief not specifically prayed for and which this worthy tribunal deem fit and appropriate in the facts and circumstances of the instant case may also kindly be granted for the end of justice.

Dated: 05 / 12/2018



Appellant

Through



Mushtaq Ahmad Khan Alizai

Advocate, office district court

Buner. cell No 03469014199.

4

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No.....2018

Iftihar Ali presently serving as tehsile revenue accountant (TRA) Mandanr district
bunerappellant

Vs

Deputy commissioner Buner and others.....Respondents

AFFIDIVET

I Iftihar Ali appellant, do hereby solemnly affirm and declare on oath that the contents of the instant service appeal is correct to the best of my knowledge and belief & nothing has been concealed from this worthy tribunal.

Iftihar Ali
Deponent

5

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No.....2018

Iftihar Ali presently serving as tehsile revenue accountant (TRA) Mandanr district
bunerappellant

Vs

Deputy commissioner Buner and others.....Respondents

Addresses of parties

petitioner

Iftihar Ali presently serving as tehsile revenue accountant (TRA) Mandanr district
buner Mob No 03419275563,

respondents

1. Deputy commissioner Buner at daggar..
2. Commissioner Malakand at saido sharif swat
3. Senior member Board of revenue, rvenue and estate department kpk at peshawar.
4. Govt of K.P.K through secretary to Govt of khyberpukhtoonkhwa revenue and estate department at Peshawar.
5. Muhammad Irfan presently working as TRA Daggar

Appellant

Through



Mushtaq Ahmad khan alizai
Advocate, office. district court
Buner. cell No 03469014199.

6

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No.....2018

Ifthihar Ali presently serving as tehsile revenue accountant (TRA) Mandanr district
bunerappellant

Vs

Deputy commissioner Buner and others.....Respondents

**Application for suspension of the impugned letter dated 19.3.2018 and
restraining official respondent from taking adverse action against the appellant
while serving as TRA**

Respectfully sheweth;

1. That the titled service appeal is filed before this worthy tribunal in which no date has been fixed till yet.
2. That there exist a strong prima facie case in favor of the appellant and the appellant will face inconvenience and irreparable loss if the impugned letter is not suspended and respondents are not restrained from taking any adverse action against the appellant till the final disposal of the instant appeal.
3. That the contents of the main appeal may kindly be considered part and parcel of the instant application.

It is therefore kindly prayed that on acceptance of this application the impugned letter dated 19.3.2018 may kindly be suspended till the final disposal of the appeal.

Appellant

Through 

Mushtaq Ahmad Khan Alizai

Advocate, office district court

Buner. cell No 03469014199.

(7)

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No.....2018

Iftihar Ali presently serving as tehsile revenue accountant (TRA) Mandanr district
bunerappellant

Vs

Deputy commissioner Buner and others.....Respondents

AFFIDIVET

I Iftihar Ali appellant, do hereby solemnly affirm and declare on oath that the contents of the instant service appeal is correct to the best of my knowledge and belief & nothing has been concealed from this worthy tribunal.


Deponent

OFFICE OF THE ASSISTANT COMMISSIONER MANDANR, BUNER

No. 118286/AC Mandanr, Dated: 26 / 12 / 2014

AMX "A"

OFFICE ORDER:

The following postings amongst the Patwaris are hereby ordered in the best interest of public service with immediate effect:

S No.	Name of Patwari	From	To	Remarks
1.	Hameed Ul Haq	Sura	Malka	
2.	Said Afsar Ali	Nagrai	Sura	
3.	Iftikhar Ali	Malka	TRA Mandanr	Against Vacant Post
4.	Anwar Ali	Kharpur		To have additional charge of Halqa Nagrai

Assistant Commissioner Mandanr, Buner

Copy to:

1. Deputy Commissioner, Buner, with reference to his approval dated: 26/12/2014
2. Tehsildar Mandanr and Naib Tehsildar Chamla.
3. OK of this office
4. Officials concerned for immediate compliance.

Assistant Commissioner Mandanr, Buner

Office of the Assistant Commissioner Mandanr, Buner No. 9132

DK

DC Buner 26/12/14

Handwritten signature

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Annex A1

(Signature)

DEPUTY COMMISSIONER
BUNER.

No. 1740-45/DK/DC(B)

Dated 15/02/2016

OFFICE ORDER.

On his own request, Mr. Muhammad Irfan Patwari transferred as Tehsil Reven Accentent [←] Daggar on 01-12-2014 is hereby adjusted as Tehsil Revenue Assistant (BPS-07) on regular basis with immediate effect in the best public interest.
Accentent (BPS-7) on regular bases

S. 2 / m
DEPUTY COMMISSIONER
BUNER.

Encls: No. date even

copy forwarded for information to the -

- Secy. Txy. Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
 - Deputy Commissioner Malakand Division at Saidu Sharif Swat.
 - District Account Officer Buner. (Accentent)
 - District Muzar Buner
- officials concerned

S. 2 / m
DEPUTY COMMISSIONER
BUNER.

c.t.c

(Signature)

10

Mark 'B'

~~10~~

**OFFICE OF THE
DEPUTY COMMISSIONER,
BUNER.**

No. 7461 /DC/Buner/Estt.

March 19, 2018.

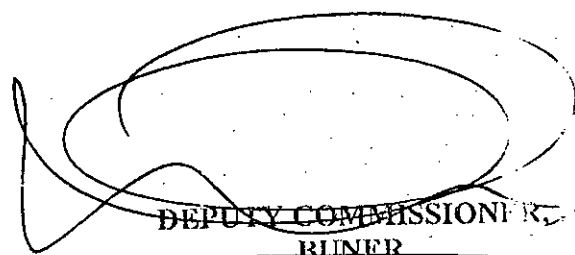
To The Assistant Secretary (Estt.),
Board of Revenue,
Khyber Pakhtunkhwa,
Peshawar:

Subject: Filling Up of the Vacant Post of District Revenue Accountant (DRA) Buner.

Memo: Please refer to your letter no. Estt:V/M. Irfan/MKD/14481 dated today on the subject.

Mr. Muhammad Irfan is the only designated Tehsil Revenue Accountant of the district i.e. drawing his salary against the post of Tehsil Revenue Accountant (BPS-07) with the following detail:

No.	Name of TRA	Qual.:	DOB	Date of 1 st entry into Govt. Service	Posting as a TRA	Adjustment as TRA
1.	Muhammad Irfan	BA	24/06/1987	28/09/2009	01/12/2014	15/02/2016


DEPUTY COMMISSIONER,
BUNER.

C.T.C



Consent

✓
77/10/2009
Annex CC

OFFICE OF THE DISTRICT OFFICER REVENUE & ESTATE BUNER.

No. 3547 period - /3/42/DRA, Dated the 28/3 /2009.

O R D E R

Consequent upon the recommendation of the Departmental Promotion/Selection Committee, Mr. Mohammad Tufan S/O Amir Akbar R/O Bajkata Tehsil Gagra District Buner (Patwar Candidate) is hereby appointed as Patwari (BFS-5) on regular basis with immediate effect. He will be on probation for a period of one year. He should produce Medical & Fitness Certificate from Medical Superintendent District Head Quarter Hospital Daggar.

(TSMATI KHAN) ✓
DISTRICT OFFICER
REVENUE & ESTATE BUNER.

No. 3548-53 /3/42/DRA.

Copy forwarded to The:-

1. District Coordination Officer Buner.
2. Secretary Board of Revenue NWFP Peshawar.
3. District Accounts Officer Buner.
4. Dy: District Officer (Revenue) Buner.
5. Official Concerned.
6. Office Order File.

DISTRICT OFFICER,
REVENUE & ESTATE BUNER

C.T.C

(12) (7)

1-555

OFFICE OF THE DISTRICT OFFICER REVENUE & ESTATE BUNER.

No. 3809 /1/16/DK, Dated the 14/10/2009.

ORDER.

With the approval of the Competent Authority the following Patwaris waiting for posting are ~~xxx~~ posted as Halqa Patwaris noted against each with immediate effect, in the interest of public service.

<u>S.No.</u>	<u>Name of Patwari.</u>	<u>From:</u>	<u>To.</u>
1.	Mr. Israj Khan.	Waiting for posting.	Patwari Halqa Panjtar (Vacant)
2.	Mr. Imtiaz Khan.	-do-	Patwari Halqa Chazikot (Vacant).
3.	Mr. Irfan.	-do-	Patwari Halqa Nagrai. (Vacant)
4.	Mr. Shakil Khan.	-do-	Patwari Halqa Miragai (Vacant).

D. J.
DISTRICT OFFICER,
REVENUE & ESTATE BUNER.

No. 3810-17 /1/16/DK.

Copy Forwarded To The:-

1. Naib Tehsildar Totalei.
2. Naib Tehsildar Chamla.
3. Naib Tehsildar Chagharzai.
- 4-7. Official concerned for compliance.

c.t.c



D. J.
DISTRICT OFFICER,
REVENUE & ESTATE BUNER.



13

8

2035 / 1/16/DK, Dated the 24/9 / 2010.

ORDER

With the approval of competent authority the following posting/transfer of Patwaris is hereby ordered with immediate effect, in the interest of public service:-

<u>S.No.</u>	<u>NAME OF PATWARIS.</u>	<u>FROM</u>	<u>TO</u>
1. ✓	Mr. Mohammad Irfan.	Halqa Nagrai.	Halqa Rega.
2.	Mr. Saiful Malook.	Halqa Topai.	Halqa Amnawar.
3.	Mr. Azmat Ali.	Halqa Patara.	Halqa Shalbandai.

DISTRICT OFFICER,
REVENUE & ESTATE BUNER.

No. 2036-41 / 1/16/DK.

Copy forwarded to the:-

1. Tehsildar Gagra.
2. ~~2028~~ Tehsildar Chamla Amzai.
3. Naib Tehsildar Chagharzai.
4. Officials concerned for compliance.

DISTRICT OFFICER,
REVENUE & ESTATE BUNER.

C.T.C
[Signature]

14

Office of the District Officer Revenue & Estate Collector Buner

4/16/DK

Dated 7/11/2012

OFFICE ORDER.

The following Posting/Transfer of Patwaris of this office is hereby ordered with immediate effect in the interest of public service.

S.No	Name of Patwari	From	To
1	Mr Sani Mulla	Halqa Topai	Halqa Kalpani against the vacant post
2	Mr. Sher Hukam Shah	Main Office	Halqa Topai
3	Mr. Sarbali Khan	Halqa Cheena/Chanar	Halqa Rega
4	Mr. Muhammad Irfan	Halqa Rega	Halqa Cheena/Chanar

DISTRICT OFFICER,
REVENUE AND ESTATE, BUNER.

No. 4/16/DK.

Copy forwarded to the:

1. Tehsildar Gagra
2. Naib Tehsildar Gagra
3. Naib Tehsildar Chapharzai.
4. Officials Concerned for compliance

DISTRICT OFFICER,
REVENUE AND ESTATE, BUNER.

C.T.C



15

10

18


OFFICE OF THE
DEPUTY COMMISSIONER /
DISTRICT MAGISTRATE,
BUNER.

No. 3066-72 /DC/Buner/Estt.
March 19, 2014.

Office Order.

amongst
In pursuance of this Office Order No. 3121 dated 20-12-2013, the following transfers
of the Patwaris are hereby ordered with immediate effect in the best of public interest:


S. No.	Name of Patwari	From Halqa	To Halqa
1	Mr. Asif Ali	Meragai	Cheena
2	Mr. Muhammad Irfan	Cheena	Kulyari
3	Mr. Fazal Muhammad	Kulyari	Main Office



Deputy Commissioner /
District Magistrate,
Buner.

Endst. No. & date even.

For information and necessary action:

- Assistant Commissioner, Daggar.
- Assistant Commissioner, Gagra.
- Tehsildar Gagra.
- Tehsildar Daggar.
- Naib Tehsildar Chagharzi.
- Officials concerned.


Deputy Commissioner /
District Magistrate,
Buner.

C.T.C


16

AP

Handwritten mark

OFFICE OF THE ASSISTANT COMMISSIONER
GAGRA BUNER.

Dated. 29/08/2014

/AC(G)

OFFICE ORDER.

The following posting/transfers amongst the Patwaris of this office are hereby ordered with immediate effect in the interest of public service.

S.NO	Name of Patwari	From	To
01	Mr. Muhammad Irfan	Halqa Kulyari	Halqa Topai ✓
02	Mr. Nasreen Gul	Halqa Topai	Halqa Kulyari

ASSISTANT COMMISSIONER
GAGRA BUNER.

No: 624-27/AC(G).

Copy forwarded to:-

1. The Deputy Commissioner, Buner.
2. The Naib Tehsildar, Gagra and Chaghara.
3. The official concerned.


ASSISTANT COMMISSIONER
GAGRA BUNER.

c.t.c



(17)

Annex "D"

OFFICE OF THE
DEPUTY COMMISSIONER,
BUNER.

Dec 01, 2014.

Office Order.

No. 15345-76/DC/Buner. In pursuance of the Govt. of Khyber Pakhtunkhwa, Board of Revenue, Revenue & Estate Department's letter no. Estt:VI/General File/21358-90 dated 28-10-2014, following Postings / Transfers amongst the Patwaris of this district are hereby ordered with immediate effect in the best interest of public service:

No.	Name of Patwari	From	To	Remarks
1	Sardar Ali	Bajkata	Amnawar	
2	Sarbali Khan	Rega	Tanta Pacha	
3	Saiful Malook	Amnawar	Kalpani	Against the vacant post
4	Muslim Khan	Gumbat	Matwani	
5	Shafiur Rahman	Matwani	Bajkata	
6	Zahid Tab Gul	Pandair	Rega	
7	Abdul Mujeeb	Banj Kara	Pandair	
8	Abdul Malik	Bampokha	Anghapur	
9	Mumtaz Ali	Anghapur	Jowar	
10	Iftikhar	Jowar	Bampokha	
11	Gul Shed	Katkala	Gumbat	
12	Fateh Muhammad	Pacha	Gulbandi	
13	Noor Farooq	Malakpur	Pacha	
14	Inamullah	Ambella	Report to DC Office	Disciplinary proceedings pending against him in Board of Revenue
15	Kamal Afsar	Agarai	Nawagai	
16	Muhammad Younas	Ghwardara	Malakpur	
17	Shakeel	Khanpur	Chanal	
18	Anwar Ali	Charorai	Khanpur	
19	Dawa Khan	Chanal	Charorai	
20	Dilraj Khan	Nawagai	Agarai	
21	Kifayatullah	TRA Daggar	Ambella	
22	Muhammad Irfan	Topai	TRA Daggar	

D. No 255
Dated 2/12/14
CV

(Khaista Rahman)
DEPUTY COMMISSIONER,
BUNER.

Endst. No. & date even.

- Secretary-I, Govt. of Khyber Pakhtunkhwa, Board of Revenue, Revenue & Estate Department, Peshawar.
- Secretary to Commissioner, Malakand Division w/r to his letter no. 19205/2/8/Estt: dated 06-11-2014.
- All Assistant Commissioners, Buner.
- All Additional Assistant Commissioners, Buner.
- Officials concerned for strict compliance.

C.T.C

(Signature)

(Khaista Rahman)
DEPUTY COMMISSIONER,

(Signature)
30/11/14

OFFICE OF THE
DEPUTY COMMISSIONER
BUNER

No. 13453/ 1/6/DK

Dated: 13/08/2015.

OFFICE ORDER

The Following postings / transfers amongst the officials of this office are hereby ordered in the best interest of public service with immediate effect.

S.No	Name	From	To
1.	Mr. Hamid-ul-Haq	Patwari Halqa Malka	ADK Buner
2.	Mr. Kifayat Ullah	ADK Buner	TRA Daggar
3.	Mr. Muhammad Irfan ✓	TRA Daggar	Halqa Ghwardara (against vacant post)
4.	Mr. Said Amjad Hussain Shah	Halqa Sher Aii	Halqa Kulyari
5.	Mr. Nasreen Gul	Halqa Kulyari	Halqa Ambella

DEPUTY COMMISSIONER
BUNER

No. 13454-60 / 1/6 / DK

Copy forwarded to:-

1. The Additional Deputy Commissioner, Buner.
2. The Assistant Commissioner, Daggar for information.
3. The Assistant Commissioner, Mandanr for information
4. The Tehsildar, Daggar.
5. The Tehsildar, Mandanr.
6. Official Concerned.

DEPUTY COMMISSIONER
BUNER

c.T.C



(191)

(191)

Mark 'F3'

BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1168 /2015

Muhammad Irfan,
Tehsil Revenue Accountant,
Daggar, under Transfer to the Post of Patwari Halqa, Ghordara,
District Buner.....Appellant

Versus

1. Deputy Commissioner,
District Buner.
2. The Commissioner,
Malakand Division at Saidu Sharif / Swat
3. Senior Member Board of Revenue,
Revenue and Estate, Department
Khyber Pakhtunkhwa, Peshawar
4. Kifayat Ullah,
ADK, Buner under Transfer,
to Daggar as ~~TRA~~, T.R.A.
District Buner.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 13th AUGUST 2015
THEREBY APPELLANT WAS TRANSFERRED FROM THE
POST OF TRA DAGGAR TO PATWARI HALQA GHORDARA
WHILE RESPONDENT NO.4 WAS POSTED AGAINST HIS
POST AS TRA DAGGAR AGAINST WHICH HE FILED
DEPARTMENTAL APPEAL BEFORE THE RESPONDENT
NO.2 ON 27th AUGUST 2015 WHICH WAS DISMISSED ON 5th
OCTOBER 2015.

C.T.C

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Respectfully Sheweth,

giving rise to the present appeal are as under:-

That the petitioner is the employee of Revenue Department holding the post of Tehsil Revenue Accountant (TRA). On 13-08-2015 (Annexed 'A') an office order was issued by Respondent No.1 thereby appellant was transferred from Tehsil Daggar and posted as Patwari Halqa, Ghordara while Respondent No.4 was posted against his post as TRA Daggar.

2. That appellant has challenged the impugned transfer order by filing Departmental appeal on 27-08-2015 (Annexed 'B') before the Respondent No.2 thereon comments were called from Respondent No.1 vide letter dated 31-08-2015 (Annexed 'C') but later on the departmental appeal was dismissed by the Respondent No.2 vide order dated 05-10-2015 (Annexed 'D').

Hence the present appeal is submitted on the following amongst other grounds:-

Grounds:

- A. That the impugned transfer order has been passed in violation of rules and policy on subject and not sustainable, liable to be set aside.
- B. That appellant has not completed the normal tenure as per policy at the present place Daggar but under the political influence/pressure he was transferred and Respondent No.4 was posted against that very post which is illegal, unfair and unjust.

C.T.C



(21) (66) (6)

That the impugned transfer order is tainted with malafide intention with ulterior motive to accommodate Respondent No.4 in order to promote him to the post of District Revenue Accountant BPS-14 at the cost of appellant which is unlawful, unjustified having no legal sanctity.

D. That Respondent No.2 has misconceived the case of appellant and passed the impugned order thereby the departmental appeal of appellant was dismissed in arbitrary manner which is illegal and not sustainable liable to be set aside.

It is, therefore, humbly prayed that on acceptance of this service appeal, the impugned orders dated 13-08-2015 and 05-10-2015 may kindly be set aside and appellant may graciously be allowed to continue the post of TRA, Daggar.

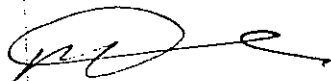
Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Appellant

Khush Dil Khan,
Advocate,
Supreme Court of Pakistan

dt. 16.10.2015 Through

C.T.C



22

45



31.01.2018

Counsel for the appellant present and Addl: AG alongwith Farhad Ullah, Computer Operator for official respondent and private respondent No. 5 in person present.

Counsel for the appellant after the arguing the case at some length has requested this Tribunal that since respondent no. 5 has attained superannuation on 14.11.2017 and the appellant has been appointed as regular TRA from 15.02.2016 and at the present the grievances of the appellant has been redressed. That he would withdraw this appeal by reserving his right to sue afresh in case his right violated in future.

In view of the above the present appeal is dismissed as withdrawn. File be consigned to the record room.

Sd/-
Member

Sd/-
Chairman
Cand court swat

Sd/-
Clerk

Date of Presentation of Application	6-8-2018
Number of Words	800
Copying Fee	6-00
Urgent	2-00
Total	8-00
Name of Applicant	Samiullah
Date of Completion of Copy	6-8-2018
Date of Delivery of Copy	6-8-2018

C.T.C
[Signature]

23

Arx 62

Bunair at Dagga

S#: 1

P Sec:001 Month:August 2017
BD6164 -Deputy Commissioner, Buner
DEPUTY COMMISSIONER BUNER

Pers #: 00485166 Buckle:

Name: MOHAMMAD IRFAN
PATWARI

NFN:
GPF #:
Old #:

CNIC No.4240186039737

GPF Interest Applied

09 Active Permanent

BD6164

PAYS AND ALLOWANCES:

- 0001-Basic Pay
- 1000-House Rent Allowance
- 1210-Convey Allowance 2005
- 1300-Medical Allowance
- 1555-Stationery Allowance
- 1591-Basta Allowance
- 1617-Patwar Khana Allowance
- 1911-Compen Allow 20% (1-15)
- 2148-15% Adhoc Relief All-2013

15,420.00
1,146.00
1,932.00
1,500.00
500.00
30.00
3,100.00
1,000.00
357.00
28,078.00

Gross Pay and Allowances

DEDUCTIONS:

- GPF Balance 79,229.00
- 3501-Benevolent Fund
- 4004-R. Benefits & Death Comp:

Subrc: 951.00
600.00
450.00

Total Deductions

2,001.00

26,077.00

D.O.B

24.06.1987

07 Years 11 Months 005 Days

LFP Quota: 4

NATIONAL BANK OF PAKKALPANI BUNNER
2563-2

Continue August 2017 Salary Patwarari

BPS 9

BPS-7 - Salary

as accidentent

TRA

C.T.C

24

Bunair at Dagga

S#: 2

Pers #: 00485166 Buckle:

Name: MOHAMMAD IRFAN

PATWARI

CNIC No. 4240186039737

GPF Interest Applied

09 Active Permanent

PAYS AND ALLOWANCES:

2199-Adhoc Relief Allow @10%

2211-Adhoc Relief All 2016 10%

2224-Adhoc Relief All 2017 10%

P Sec:001 Month:August 2017

BD6164 -Deputy Commissioner, Bunair

DEPUTY COMMISSIONER BUNER

NTN:

GPF #:

Old #:

BD6164

250.00

1,291.00

1,542.00

28,078.00

Gross Pay and Allowances

DEDUCTIONS:

GPF Balance 79,229.00

Subrc:

Total Deductions

2,001.00

26,077.00

D.O.B

24.06.1987

07 Years 11 Months 005 Days

LFP Quota:

NATIONAL BANK OF PAKKALPANI BUNNER

2563-2

C.T.C

257

3

Bunair at Dagga

S#: 1

P Sec:001 Month:November 2016
BD6164 -Deputy Commissioner, Buner
DEPUTY COMMISSIONER BUNER

Pers #: 00485166 Buckle:
Name: MOHAMMAD IRFAN
PATWARI
CNIC No.4240186039737
GPF Interest Applied
09 Active Permanent

NTN:
GPF #:
Old #:

BD6164 -

PAYS AND ALLOWANCES:

0001-Basic Pay	12,300.00
1000-House Rent Allowance	1,146.00
1210-Convey Allowance 2005	1,932.00
1300-Medical Allowance	1,500.00
1555-Stationery Allowance	500.00
1591-Basta Allowance	30.00
1617 ^s Patwar Khana Allowance	3,100.00
1911-Compen Allow 20% (1-15)	1,000.00
1948-Adhoc Allowance 2010@ 50%	1,750.00
Gross Pay and Allowances	25,105.00

DEDUCTIONS:

GPF Balance 63,349.00	Subrc:	951.00
3501-Benevolent Fund		180.00
4004-R. Benefits & Death Comp:		450.00

Total Deductions	1,581.00
	23,524.00

D.O.B 24.06.1987
07 Years 02 Months 004 Days

I.F.P Quota: 4
NATIONAL BANK OF PAKKALPANI BUNNER
2563-2

Bunair at Dagga

S#: 2

P Sec:001 Month:November 2016
BD6164 -Deputy Commissioner, Buner
DEPUTY COMMISSIONER BUNER

Pers #: 00485166 Buckle:
Name: MOHAMMAD IRFAN
PATWARI
CNIC No.4240186039737
GPF Interest Applied
09 Active Permanent

NTN:
GPF #:
Old #:

BD6164

PAYS AND ALLOWANCES:

2148-15% Adhoc Relief All-2013 367.00

C.T.C


26

2199-Adhoc Relief Allow @10%
2211-Adhoc Relief All 2016 10%

250.00
1,230.00

Gross Pay and Allowances
DEDUCTIONS:

25,105.00

GPF Balance 63,349.00

Subrc:


Total Deductions

1,581.00

23,524.00

D.O.B
24.06.1987
07 Years 02 Months 004 Days

LFP Quota:
NATIONAL BANK OF PAKKALPANI BUNNER
2563-2

C.T.C


27

5

Bunair at Dagga

S#: 1

P Sec:001 Month:January 2018
BD6164 -Deputy Commissioner, Buner
DEPUTY COMMISSIONER BUNER

Pers #: 00485166 Buckle:

Name: MOHAMMAD IRFAN

TEHSIL ACCOUNTANT

CNIC No.4240186039737

GPF Interest Applied

07 Active Temporary

NTN:

GPF #:

Old #:

BD6164 -

PAYS AND ALLOWANCES:

0001-Basic Pay	14,650.00
1000-House Rent Allowance	1,059.00
1210-Convey Allowance 2005	1,932.00
1300-Medical Allowance	1,500.00
1911-Compen Allow 20% (1-15)	1,000.00
2148-15% Adhoc Relief All-2013	367.00
2199-Adhoc Relief Allow @10%	250.00
2211-Adhoc Relief All 2016 10%	1,291.00
2224-Adhoc Relief All 2017 10%	1,465.00
Gross Pay and Allowances	23,514.00

DEDUCTIONS:

GPF Balance 83,269.00	Subrc:	1,010.00
3501-Benevolent Fund		600.00
3901-Org:of StatGen Admin(ROP)		3,873.00
4004-R. Benefits & Death Comp:		690.00

Total Deductions


6,173.00

17,341.00

D.O.B
24.06.1987

LFP Quota: 4
NATIONAL BANK OF PAKKALPANI BUNNER
2563-2

08 Years 04 Months 005 Days

C.T.C


28

6

Bunair at Dagga

S#: 1

P Sec:001 Month:January 2018
BD6164 -Deputy Commissioner, Buner
DEPUTY COMMISSIONER BUNER

Pers #: 00485166 Buckle:

Name: MOHAMMAD IRFAN
TEHSIL ACCOUNTANT

NTN:
GPF #:
Old #:

CNIC No.4240186039737

GPF Interest Applied

07 Active Temporary

BD6164 -

PAYS AND ALLOWANCES:

0001-Basic Pay	14,650.00
1000-House Rent Allowance	1,059.00
1210-Convey Allowance 2005	1,932.00
1300-Medical Allowance	1,500.00
1911-Compen Allow 20% (1-15)	1,000.00
2148-15% Adhoc Relief All-2013	367.00
2199-Adhoc Relief Allow @10%	250.00
2211-Adhoc Relief All 2016 10%	1,291.00
2224-Adhoc Relief All 2017 10%	1,465.00
Gross Pay and Allowances	23,514.00


DEDUCTIONS:

GPF Balance 83,269.00	Subrc:	1,010.00
3501-Benevolent Fund		600.00
3901-Org:of StatGen Admin(ROP)		3,873.00
4004-R. Benefits & Death Comp:		690.00

Total Deductions	6,173.00
	17,341.00

D.O.B 24.06.1987
08 Years 04 Months 005 Days

LFP Quota: 4
NATIONAL BANK OF PAKKALPANI BUNNER
2563-2

c.T.c


29

Bunair at Dagga

S#: 1

P Sec:001 Month:December 2017
BD6164 -Deputy Commissioner, Buner
DEPUTY COMMISSIONER BUNER

Pers #: 00485166 Buckle:
Name: MOHAMMAD IREAN
TEHSIL ACCOUNTANT
CNIC No.4240186039737
GPF Interest Applied
07 Active Temporary

NTN:
GPF #:
Old #:

BD6164

PAYS AND ALLOWANCES:

0001-Basic Pay	14,650.00
1000-House Rent Allowance	1,059.00
1210-Convey Allowance 2005	1,932.00
1300-Medical Allowance	1,500.00
1911-Compen Allow 20% (1-15)	1,000.00
2148-15% Adhoc Relief All-2013	367.00
2199-Adhoc Relief Allow @10%	250.00
2211-Adhoc Relief All 2016 10%	1,291.00
2224-Adhoc Relief All 2017 10%	1,465.00
Gross Pay and Allowances	23,514.00

DEDUCTIONS:

GPF Balance 83,269.00	Subrc:	1,010.00
3501-Benevolent Fund		600.00
3901-Org:of StatGen Admin(ROP)		3,873.00
4004-R. Benefits & Death Comp:		690.00

Total Deductions 6,173.00
17,341.00

D.O.B LFP Quota: 4
24.06.1987 NATIONAL BANK OF PAKKALPANI BUNNER
08 Years 03 Months 005 Days 2563-2

C.T.C

بخدمت جناب کمشنر ملاکنڈ ڈویژن بمقام سید و شریف سوات

درخواست بمبر ایتینات ڈسٹرکٹ ریونیو اکاؤنٹ (DRA) ضلع بونیر

جناب عالی!

1- گزارش بحضور انور کہ مورخہ 16-11-2017 کو سائل نے (DRA) تینتاتی کیلئے درخواست گزارى ہے۔ جو ابھی زیر غور ہے۔

2- یہ کہ سہی محمد عرفان کو مورخہ 01-12-2014 کو (TRA) ڈگری تینتات کیا تھا آرڈر لف ہے۔

3- یہ کہ مورخہ 13-08-2015 کو محمد عرفان کو (TRA) پوسٹ سے تریل کر کے بحیثیت پٹواری تینتات کیا گیا آرڈر لف ہے۔

4- یہ کہ عرفان نے DC صاحب کو Application Form کھنڈ ملاکنڈ میں چیلنج کیا جو کہ کھنڈ صاحب نے آرڈر مذکورہ بحال رکھا اور مورخہ 29-08-2015 جناب کھنڈ صاحب نے محمد عرفان کا اپیل خارج کیا آرڈر لف ہے۔

5- یہ کہ محمد عرفان بنیادی طور پر پٹواری ہے نہ کہ TRA

6- یہ کہ ISMBR اور کھنڈ کے آرڈر کو چیلنج کیا گیا وہ بھی خارج کیا گیا اور چیف سیکرٹری KPK کے عدالت زیر سماعت ہیں۔

7- کہ محمد عرفان سیدول اپیل 1168/2015 سرورڈ ٹریبونل سوات میں داخل کی کو کہ ابھی تک زیر سماعت ہیں۔

8- اب جو کہ DRA کے ریٹائرمنٹ سے مذکورہ پوسٹ خالی ہوا ہے۔

9- یہ کہ رسائل 26-12-2014 کو بحیثیت TRA سندھ تینتات کیا گیا تھا جو کہ اب تک اپنی ڈیوٹی سرانجام دے رہا ہے۔

10- آرڈر کے مطابق تین سال TRA رہنے کی صورت میں DRA پوسٹ کیلئے اہل ہوتا ہے۔

11- یہ کہ 13-08-2015 کو محمد عرفان کا ٹرانسفر ہوا ہے اور اب تک وہ مجاز افسران نے کوئی حکمی امتناعی صادر نہیں کی ہے اور وہ نہیں TRA مسلسل تین سال تک رہا ہے۔

12- اور اس کے ایپل بائے سارے اس کے خلاف صادر ہو چکے ہیں۔

13- یہ کہ محمد عرفان نے چھ مہینے پہلے حکم ریونیو بونیر نے TRA بنا دیا تھا۔

اس سلسلے میں ڈی آئی بونیر کو چار مہینے پہلے درخواست دریا تھا اس سلسلے میں ابھی تک کوئی عمل درآمد نہیں ہوا۔

لہذا امر بانی فرما کر اس پر ضروری ایکشن لیا جائے تو آپ کی بڑی مہربانی ہوگی۔

انجمنی TRA تفصیل مندرجہ ذیل ضلع بونیر

مورخہ 13-04-2018

C.T.C

(Signature)

(30)

(25)

محکمہ سیر و شریف سہارا
کمشنر صاحب ملاکنڈ ڈویژن بمقام سیر و شریف سہارا

یونٹات جناب ڈپٹی کمشنر صاحب ضلع بونیر

درخواست بہرہ دہی کی ڈسٹرکٹ ریونیو کاؤنٹ (DRA) ضلع بونیر

جناب عالی!

گزارش بھنورا نور ہے کہ سہارا کی بحیثیت تحصیل ریونیو کاؤنٹ (TRA) عرصہ

تین سال سے تحصیل مندر میں اپنا ڈیوٹی سرانجام دے رہا ہے۔ اب چونکہ ضلع بونیر ڈسٹرکٹ ریونیو کاؤنٹ کا پوسٹ مورخہ 30-11-2017 سے خالی ہو رہا ہے۔

چونکہ سہارا تین سال سے (بحیثیت تحصیل ریونیو کاؤنٹ تحصیل مندر) خدمات سرانجام دے رہا ہے۔ لہذا استدعا کی جاتی ہے کہ سہارا کو بحیثیت ڈسٹرکٹ ریونیو کاؤنٹ کی تعیناتی کے احکامات صادر فرمائیں تو نوازش ہوگی۔

آرڈر تحصیل ریونیو کاؤنٹ نمبر (1183-86/ac Mandanr dated 26-12-2014) لپ درخواست ہوا ہے۔

العارض

افتخار علی تحصیل ریونیو کاؤنٹ تحصیل مندر ضلع بونیر

مورخہ - 16/11/17

Office Of The DC Burega
Dairy No86.45.....
Branch.....
Signature.....

16/11/17

C. T. C



خدمت جناب SMBR صاحب ریونیو بورڈ پشاور



درخواست برادعیناتی DRA ضلع بونیر

2018
2018

جناب عالی!

گزارش بحضور انور ہے کہ سائل بحیثیت TRA تین سال سے تحصیل منڈلز میں اپنی ڈیوٹی سرانجام دے رہا ہے۔ اب چونکہ ضلع بونیر DRA کا پوسٹ 30-11-2017 سے خالی ہے۔

چونکہ سائل تین سال سے بحیثیت TRA تحصیل منڈلز میں خدمات سرانجام دے رہا ہے، رولز کے مطابق تین سال TRA رہنے کی صورت میں DRA پوسٹ کے لئے اہل ہوتا ہے۔

لہذا استدعا کی جاتی ہے کہ سائل کو بحیثیت DRA تعینات ہونے کا حکم صادر فرمائیں تو آپ کی بڑی مہربانی ہوگی۔

آرڈر TRA نمبر (1183-86/ac Mandanr Dated 26-12-2014) لف درخواست ہذا ہے۔

میں نے ڈپٹی کمشنر بونیر کو تین مہینے پہلے درخواست دیا تھا لیکن ابھی تک کوئی عمل نہیں
اس درخواست کا ڈائری نمبر 8645

العارض

افتخار علی TRA تحصیل منڈلز، ضلع بونیر

آپ کی خدمت

مورخہ: 22-03-2018

SMBR

22/3/18

2018

2018

(33)

بخدمت جناب SMBR صاحب ریویو بورڈ پشاور

درخواست برادرتیاتی DRA ضلع یونیر

جناب عالی

مذکورہ کی تکرار اس لیے کہ مورخہ 16-11-2017 کو سائل نمٹتے (DRA) تھیاتی کیلئے درخواست کنوری ہے جو کہ
ایسی زیر غور ہے۔
ای سی ڈاٹری نمبر 8645

2- یہ کہ کسی محمد عرفان کو مورخہ 01-12-2014 کو (TRA) اکر تعینات کیا تھا اور اب ہے۔
3- یہ کہ مورخہ 13-8-2015 کو محمد عرفان کو (TRA) پوسٹ سے تبدیل کر کے بحیثیت پشوری تعینات کیا گیا اور ڈرافٹ

ہے

4- یہ کہ کسی محمد عرفان نے DC صاحب اڈر کو Applied form کسٹرن ملاکنڈ میں چیلنج کیا جو کہ کسٹرن صاحب نے اڈر
مذکورہ بحال رکھا اور مورخہ 29-08-2015 جناب کسٹرن صاحب نے محمد عرفان کی اپیل خارج کیا ہے اور لٹ ہے۔
5- یہ کہ SMBR اور کسٹرن کے اڈر کو چیلنج کیا گیا وہ بھی خارج کیا گیا اور چیف سیکریٹری کے پی کے کے عدالت میں جناب
SMBR کے اڈر کے خلاف اپیل دائر کی وہ بھی خارج کی گئی۔

6- یہ کہ کسی محمد عرفان سیل اپیل 1168/2015 سرویس ٹریبونل سوات میں داخل کی کہ ابھی تک زیر سماعت ہیں
آئیے کہ کسی محمد عرفان تیسری طور پر پشوری ہے نہ کہ (TRA)

8- اب جو کہ DRA کے ریٹائرمنٹ سے مذکورہ پوسٹ خالی ہوا ہے۔

9- یہ کہ سائل 26-12-2014 کو بحیثیت TRA مندرجہ تعینات کیا گیا تھا جو کہ اب تک اپنی ڈیوٹی سرانجام دے رہا ہے۔

10- بدولت کے مطابق تین سال TRA رہنے کی صورت میں DRA پوسٹ کیلئے اہل ہوتا ہے۔

11- یہ کہ 13-08-2015 کو کسی محمد عرفان کا ٹرانسفر ہوا ہے اور اب تک وہ مجاز انسران نے کوئی حکمی امتناعی صادر نہیں
کہ ہے اور تین سال TRA مسلسل تین سال تک رہا ہے۔

12- اس کے اہل ہونے کے سلسلے میں اس کے خلاف صادر ہو چکے ہیں

لہذا دعا کی جاتی ہے کہ سائل کو بحیثیت DRA تعینات ہونے کا حکم صادر فرمایا جائے۔

C.T.C

العارض
افتخار علی TRA تحصیل منڈر ضلع یونیر

مورخہ 07-04-2018

34

بخدمت جناب SMBR صاحب ریونیو بورڈ پشاور

درخواست براد تعیناتی DRA ضلع بونیر

جناب عالی!

گزارش بحضور انور ہے کہ سائل بحیثیت TRA تین سال سے تحصیل منڈنڈ میں اپنی ڈیوٹی سرانجام دے رہا ہے۔ اب چونکہ ضلع بونیر DRA کا پوسٹ 30-11-2017 سے خالی ہے۔

چونکہ سائل تین سال سے بحیثیت TRA تحصیل منڈنڈ میں خدمات سرانجام دے رہا ہے، روٹز کے مطابق تین سال TRA رہنے کی صورت میں DRA پوسٹ کے لئے اہل ہوتا ہے۔

لہذا استدعا کی جاتی ہے کہ سائل کو بحیثیت DRA تعینات ہونے کا حکم صادر فرمائیں تو آپ کی بڑی مہربانی ہوگی۔

آرڈر TRA نمبر (1183-86/ac Mandanr Dated 26-12-2014) لف درخواست ہذا ہے۔

Copy Forward to:

1. DLR
2. Secretary Revenue Board

العارض
افتخار علی TRA تحصیل منڈنڈ، ضلع بونیر

مورخہ: 22-03-2018

C.T.C

35

Amc (I)

Before the commissioner Malakand at saidu sharif swat.

Departmental appeal against the impugned letter/list endst No 7461/DC/Buner/Esst dated 19 March 2018 whereby one Muhammad irfan has been shown the only tehsile revenue accountant (TRA) in District Buner and name of the appellat has been dropped from the list of TRAs despite his highest position on the pedestal of seniority of TRAs.

The appellat submits as follows:

1. That initially the appellat was serving as patwari in revenue department but later on was appointed/posted as tehsile revenue Accountant Mandar vide order dated 26.12.14 under an assurance that his appointment was on regular basis. (appointment order of appellat attached as Mark A⁹)
2. That since the aforesaid date the appellat has been serving as TRA with full zeal and zest to the entire satisfaction of his superiors.
3. That after completion of 3 years service length on the post of TRA, which is a prescribe service length for onward promotion to the post of District revenue Accountant (DRA), the appellat was under legitimate expectancy that he will be promoted to one of the posts of DRA laying vacant in district Buner but astonishingly one Muhammad Irfan has been shown the only TRA in district Buner despite the fact that he was adjusted on the post of TRA on 15.2.2016 and rank much junier to the appellat. moreover he is also ineligible for the post of TRA and DRA as per law and rules. (adjustment order dated 15.2/2016 of Muhammad Irfan attached as mark A₁)
4. That it is pertinent to mention here that Muhammad irfan was appointed as patwari vide order dated 28.9 2009 and latter on he was transferred as halqa patwari in different stations such as halqa patwari Nagrai ,halqa riga, halqa cheena chanar, halqa kolyarai and hlqa topi vide respectively orders dated 14.10.2009, 24.9.2010, 13.1.2012, 29.3.2014 and

C.T.C



(36)

(2)

29.8.2014.(appointment order of Muhammad Irfan and his transfer orders attached as mark C)

- 7
9
14
5. That on 1.12.2014 the said Muhammad irfan was adjusted on the post of TRA dagger but after few months he was again transferred to the post of patwari vide order dated 13.8.2015.(order of adjustment as TRA and transfer order dated 13.8.2015 of Muhammad irfan attached as mark D and E)
 6. That aggrieved from the order of transfer dated 13.8.2015 as halqa patwari, the abovementioned Muhammad Irfan filed a departmental appeal before your good office but his appeal was rejected. he also filed a representation before the SMBR but did not succeed hence as a last resort preferred an appeal before the worthy service tribunal KPK which was replied by your good office, DCO buner and other official respondents and raised therein the preliminary objection that neither the appeal of Muhammad irfan was maintainable nor he was qualified for the post of TRA. hence noticing his obvious failure he ultimately withdraw his appeal and produce a fraudulent order of adjustment dated 15.2.2016 although he was taking the salaries of the post of patwari during the period. (appeal to service tribunal, withdrawal order and payslips of Muhammad irfan attached as marks F and G)
 7. That despite the order dated 15.2.2016, Muhammad Irfan is junior to the appellant on the post of TRA because from 13.8.2015 till 15.2.2016 he remained as patwari which is legally a break in his service as a TRA, hence he is not qualified to the post of TRA as per law and rules available on the subject matter. (impugned letter/List attached as Mark H)
 8. That the appellant have also filled several applications before his upper hierarchy for his appointment as a DRA but due to political pressure and back stair influence the name of Muhammad Irfan has been shown as TRA while the appellant have been ignored. (application see Mark I)
 9. That the appellant several time visited the office of the DCO buner but the office willfully concealed the letter/order dated 19 March 2018 from the appellant and on 6.8.2018 the appellant came to know regarding the letter and obtained its copy from the establishment.

C.T.C


10. That as per law and rules and legitimate expectancy the appellant is entitled to be appointed to the post of DRA laying vacant, and his name be placed in the list of regular TRAs district Buner.

It is therefore kindly prayed that on acceptance of this appeal the impugned letter/list dated 19 March 2018 may kindly be set aside/modified and the name of the appellant may kindly be placed in the list of Regular TRAs and eventually promoted to the post of DRA.

Dated: 15.8.2018

Appellant


Iftihar Ali TRA Mandan Buner

C.T.C



Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Service Appeal No. 1463/2018

Iftikhar Ali, presently serving as Tehsil Revenue Accountant Mandanr District Buner.....Appellant.

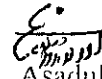
Versus

1. Deputy Commissioner, Buner.
2. Commissioner, Malakand Division.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. Secretary, Board of Revenue, Revenue & Estate department, Khyber Pakhtunkhwa, Peshawar..... Respondents.

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Deponent:



Asadullah,

Tehsildar Chagharzi,

CNIC No. 17301-6110085-5

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Service Appeal No. 1463/2018

Ifikhar Ali, presently serving as Tehsil Revenue Accountant Mandanr District Buner.....Appellant.

Versus

1. Deputy Commissioner, Buner.
2. Commissioner, Malakand Division.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. Secretary, Board of Revenue, Revenue & Estate department, Khyber Pakhtunkhwa, Peshawar..... Respondents.

Parawise Reply on Behalf of the Respondents No. 1 to 4.

Preliminary Objections:

1. The appeal is time-barred.
2. The appeal has no grounds.
3. The appellant has not come to the court with clean hands.
4. The appellant has tried to conceal facts from the august Tribunal.

Facts:

1. Denied. The appellant was not appointed as Tehsil Revenue Accountant rather posted as Tehsil Revenue Accountant in Tehsil Mandanr against the vacant post (Annexure-A). The very words of the order in question say: "The following postings amongst the Patwaris are hereby ordered in the best of public service with immediate effect." There was hence no mention of the word "appointed". Presently Patwari is working in PBS-09 whereas the BPS of Tehsil Revenue Accountant is 07 & officials from BPS-09 may not be promoted to BPS-07 rather demotion which is a punishment under the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011. Furthermore, the authority to make any such appointments rests with the Deputy Commissioner and not the Assistant Commissioner who issued the order *ibid*.
2. No Comments.
3. Denied. The post of the District Revenue Accountant (BPS-14) is filled from the senior most Tehsil Revenue Accountant (BPS-07) cum fitness from amongst the Tehsil Revenue Accountants of the district with at least three years service as such (Annexure-B). Since the appellant is Patwari by designation and not the Tehsil Revenue Accountant, his case could not be proceeded for promotion to the post of District Revenue Accountant.

- 3
4. Denied. Please refer to Para-3 above.
 5. No comments.
 6. Correct.
 7. Denied. Against the said transfer, Mr. Muhammad Irfan appealed in the court of the Commissioner Malakand Division which was rejected (**Annexure-C**). Against the said rejection, Mr. Muhammad Irfan further approached the Service Tribunal vide Service Appeal No. 1168/2015 in which this honorable court granted him the status-quo (**Annexure-D**). Copy of the order dated 31.01.2018 attached as (**Annexure-E**). The very words of which are: "Counsel for the appellant and Addl: AG alongwith Farhad Ullah, Computer Operator for official respondent and private respondent No. 5 in person present. Counsel for the appellant after the arguing the case at some length has requested this tribunal that since respondent no. 5 attained superannuation on 14.11.2017 and the appellant has been appointed as regular TRA from 15.02.2016 and at the present the grievances of the appellant has been redressed. That he would withdraw this appeal by reserving his right to sue afresh in case his right violated in future. In view of the above the present appeal is dismissed as withdrawn. File be consigned to record room". The salaries Mr. Muhammad Irfan has received in excess have been refunded.
 8. Strongly denied. The government departments are supposed to perform their duties according to rules and policy of the government rather than any political pressure. The same principal has been obeyed in the case ibid also.
 9. Denied. Please refer to paras above.
 10. Denied. The appellant desires to get benefits for which he is not entitled.



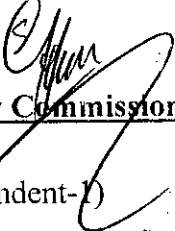
Grounds:

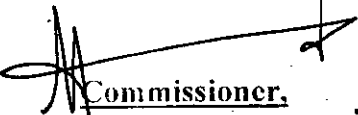
- 1) Denied. The order in question was based on contemporary documentary support. Since Mr. Muhammad Irfan had already been adjusted as Tehsil Revenue Accountant and there was no other Tehsil Revenue Accountant by designation, the letter in question was issued accordingly.
- 2) Denied. Please refer to paras-1, 3 and 7 of the facts above.
- 3) Denied. Please refer to para-3 of the facts above.
- 4) Denied. Please refer to para-3 of the facts above.
- 5) Denied. Please refer to para-1 above.

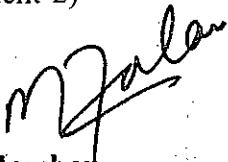
- 6) Denied. No unlawful action has been taken in the case. Please refer para-1 to 10 of the facts above.
- 7) No comments.

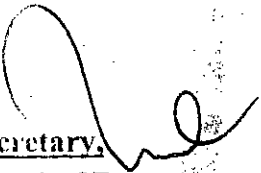
Prayer:

It is requested that since the appeal is baseless having no legal grounds, it may be dismissed with cost.


Deputy Commissioner,
Buner,
(Respondent-1)


Commissioner,
Malakand Division,
(Respondent-2)


Senior Member,
Board of Revenue,
Revenue & Estate Department,
Govt. of Khyber Pakhtunkhwa, Peshawar.
(Respondent-3)


Secretary,
Board of Revenue,
Revenue & Estate Department,
Govt. of Khyber Pakhtunkhwa, Peshawar.
(Respondent-4)

**OFFICE OF THE
ASSISTANT COMMISSIONER
MANDANR, BUNER**

No. 1123-86/AC Mandanr, Dated: 26 / 12 / 2014

OFFICE ORDER:


The following postings amongst the Patwaris are hereby ordered in the best interest of public service with immediate effect:

S No.	Name of Patwari	From	To	Remarks
1.	Hameed Ul Haq	Sura	Malka	
2.	Said Afsar Ali	Nagrai	Sura	
3.	Iftikhar Ali	Malka	TRA Mandanr	Against Vacant Post
4.	Anwar Ali	Khanpur	To have additional charge of Halqa Nagrai	


Assistant Commissioner
Mandanr, Buner

Copy to:

1. Deputy Commissioner, Buner, with reference to his approval dated: 26/12/2014
2. Tehsildar Mandanr and Naib Tehsildar Chamla.
3. OK of this office
4. Officials concerned for immediate compliance.


Assistant Commissioner
Mandanr, Buner

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE /REVENUE AND ESTATE DEPARTMENT.

(TEHSILDAR, NAIB TEHSILDAR / SUBORDINATE REVENUE SERVICE RULES, 2008)

NOTIFICATION

Peshawar, dated 23-01-2015

No. 1842/Estt:1/135/SSRC. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO. 457-I/2001 dated 28th June, 2001 and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts born on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

APPENDIX

1	2	3	4	5	6	7
S.No.	Nomenclature of the post	Appointing Authority	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum Qualification for appointment by promotion	Age limit	Method of recruitment
1.	Tehsildar (BPS 16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Deleted	21-30 years For initial recruitment	(a) Twenty percent by initial recruitment; and (b) Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrar with at least five years service. (c) Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Assistants of the office of Board of Revenue, offices of Commissioners, Deputy Commissioners and Political Agents having five years service as such.

2	3	4	5	6		
5. District Revenue Accountant (BPS-14)	Administrative Secretary (SMBR)					By promotion, on the basis of seniority-cum-fitness, from amongst the Tehsil Accountant of the district with at least three years service as such.
6. Kanungo (BPS-11)	District Collector					By promotion, on the basis of seniority-cum-fitness, from amongst the Patwaris and Naib Office Kanungos of the district concerned with three years service as such and who have passed the Departmental examination of Kanungo.
7. Tehsil Accountant	District Collector					By promotion on the basis seniority-cum-fitness from amongst the Naib Tehsil Accountants having three (03) years service as such.
8. Patwari (BPS-09)	District Collector	Intermediate or equivalent qualification, who have passed the Patwar Examination.		18 to 35		By initial appointment from amongst the Patwar passed candidate entered in the Tehsil patwar candidate register maintained by District Collector of the district concerned.
9. Naib Tehsil Accountant / Naib Tehsil Office Kanungo	District Collector					By transfer from amongst the Patwaris.

9/ BS-7 - (?)

Sd/-
 SECRETARY TO GOVERNMENT
 REVENUE AND ESTATE DEPARTMENT

No 1943-81/Estt/135/SSRC

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
8. All Deputy Commissioners, Khyber Pakhtunkhwa.
9. Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
10. Controller, Government Printing Press Peshawar, with the request to publish the above notification in the official Gazette and
thereof to the undersigned for record.

DEPUTY SECRETARY TO GOVERNMENT OF KHYB
REVENUE & ESTATE DEPARTMENT

13

BEFORE THE COMMISSIONER, MALAKAND DIVISION
AT SAIDU SHARIF SWAT.

Case No.2/26/Estt:/CMD

Date of Institution: 27.08.2015

Muhammad Irfan, Tehsil Revenue Accountant,
Daggar, District Buner..... Appellant.

VERSUS

1. Mr. Kifayatullah, ADK, Buner..... Respondents.
2. Deputy Commissioner, Buner..... Respondents.

Appeal against Office Order No. 13453/1/6/DK, dated
13.08.2015 passed by Respondent No.2 wherein appellant was
malafidely transferred from the post of TRA Daggar to Halqa
Ghwardara as a Patwari.

ORDER
05.10.2015.

Gist of the case is that the appellant, Muhammad Irfan, Tehsil Revenue Accountant, Daggar District Buner was transferred and posted against the vacant post of Patwari, Halqa Ghwardara by the Deputy Commissioner, Buner (Respondent No. 2) vide his Office Order dated 13.08.2015.

The appellant preferred departmental appeal before this Court, requested that the transfer order be declared illegal, allowing the appellant to perform his duty as Tehsil Revenue Accountant, Daggar District Buner.

The Deputy Commissioner (Respondent No.2) furnished his comments vide his Memo: No. 15167/1/20/DK(B), dated 17.09.2015, stated that the appellant was initially appointed as Patwari and not as Tehsil Revenue Accountant. His transfer was made on the basis of necessity and his posting as TRA was on temporary basis. The appellant has been substituted with the designated TRA.

[Signature]
Commissioner Malakand Division

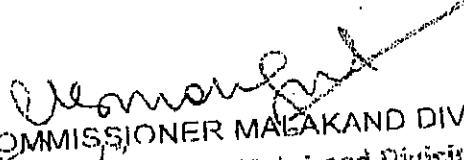
The appeal of the appellant, comments of the Respondent No.2 and record of the case was thoroughly examined. The Deputy Commissioner, Buner is a competent authority to transfer Patwari/Revenue official in the District. The appeal carries no weight, therefore I see no reason to interfere in the impugned order passed by the Deputy Commissioner (Respondent No.2), which is hereby maintained and the appellant should immediately report for duty. The Deputy Commissioner, Buner, should withdraw suspension Order No.3851-54/DC/Buner/Estt; dated 04.09.2015 upon the arrival of the official to his new place of posting.

Contd: Page-2

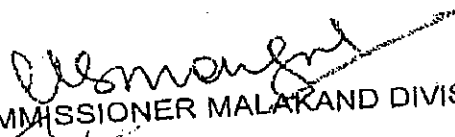
Page-2

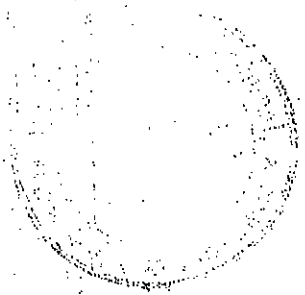
A copy of this order be sent to the Deputy Commissioner,
Buner for compliance.

Announced
05.10.2015


COMMISSIONER MALAKAND DIVISION.
Commissioner Malakand Division.

Certified that this order consists of 02 pages and that
each page is signed by the undersigned.


COMMISSIONER MALAKAND DIVISION.
Commissioner Malakand Division.



26.10.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Tehsil Revenue Accountant at Daggar when transferred as Patwari Halqa Gwardara vide impugned order dated 13.8.2015 against which he preferred departmental appeal on 27.8.2015 which was rejected on 5.10.2015 and hence the instant service appeal on 19.10.2015.

That the impugned order is premature as the appellant was posted against the said post on 1.12.2014 and, furthermore, the appellant is a TRA and as such cannot be posted as Patwari Halqa.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 7.12.2015 at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

SM

*Sd/-
Chairman*

16

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

Service Appeal No. 1168 /2015

Muhammad Irfan,
Tehsil Revenue Accountant,
Daggar, under Transfer to the Post of Patwari Halqa, Ghordara,
District Buner.....Appellant

Versus

1. Deputy Commissioner,
District Buner.
2. The Commissioner,
Malakand Division at Saidu Sharif / Swat
3. Senior Member Board of Revenue,
Revenue and Estate, Department
Khyber Pakhtunkhwa, Peshawar
4. Kifayat Ullah,
ADK, Buner under Transfer,
to Daggar as RTA,
District Buner.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 13th AUGUST 2015
THEREBY APPELLANT WAS TRANSFERRED FROM THE
POST OF TRA DAGGAR TO PATWARI HALQA GHORDARA
WHILE RESPONDENT NO.4 WAS POSTED AGAINST HIS
POST AS TRA DAGGAR AGAINST WHICH HE FILED
DEPARTMENTAL APPEAL BEFORE THE RESPONDENT
NO.2 ON 27th AUGUST 2015 WHICH WAS DISMISSED ON 5th
OCTOBER 2015.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That the petitioner is the employee of Revenue Department holding the post of Tehsil Revenue Accountant (TRA). On 13-08-2015 (Annexed 'A') an office order was issued by Respondent No.1 whereby appellant was transferred from Tehsil Daggar and posted as Patwari Halqa, Ghordara while Respondent No.4 was posted against his post as TRA Daggar.
2. That appellant has challenged the impugned transfer order by filing Departmental appeal on 27-08-2015 (Annexed 'B') before the Respondent No.2 thereon comments were called from Respondent No.1 vide letter dated 31-08-2015 (Annexed 'C') but later on the departmental appeal was dismissed by the Respondent No.2 vide order dated 05-10-2015 (Annexed 'D').

Hence the present appeal is submitted on the following amongst other grounds:-

Grounds:

- A. That the impugned transfer order has been passed in violation of rules and policy on subject and not sustainable, liable to be set aside.
- B. That appellant has not completed the normal tenure as per policy at the present place Daggar but under the political influence/pressure he was transferred and Respondent No.4 was posted against that very post which is illegal, unfair and unjust.

- C. That the impugned transfer order is tainted with malafide intention with ulterior motive to accommodate Respondent No.4 in order to promote him to the post of District Revenue Accountant BPS-14 at the cost of appellant which is unlawful, unjustified having no legal sanctity.
- D. That Respondent No.2 has misconceived the case of appellant and passed the impugned order thereby the departmental appeal of appellant was dismissed in arbitrary manner which is illegal and not sustainable liable to be set aside.

It is, therefore, humbly prayed that on acceptance of this service appeal, the impugned orders dated 13-08-2015 and 05-10-2015 may kindly be set aside and appellant may graciously be allowed to continue the post of TRA, Daggar.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

dt. 16.10.2015 Through

Appellant

Khush Dil Khan,
Advocate,
Supreme Court of Pakistan



31.01.2018

Counsel for the appellant present and Addl: AG alongwith Farhad Ullah, Computer Operator for official respondent and private respondent No. 5 in person present.

Counsel for the appellant after the arguing the case at some length has requested this Tribunal that since respondent no. 5 has attained superannuation on 14.11.2017 and the appellant has been appointed as regular TRA from 15.02.2016 and at the present the grievances of the appellant has been redressed. That he would withdraw this appeal by reserving his right to sue afresh in case his right violated in future.

In view of the above the present appeal is dismissed as withdrawn. File be consigned to the record room.

Sd/-
Member

Sd/-
Chairman
Camp court swat

Sd/-

Date of Presentation of Application 6-8-2018
 Number of Words 800
 Copying Fee 600
 Urgent 200
 Total 800
 Name of Applicant Samiullah
 Date of Completion of Copy 6-8-2018
 Date of Delivery of Copy 6-8-2018

بعدالت صاحب سروس نے قبول کی ہے



20ء منجانب صاحب سروس

نام ڈی ایچ سندھو

اختیار عملی

میں سروس

موردہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل

کارروائی متعلقہ آن مقام لیسٹنگ کے لئے الفوریٹین اور ویسٹ

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل

صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے، جواب دہی اور اقبال دعویٰ

اور بصورت ڈگری کرنے اجراء اور وصولی چیک و دہ پیہ، عرض دعویٰ اور درخواست ہر قسم کی تصدیق

زیر اس پر دستخط کرانے 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 اختیار ہوگا۔ اور بصورت ضرورت مقدمہ

مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا

اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا

ساختہ پرواختہ منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا

اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔

اگر کوئی تاریخ پیشی مقدمہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور

کریں۔ لہذا کالت نامہ لکھ دیا کہ سند ہے۔

20ء
محمد سعید خان

۱۰

الرقوم

کے لئے منظور ہے۔

Accepted
Anwar
received
Sue

مستقیم

"B"

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

No.

Appeal No..... of 20

1463

18

.....Appellant/Petitioner
Iftakhar Ali Versus

.....Respondent
DC *Buner* *Daggan*
Respondent No.....

5

Notice to: - *Mohammad Isfan Presently working
at TRA Daggan*

WHEREAS an appeal/petition under the provision of the North-West Frontier 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.....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.

along with app. Copy of appeal is attached. Copy of appeal has already been sent through you
office Notice No.....dated.....

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

16

Day of.....20
8/19

[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.

"B"

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

No.

Appeal No..... 1463 of 2018

Iftakhar Ali Appellant/Petitioner
 Versus

DC Buney Daggur Respondent

Respondent No..... 1

Notice to: - Deputy Commissioner Buney
at Daggur

WHEREAS an appeal/petition under the provision of the North-West Frontier 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..... 22.8.2019 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.

along with Application of Suspension DPC Mdany
 Copy of 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

Day of..... 8.20/9


 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

"B"

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

No.

1463

18

Appel No. Iftikhar Ali of 20

Appellant/Petitioner

DC Buxet Dagar

Respondent

Respondent No. 2

Commissioner Malakand at Saudo

Notice to: —

Sharif Swat

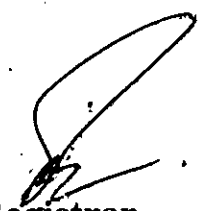
WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8/2/17 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. *APPLICATION OF SUSPENSION OF DPC MEETING*

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 16

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

Day of.....20


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

No.

Appeal No..... of 20

1463

Iftakhar A. Versus Appellant/Petitioner

18

DC Buner Daggar Respondent

Respondent No.....

Notice to:

Court of KPK through a Secretary
Revenue and State Department Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier 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.....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.

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office Notice No.....dated.....

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

16

Day of.....2009

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.