

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT D.I.KHAN

Service Appeal No. 7759/2021

Date of Institution ... 16.11.2021

Date of Decision ... 28.09.2022



Fahim Ahmad, District Revenue Accountant (ACB), Revenue & Estates
Department, D.I.Khan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Board of Revenue,
Khyber Pakhtunkhwa, Peshawar and 04 others.

... (Respondents)

MR. AHMAD ALI KHAN,
Advocate

--- For appellant.

MR. MUHAMMAD ADEEL BUTT,
Additional Advocate General

--- For respondents.

MR. KALIM ARSHAD KHAN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precisely stated the averments as raised by the appellant in his appeal are that meeting of Departmental Promotion Committee was held on 31.07.2019 and upon its recommendations, Mr. Abdul Munim and Mr. Muhammad Riaz Tehsil Accountants (BS-07) were promoted to the post of District Revenue Accountants (BS-14) on regular basis, while the appellant was promoted as District Revenue

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Accountant (BS-14) on acting charge basis vide separate Notifications dated 20.08.2019. The appellant was also required to have been promoted on regular basis as the post of District Revenue Accountant, to which the appellant was promoted, was laying vacant and the appellant was eligible for promotion on regular basis. The department issued final seniority list of regular District Revenue Accountants vide office order dated 20.04.2021, however the name of the appellant was not included in the same despite the fact that like Mr. Abdul Munim and Mr. Muhammad Riaz, the appellant too was entitled to regular promotion to District Revenue Accountant with effect from 20.08.2019. The respondents treated the appellant with discrimination and did not follow the relevant rules, constraining the appellant to file departmental appeal. In the meanwhile, the appellant was promoted as District Revenue Accountant on regular basis vide order dated 06.08.2021 but with immediate effect instead of retrospective effect. The departmental appeal of the appellant was, however declined vide order dated 20.10.2021, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal.

3. Learned counsel for the appellant reiterated and supported the grounds agitated in the appeal, while learned Additional

ATTESTED
A
Sd/-
Secretary
Service Tribunal

Advocate General supported the grounds agitated by the respondents in their reply/comments.

4. Arguments have already been heard and record perused.
5. Keeping in view the respective arguments of both the sides, a perusal of the record would show that a meeting of Departmental Promotion Committee regarding promotion of Tehsil Accountants (BS-07) of Kohat, Kolai Palas, D.I.Khan and Torghar Districts to the post of District Revenue Accountants (BS-14) was held on 31.07.2019 under the Chairmanship of Senior Member Board of Revenue Khyber Pakhtunkhwa, Peshawar. Upon recommendations of the aforementioned Departmental Promotion Committee, Mr. Abdul Munim and Mr. Muhammad Riaz were promoted as District Revenue Accountants on regular basis, while the appellant was promoted as District Revenue Accountant on acting charge basis vide separate Notification of the same date i.e 20.08.2019. There is no denial of the facts that the appellant was eligible and qualified for promotion to the post of District Revenue Accountant at the time of meeting of the Departmental Promotion Committee, which was held on 31.07.2019. The appellant was, though, promoted as District Revenue Accountant on acting charge basis vide order dated 20.08.2019, however, he has been later on promoted on regular basis vide order dated 06.08.2021 but with immediate effect. The appellant was working on the post of the District Revenue Accountant on acting charge basis with effect from

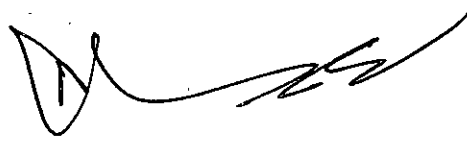
ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Board of Revenue
Peshawar

20.08.2019 and as he was subsequently promoted to that post on regular basis vide order dated 06.08.2021, therefore, he is entitled to all the benefits, which are associated that the said post. Reliance is placed on 2006 PLC (C.S) 1159.

6. In view of the above discussion, the appeal in hand is allowed and it is directed that the appellant shall be deemed to have been regularly promoted as District Revenue Accountant (BPS-14) with effect from 20.08.2019 with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
28.09.2022



(KALIM ARSHAD KHAN)
CHAIRMAN
CAMP COURT D.I.KHAN



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

Certified to be true copy
FORWARDED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT D.I.KHAN

Service Appeal No. 7759/2021

Date of Institution ... 16.11.2021

Date of Decision ... 28.09.2022

Fahim Ahmad, District Revenue Accountant (ACB), Revenue & Estates
Department, D.I.Khan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Board of Revenue,
Khyber Pakhtunkhwa, Peshawar and 04 others.

... (Respondents)

MR. AHMAD ALI KHAN,
Advocate

--- For appellant.

MR. MUHAMMAD ADEEL BUTT,
Additional Advocate General

--- For respondents.

MR. KALIM ARSHAD KHAN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precisely stated the averments as raised by the appellant in his appeal are that meeting of Departmental Promotion Committee was held on 31.07.2019 and upon its recommendations, Mr. Abdul Munim and Mr. Muhammad Riaz Tehsil Accountants (BS-07) were promoted to the post of District Revenue Accountants (BS-14) on regular basis, while the appellant was promoted as District Revenue

Accountant (BS-14) on acting charge basis vide separate Notifications dated 20.08.2019. The appellant was also required to have been promoted on regular basis as the post of District Revenue Accountant, to which the appellant was promoted, was laying vacant and the appellant was eligible for promotion on regular basis. The department issued final seniority list of regular District Revenue Accountants vide office order dated 20.04.2021, however the name of the appellant was not included in the same despite the fact that like Mr. Abdul Munim and Mr. Muhammad Riaz, the appellant too was entitled to regular promotion to District Revenue Accountant with effect from 20.08.2019. The respondents treated the appellant with discrimination and did not follow the relevant rules, constraining the appellant to file departmental appeal. In the meanwhile, the appellant was promoted as District Revenue Accountant on regular basis vide order dated 06.08.2021 but with immediate effect instead of retrospective effect. The departmental appeal of the appellant was, however declined vide order dated 20.10.2021, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal.

3. Learned counsel for the appellant reiterated and supported the grounds agitated in the appeal, while learned Additional


Advocate General supported the grounds agitated by the respondents in their reply/comments.

4. Arguments have already been heard and record perused.
5. Keeping in view the respective arguments of both the sides, a perusal of the record would show that a meeting of Departmental Promotion Committee regarding promotion of Tehsil Accountants (BS-07) of Kohat, Kolai Palas, D.I.Khan and Torghar Districts to the post of District Revenue Accountants (BS-14) was held on 31.07.2019 under the Chairmanship of Senior Member Board of Revenue Khyber Pakhtunkhwa, Peshawar. Upon recommendations of the aforementioned Departmental Promotion Committee, Mr. Abdul Munim and Mr. Muhammad Riaz were promoted as District Revenue Accountants on regular basis, while the appellant was promoted as District Revenue Accountant on acting charge basis vide separate Notification of the same date i.e 20.08.2019. There is no denial of the facts that the appellant was eligible and qualified for promotion to the post of District Revenue Accountant at the time of meeting of the Departmental Promotion Committee, which was held on 31.07.2019. The appellant was, though, promoted as District Revenue Accountant on acting charge basis vide order dated 20.08.2019, however, he has been later on promoted on regular basis vide order dated 06.08.2021 but with immediate effect. The appellant was working on the post of the District Revenue Accountant on acting charge basis with effect from

20.08.2019 and as he was subsequently promoted to that post on regular basis vide order dated 06.08.2021, therefore, he is entitled to all the benefits, which are associated that the said post. Reliance is placed on 2006 PLC (C.S) 1159.

6. In view of the above discussion, the appeal in hand is allowed and it is directed that the appellant shall be deemed to have been regularly promoted as District Revenue Accountant (BPS-14) with effect from 20.08.2019 with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
28.09.2022



(KALIM ARSHAD KHAN)
CHAIRMAN
CAMP COURT D.I.KHAN



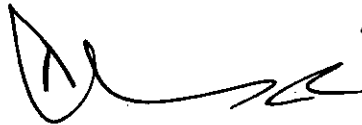
(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

ORDER
28.09.2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Fahad Waqar, Accountant for the respondents present. Arguments have already been heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed and it is directed that the appellant shall be deemed to have been regularly promoted as District Revenue Accountant (BPS-14) with effect from 20.08.2019 with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
28.09.2022



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

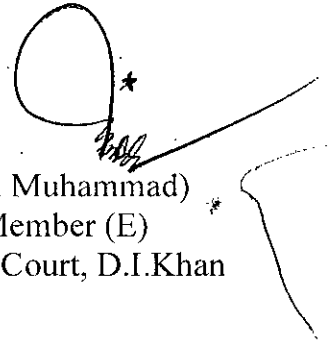


(Salah-Ud-Din)
Member (Judicial)
Camp Court D.I.Khan

27.06.2022

Mr. Ahmad Ali Khan, Advocate for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Fahad, Account Officer for respondents present.

Representative of the respondents submitted written reply/comments which are placed on file. Copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments on 29.07.2022 before D.B at Camp Court, D.I.Khan.



(Mian Muhammad)
Member (E)
Camp Court, D.I.Khan

29.7.22

All Sammar Vastan, the case is adjourned to 26.9.22 for the same.



26th September, 2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Fahad Waqar, Accountant for respondents present.

Arguments heard. To come up for consideration and order on 28.09.2022 before the D.B at Camp Court D.I.Khan.



(Saiah Ud Din)
Member (Judicial)
Camp Court D.I.Khan




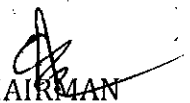
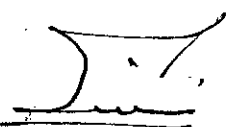
(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

FORM OF ORDER SHEET

Court of _____

Case No.- _____

7759/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/11/2021	<p>The appeal of Mr. Faheem Ahmad presented today by Mr. Khaled Mahmood 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> <p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put there on <u>25/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>25.11.2021</p> <p>Mr. Khalid Mehmood, Advocate, for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 27.01.2022 at Camp Court D.I.Khan.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member (J) Camp Court D.I.Khan</p> <p>27-01-2022</p> <p>Tour to camp court D.I.Khan cancel. To come up for the same before S.B on 27/06/2022.</p>

Reader.

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

Case Title: Fahim Ahmad vs Govt of KP

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

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

Name:

Khalid Mahmud Adv

Signature:

[Signature]

Dated:

16/11/2021

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 7759 of 2021

Fahim Ahmad Appellant

Versus

Government of K.P.K through
Secretary Revenue Department
and others Respondents

INDEX

S. No.	Description of documents	Annexures	Page #
1	Grounds of Appeal		1-9
2	Affidavit		10-11
3	Copy of office order dated 20.8.2019	'A'	12
4	Copy of Final seniority list of District Revenue Accountants	'B'	13-15
5	Copy of Notification dated 12.10.2021	'C'	16
6	Copy of promotion order of appellant	'D'	17-18
7	Copy of Departmental appeal	'E'	19-21
8	Copy of dismissal order dated 20.10.2021 passed by respondents	'F'	22
9	Vakalatnama		23-24

Dt. 16/11/2021

Yours humble Appellant
Through Counsel



Ahmad Ali

Advocate Supreme Court

①

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

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 7759 of 2021

Diary No. 7883

Fahim Ahmad, District Revenue Accountant (ACB),
Revenue & Estates Department, D.I.Khan.

Dated 16-11-2021

Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. Commissioner, D.I.Khan Division, D.I.Khan.
4. Deputy Commissioner, D.I.Khan.
5. Additional Assistant Commissioner, Revenue, D.I.Khan.

Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AIMED AGAINST THE IMPUGNED OFFICE ORDER BEARING NO. ESTT:V/FINAL SENIORITY LIST/DRA/2020/9415-449 DATED 20.4.2021 WHEREBY THE FINAL SENIORITY LIST OF DISTRICT REVENUE ACCOUNTANTS (REGULAR) AS IT STOOD ON 31.12.20020 ISSUED BY THE RESPONDENTS, DEPRIVING THE APPELLANT FROM HIS DUE/RESPECTIVE PLACE IN THE IMPUGNED FINIAL SENIORITY LIST IS IN VIOLATION OF LAW, RULES, POLICY AND PRINCIPLE OF EQUITY.

Filed to-day

Registrar

16/11/2021

PRAYER IN APPEAL

- a. On acceptance of this appeal, this Hon'ble Tribunal may kindly be pleased to direct the respondents to act in accordance with Law, Policy, Rules and principle of equity and to promote the appellant as regular District Revenue Accountant from the date (i.e 20th August, 2019) when others (Mr. Abdul Munim and Muhammad Riaz, placed at serial No. 10 & 11 of final seniority list) were given the same status/cadre and selected as regular District Revenue Accountant.
- b. To set aside Office Order bearing No. Estt:V/final seniority list/DRA/2020/9415-449 dated 20.4.2021, whereby the appellant was deprived from his due/respective place in the final seniority list maintained by Senior Member Board of Revenue, Peshawar, being illegal, not sustainable in the eyes of law, arbitrary, perverse, tainted with malafide and of no legal effects and the appellant allowed to be considered on regular basis from 20.8.2019 and thereby promoted as regular District Revenue Accountant being same cadre and status as to others (Mr. Abdul Munim and Muhammad Riaz, placed at serial No. 10 & 11 of final seniority list), together with grant of any other appropriate remedy that this Honourable Tribunal may determine in the light of relevant circumstances.

Note:- Addresses given above shall suffice the object of service

Respectfully Sheweth,

The appellat prefer the instant appeal on the ground hereinafter submitted apropos the following fact.

Concise Fact

1. **That** the appellat has been serving as District Revenue Accountant in the Revenue & Estate Department, D.I.Khan against the vacant post on promotion as acting charge basis since 20th August, 2019 on the recommendation of Departmental Promotion Committee meeting dated 31.7.2019 vide order dated 20.8.2019. Copy of the office order dated 20.8.2019 is enclosed as Annexure A.
2. **That** the respondents issued final seniority list of regular District Revenue Accountant stood on 31.12.2020 whereby certain officials/District Revenue Accountant of Khyber Pakhtunkhwa including Mr. Abdul Munim and Muhammad Riaz (shown at serial No. 10 & 11 of the list) were selected and posted as District Revenue Accountants on regular basis on the recommendations of Departmental Promotion Committee meeting dated 31.7.2019. Copy of the final seniority list of the District Revenue Accountants of Khyber Pakhtunkhwa is enclosed as (Annexure-B).
3. That the respondent/SMBR while issuing the final seniority list has altogether ignored this material aspect that the present appellat was posted on **acting charge basis** on 20.8.2019 whereas Mr. Abdul Munim and Muhammad Riaz (mentioned at serial No. 10 & 11 of seniority list) were selected and posted as District Revenue Accountant on the same date i.e 20th August, 2019 on the recommendation of same departmental Promotion Committee meeting held on 31.7.2019 on **regular basis**. Moreso, the matter does not end here, the seniority of appellat and Abdul Munim and Muhammad Riaz were reckoned from the same date i.e 20th August, 2019 but the appellat was not treated at par which is partial and ill-

founded act on the part of respondents. Albeit, the post of District Revenue Accountant was laying vacant and the appellant was discriminated due to assigning acting charge for the District Revenue Accountant which is nullity in the eye of law.

4. That inaction of respondents not to place the name of the appellant at his due/respective place in the final seniority list of District Revenue Accountant in Khyber Pakhtunkhwa being most senior and at par position, despite of same status, cadre and date of posting of appellant as to Mr. Abdul Munim and Muhammad Riaz, have improperly exercised of their official duties and having no binding effect upon rights of the appellant under the law and policy of the provincial government. Thus, aggrieved from the inaction on the part of respondents, the appellant filed a departmental appeal/representation with the SMBR, Khyber Pakhtunkhwa, Peshawar against imperfect and partial seniority list of District Revenue Accountant and that too in defiance of the Rules/principle of equity/ Policy of the government made and promulgated on the point. During the pendency of the departmental appeal, the said Mr. Abdul Munim and Muhammad Riaz were promoted to the post of Tehsildar without considering the objections of appellant. (Notification dated 12.10.2021, Annexure-C) whereas the appellant was promoted as District Revenue Accountant on regular basis w.e.f from 06.8.2021 instead of 20.8.2019 (Annexure-D). Consequently, on 20.10.2021, the appeal/representation of appellant was dismissed vide letter dated 20.10.2021. Copy of Departmental appeal and dismissal order thereto of appellant is enclosed as (Annexure-E & E)



5. That disgruntled from the Office Order bearing No. Estt:V/final seniority list/DRA/2020/9415-449 dated 20.4.2021, through which the appellant was deprived from his due/respective place in the final seniority list maintained by respondents from the date when others (Mr. Abdul Munim and Muhammad Riaz, placed at serial No. 10 & 11 of final seniority list) were given the same status/cadre and selected as regular District Revenue Accountant, the appellant

approaches this Honourable Tribunal for redressal of his grievance on inter-alia the following grounds.

G R O U N D S

- a. **That** the Order bearing No. Estt:V/final seniority list/DRA/2020/9415-449 dated 20.4.2021 through which the appellant was deprived from his due/respective place in the final seniority list maintained by respondents from the date when others (Mr. Abdul Munim and Muhammad Riaz, placed at serial No. 10 & 11 of final seniority list) were given the same status/cadre and selected as regular District Revenue Accountant is against the law, rules & regulations framed thereunder, thus is not maintainable and is liable to be declared void ab-initio.

- b. **That** the appellant is being discriminated by the respondents without any justification, particularly when the present appellant was posted on acting charge basis whereas Mr. Abdul Munim and Muhammad Riaz (mentioned at serial No. 10 & 11 of seniority list) were selected and posted as District Revenue Accountant on the same date i.e 20th August, 2019 on the recommendation of same departmental Promotion Committee meeting held on 31.7.2019 on regular basis. Moreso, the matter does not end here, the seniority of appellant and Abdul Munim and Muhammad Riaz were reckoned from the same date i.e 20th august, 2019 but the appellant was not treated at par with those who were considered for promotion from the initial date i.e 20.8.2019, thus the impugned actions are liable to be set aside by this Honorable Tribunal.

- c. That the appellant is hard working and devoted person and worked in the department to the best of his ability, discharged his obligation with due diligence dedication to the entire satisfaction of their superiors having no adverse remarks in his service record then there was no occasion for the respondents to have ignored the appellant when in the entire province the seniority of the District Revenue Accountant was maintained.
- d. That it is manifest to say that there is no question mark over the credibility of appellant nor any complaint whatsoever during the service period of appellant lodged, then what prompted the respondents not to consider the appellant in the final seniority order on regular basis, which too, is not sustainable in the eye of law.
- e. That inaction of the respondents by not treating the appellant at par is also in violation of the right enshrined under Article 4 of the Constitution, that provides that citizens equal protection before law, as backdated seniority is granted to the 'other employees' (District Revenue Accountants) who, were selected in regular cadre on the same day when the appellant was assigning acting charge of District Revenue Accountant. Therefore, by doing so, the respondents have granted undue favors through circumvention and obviating of the very framework of the service structure envisaged by law and Rules. Exclusion of appellant from the final seniority list, despite having same status/cadre as to Mr. Abdul Munim and Muhammad Riaz (at serial No. 10 & 11) is highly unjust and discriminatory.
- f. That the right to equality has been declared as a basic feature of the Constitution and that Article 25 ibid guarantees to everyone the equal protection of laws so that everyone, either any candidate of civil post or any other citizen of Pakistan, afforded equal protection and similar treatment. Similarly, Article 4 of the Constitution provides for the



protection of the rights of an individual to be treated in accordance with law. The Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 is reproduced hereunder for sake of convenience.

4. **Right of individuals to be dealt with in accordance with law, etc.**-(1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be and of every other person for the time being within Pakistan.

(2) In particular-

(a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law:

(b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and

(c) no person shall be compelled to do that which the law does not require him to do.

Thus denial of the rights of appellant to be most senior and deserve at par treatment, like other employees of the District Revenue Accountant in Khyber Pakhtunkhwa such like Mr. Abdul Munim and Muhammad Riaz, is highly unjust, partial, based on discrimination and exploitation.

g. That needless to mention that even in the absence of violation of vested rights of appellant, this Tribunal may examine the vires of the respondents by assessing whether it can be just, fair and in accordance with law for the main reason that so long as the Courts/Tribunal exist, they shall continue to exercise powers and functions within the domain of their jurisdiction and shall also continue to exercise power of judicial review in respect of any discrimination or malafide which comes for examination before the Courts/Tribunal.

h. That it is abundantly clear that appellant is being dealt with in a discriminatory manner through pick and choose which course of action

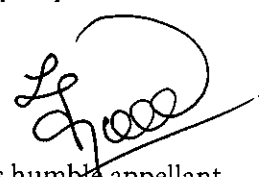


cannot be allowed to be undertaken being in conflict with the fundamental rights enshrined in law as well as the Constitution of Islamic Republic of Pakistan, 1973.


- i. That the appellant has vested and legal right and his due right of seniority accrued to him from 20.8.2019, therefore, he ought to have been upgraded/promoted for the post of District Revenue Accountant in BPS-14 on regular basis retrospectively when his most juniors were up-graded/promoted in BPS-14 with all back benefits.
- j. That the exercise of powers by the respondents not to consider the seniority of appellant on regular side as to other employees in Khyber Pakhtunkhwa is not tenable in the eye of law and the respondents have failed to rationalize and regulate their powers, the courts/Tribunal have to intervene where exercise of such powers appears to be arbitrary and capricious.
- k. Counsel of the appellant may please be allowed to raise additional grounds at the time of arguments.

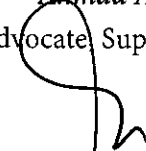
Dated: 16/11/2021

It is therefore, most humbly prayed that Service Appeal may please be allowed as prayed in the prayers' clause of the instant Appeal.


Yours humble appellant
Through Counsel

Dated 16/11/2021


Ahmad Ali Khan
Advocate Supreme Court


Miss Shumaila Awan
Advocate High Court

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____ of 2021

Fahim Ahmad Petitioner

Versus

Government of K.P.K through
Secretary Revenue Department
and others Respondents

CERTIFICATE

Certified that this is first writ petition involving the instant subject matter and that the appellant has not filed any other petition earlier in this Honorable Tribunal regarding the above stated controversy.

Appellant
Through Counsel

Ahmad Ali Khan
Advocate Supreme Court

10

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____ of 2021

Fahim Ahmad Petitioner

Versus

Government of K.P.K through
Secretary Revenue Department
and others Respondents

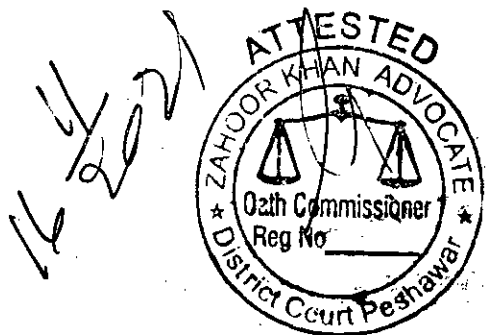
AFFIDAVIT

I, Fahim Ahmad, District Revenue Account (ACB) D.I.Khan the appellant, do hereby solemnly affirm and declare on oath:-

1. **That** accompanying service appeal has been drafted by my Counsel following my instructions
2. **That** all para wise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
3. **That** nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

Dated:- 16/4/2021


Deponent





BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____ of 2021

Fahim Ahmad Petitioner

Versus

Government of K.P.K through
Secretary Revenue Department
and others Respondents

MEMO OF ADDRESSES OF THE PARTIES

APPELLANT

Fahim Ahmad, District Revenue Accountant (ACB), Revenue
Department, D.I.Khan.

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through
Secretary Board of Revenue, Khyber Pakhtunkhwa,
Peshawar.
2. Senior Member Board of Revenue, Khyber
Pakhtunkhwa, Peshawar.
3. Commissioner, D.I.Khan Division, D.I.Khan.
4. Deputy Commissioner, D.I.Khan.
5. Additional Assistant Commissioner, Revenue,
D.I.Khan.

Dated: 16 / 11 / 2021

Counsel for appellant



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
Peshawar dated the 12/08/2019

Annex (A) (12)

ORDER

No. Estt: V/DPC/NT/2019/ _____ On the recommendations of
Departmental Promotion Committee meeting dated 31.07.2019, the Competent Authority
is pleased to order the appointment of Mr. Fahim Ahmad Tehsil Accountant of DIKhan
as District Revenue Accountant (BPS _____) on Acting Charge Basis with immediate
effect.

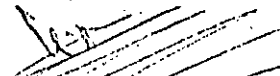
2. Consequent upon his promotion he is hereby posted as District Revenue
Accountant DIKhan.

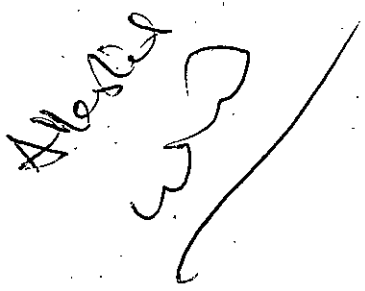
By order of
Senior Member

No. Estt: V/DPC/NT/2019/ 26877-8.2

Copy forwarded to the:-

1. Commissioner, DIKhan Division DIKhan.
2. Deputy Commissioner DIKhan.
3. District Accounts Officers DIKhan
4. P.S to Senior Member Board of Revenue.
5. Officials concerned.
6. Personal Files.


Assistant Secretary (Estt.)



Aneer (B)

(Handwritten mark)

13



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 20/04/2021.

ORDER.

No. Estt:V/Final Seniority list/ DRA/2020 _____ In pursuance of Section 8 (1) of the Civil Servant Act, 1973 Final Seniority List of regular District Revenue Accountant as it stood on 31.12.2020 is hereby circulated for information of all concerned.

By Order of
Senior Member

No. Estt:V/Final Seniority list/ DRA/2020 9415-449

Copy alongwith copy of Final Seniority List of Distreit Revenue Accountant is forwarded to all Deputy Commissioners in Khyber Pakhtunkhwa with request to circulate the same amongst the District Revenue Accountants concerned working under your kind control please.

Dik

Assistant Secretary (Estt)

AAC (Rev)

4048/DC
27/04/2021

DRA, Dikhan

DC, Dikhan
27/4/2021

1417/AACR
03-5-21

AAC-Rev
29/04/2021

FINAL SENIORITY LIST OF DISTRICT REVENUE ACCOUNTANT IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2020

S No.	Name of District Revenue Accountant/ Qualification	Date of Birth/ Domicile	Date of First Entry into Government Service	Date of Appointment as District Revenue Accountant on regular basis	Method of Recruitment	Remarks
1	Mr. Nek Nawaz (F.A)	15.12.1964 Lakki Marwat	01.12.1989	03.01.2017	Promotee	Tehsildar ACB
2	Mr. Sharif Khan	07.07.1964 Swat	22.12.1985	04.05.2017	--do--	--do--
3	Mr. Khaliqullah (B.A)	02.01.1983 Chitral	02.01.2006	04.05.2017	--do--	--do--
4	Mr. Yar Muhammad (B.A)	10.09.1978 Kohistan	28.06.2004	26.04.2018	--do--	--do--
5	Mr. Saeed Ahmad (B.A)	17.05.1982 Dir Upper	28.06.2004	26.04.2018	--do--	--do--
6	Mr. Sikandar Zaman (B.A)	20.04.1979 Shangla	02.12.2010	12.02.2019	--do--	District Revenue Accountant
7	Mr. Muhammad Tariq (Matric)	20.11.1962 Karak	28.05.1990	12.02.2019	--do--	--do--
8	Mr. Abdul Jabbar (F.A)	12.05.1973 Battagram	01.05.1998	12.02.2019	--do--	Dismissed from Service on account of life imprisonment vide order dated 02.12.2019
9	Mr. Fazal Iqbal (Matric)	03.01.1963 Sawabi	07.11.1990	29.03.2019	--do--	District Revenue Accountant
10	Mr. Abdul Munim	07.04.1963 Kohat	19.02.1992	20.08.2019	--do--	--do--

Scanned with CamScanner

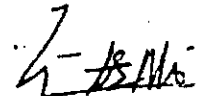
Handwritten signature/initials

Handwritten signature/initials

45

11	Mr. Muhammad Riaz (M.A Islamiat)	20.01.1985 Kolai Palas	01.09.2007	20.03.2019	--do--	--do--
12	Mr. Miraj Alam	24.10.1978 Chitral	02.01.2006	16.10.2019	--do--	--do--
13	Mr. Muhammad Anwar (F.A)	17.04.1975 Battagram	13.01.2006	07.02.2020	--do--	Promoted as District Revenue Accountant subject to contrary judgment of the court in appeal filed by bdul Jabbar
14	Mr. Zahid Nawaz (M.A Islamiyat)	05.05.1982 Tank	23.01.2014	17.09.2020	--do--	District Revenue Accountant

Attested
w/o


Assistant Secretary (Estt)

Scanned with CamScanner



GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT.

091-9213982

Dated Peshawar the 12/10/2021

091-9214208

8
Anwar
16

NOTIFICATION

No. Estt: I/DPC/Tehsildar/2021/_____ Consequent upon the recommendation of Departmental Promotion Committee meeting dated 09.09.2021, the Competent Authority is pleased to order the appointment of the following Naib Tehsildars and District Revenue Accountants (BPS-14) to the post of Tehsildar (BS = 16) on Acting Charge Basis with immediate effect: -

S#	Name of official
1.	Mr. Rehman Gul, Naib Tehsildar
2.	Mr. Faridullah Shah, Naib Tehsildar
3.	Mr. Fazal Iqbal, District Revenue Accountant
4.	Mr. Said Amin, Naib Tehsildar
5.	Mr. Sabz Ali, Naib Tehsildar
6.	Mr. Habib-Ur-Rehman, Naib Tehsildar
7.	Mr. Abrar Ahmad, Naib Tehsildar
8.	Mr. Shoukat Ali, Naib Tehsildar
9.	Mr. Dildar Khan, Naib Tehsildar
10.	Minn Gul Hilal, Naib Tehsildar
11.	Mr. Mussadiq Hussain Shah, Naib Tehsildar
✓ 12.	Mr. Abdul Munim, District Revenue Accountant
✓ 13.	Mr. Muhammad Riaz, District Revenue Accountant

Handwritten signature/initials

With the approval of
Competent Authority

No. Estt: I/DPC/Tehsildar/2021/26901-09

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioners of the respective Divisions.
3. Deputy Commissioners of the respective Districts.
4. District Accounts Officers of the respective Districts.
5. PS to Senior Member, Board of Revenue.
6. PS to Member-III Board of Revenue.
7. PA to Secretary-I, Board of Revenue.
8. Officers concerned.
9. Personal Files.

Handwritten signature

Assistant Secretary (Estt:)



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 6/08/2021

ORDER

No. Estt:V/DPC/Meeting/2021 19299 Consequent upon the recommendation of Departmental Promotion Committee meeting dated 04.08.2021, the Competent Authority is pleased to order the promotion/appointment of the following Kanungos Naib Tehsildar (ACB) on regular basis Acting Charge Basis as noted against their names with immediate effect:-

S.NO	NAME OF OFFICIAL	REGULAR/ ACB
1.	Mr. Assadullah Naib Tehsildar (ACB)	Regular
2.	Mr. Sajjad Ahmad Naib Tehsildar (ACB)	Regular
3.	Mr. Mohammad Ihsan Naib Tehsildar (ACB)	Regular
4.	Mr. Amjid Fareed Naib Tehsildar (ACB)	Regular

S.NO	NAME OF OFFICIAL	Acting Charge Basis
1	Mr. Amir Shahzad Naib Tehsildar (OPS)	Acting Charge Basis
2	Mr. Saeedur Rehman Naib Tehsildar (OPS)	Acting Charge Basis
3	Mr. Miraj Muhammad Naib Tehsildar (OPS)	Acting Charge Basis
4	Mr. Jehan Zeb Naib Tehsildar (OPS)	Acting Charge Basis

Tehsil Revenue Accounts to the post of District Revenue Accountant on regular basis with immediate effect:-

S.NO	NAME OF OFFICIAL	REGULAR/ ACB
1	Fahim Ahmad District Revenue Accountant (ACB)	Regular
2	Raheed Ahmad District Revenue Accountant /Naib Tehsildar(ACB)	Regular

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

3. Consequent upon the above, the following posting / transfers are hereby ordered with immediate effect:-

S.No	Name of Official	From	To
1.	Mr. Assadullah	Tehsildar (OPS) Behrain District Swat	Retained on the same post & station
2.	Mr. Sajjad Ahmad	Tehsildar(OPS) District Dir Upper	Retained on the same post & station
3.	Mr. Mohammad Ihsan	Kanungo District Swat	Service placed at the disposal of Commissioner Malakand Division

Annex (D)

17

Altogether

18

4.	Mr. Amjid Fareed	Naib Tehsildar (OPS) Land Acquisition District Chitral Lower	Retained on the same post & station
5.	Mr. Amir Shahzad	Naib Tehsildar (OPS) Mulagori District Khyber	Retained on the same post & station
6.	Mr. Saeedur Rehman	Naib Tehsildar Lalqilla (OPS) District Dir Lower	Retained on the same post & station
7.	Mr. Miraj Muhammad	Naib Tehsildar (OPS) District Buner	Retained on the same post & station
8.	Mr. Jehan Zeb	Naib Tehsildar (OPS) Batkhila District Swat	Retained on the same post & station
9.	Mr. Fahim Ahmad	District Revenue Accountant District DIKhan (ACB)	Retained on the same post & station
10.	Mr. Rasheed Ahmad	Naib Tehsildar Besham District Shangla (ACB)	Retained on the same post & station

By order of
Competent Authority

No. Estt: V/DPC/Meeting/2021/ 18.300-305

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioners Malakand and DIKhan Division
3. Deputy Commissioners of the respective Districts.
4. District Accounts Officers of the respective Districts.
5. Officials concerned.
6. Personal Files.


Assistant Secretary (Estt)







OFFICE OF THE
DEPUTY COMMISSIONER,
DERA ISMAIL KAHN
0966-9280116 Fax # 0966-9280110

Anex **E** **19**

19

No. 262/DC (DRA)

Dated

D.I.Khan the 16/09/2021

To


The Secretary-I,
Board of Revenue, Khyber Pakhtunkhwa,
Peshawar.

Subject: -

DEPARTMENTAL APPEAL AGAINST THE SENIORITY LIST OF DISTRICT REVENUE
ACCOUNTANTS IN KHYBER PAKHTUNKHWA AS STOOD ON 31/12/2020.

A Departmental Appeal against the Seniority List of District Revenue Accountants In Khyber Pakhtunkhwa as stood on 31/12/2020, submitted by Mr. Fahim Ahmad, District Revenue Accountant, D.I.Khan is sent herewith for consideration please.


Additional Assistant Commissioner,
Revenue, D.I.Khan

Attesty


To

The Senior Member,
Board of Revenue, Khyber Pakhtunkhwa,
Peshawar.

20

Through: - PROPER CHANNEL.

Subject: - DEPARTMENTAL APPEAL AGAINST THE SENIORITY LIST OF
DISTRICT REVENUE ACCOUNTANTS IN KHYBER
PAKHTUNKHWA AS STOOD ON 31/12/2020.

Respected Sir,

With reference to seniority list of District Revenue Accountants in Khyber Pakhtunkhwa as Stood On 31/12/2020 issued vide Board of Revenue, Khyber Pakhtunkhwa, vide order bearing No. Estt:V/Final Seniority List/DRA/2020/9415-449 dated 20/04/2021, it is submitted:-

1. That applicant is serving as District Revenue Accountant in the Revenue & Estates Department, D.I.Khan, against the vacant post, on promotion as acting charge basis, since 20th August, 2019 on the recommendations of Departmental Promotion Committee meeting held on 31/07/2019.
2. That Mr. Abdul Munim at S.No. 10 and Mr. Muhammad Riaz at S.No. 11 were also selected and posted as District Revenue Accountants on the recommendations of Departmental Promotion Committee meeting held on 31/07/2019 on regular basis.
3. That the applicant and Mr. Abdul Munim at S.No. 10 and Mr. Muhammad Riaz at S. No. 11 were selected and posted as District Revenue Accountants on the same date i.e. 20th August, 2019 on the recommendations of same Departmental Promotion Committee meeting held on 31/07/2019.
4. That Mr. Abdul Munim at S.No. 10 and Mr. Muhammad Riaz at S. No. 11 were selected and posted as regular District Revenue Accountants but the applicant was selected and posted as District revenue Accountant on acting charge basis.
5. That post of District Revenue Accountant was lying vacant and the applicant was posted as District Revenue Accountant on acting charge basis while Mr. Abdul Munim at S.No. 10 and Mr. Muhammad Riaz at S. No. 11 were selected and posted as District Revenue Accountants on regular basis which un-justified.
6. That some other were also selected and posted as District Revenue Accountants on regular basis after my selection as District Revenue Accountant on 20th August, 2019.

Abdullah
www

- 7. That applicant is well educated having educational qualification of M.A. L.L.B and also well versed with the job of the post of District Revenue Accountant.
- 8. That applicant is working as District Revenue Accountant, D.I.Khan on acting charge basis since 20th August, 2019.
- 9. That the applicant has performed his duties to the entire satisfaction of his superiors.
- 10. That the applicant discharged his duties with great responsibility and to the best of my ability.
- 11. That throughout the entire stretch of service/career the applicant have always discharged his official obligations with due diligence, dedication & devotion and to the utter ability.
- 12. That applicant never indulged in any misconduct nor was ever reckoned so. My superiors had always been kind to me and recognized my efforts in performance of my official duty.

In view of above it is, therefore, humbly requested that the by (accepting the instant Appeal) I may very kindly be selected / promoted as regular District Revenue Accountant (in BPS-14) with effect from 20th August, 2019 and my name may be placed in the seniority list of District Revenue Accountants in Khyber Pakhtunkhwa as Stood On 31/12/2020 issued vide Board of Revenue, Khyber Pakhtunkhwa, vide order bearing No. Estt:V/Final Seniority List/DRA/2020/9415-449 dated 20/04/2021 according to my seniority with officials at S.No. 10 & 11 of the seniority list!

Thanks.

Yours obediently,




(FAHIM AHMAD)

District Revenue Accountant, D.I.Khan

Alleged
W

Alex (P) (S)
22

		
GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.		
091-9113989	No. Est: V/PP/M. Faheem NT/ 27594 Peshawar Dated the 27/10/2021	091-9114123

To

The Deputy Commissioner,
DIKhan

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE SENIORITY LIST OF DISTRICT REVENUE ACCOUNTANTS IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2020

I am directed to refer to your letter No. 262/DC (DRA) dated 16.09.2021 on the subject noted above and to state that the departmental appeal of Mr. Faheem Abrard District Revenue Accountant DIKhan has been examined and dismissed by the Appellate Authority having no legal ground.


Assistant Secretary (Estt)

ALB
w/w

23

Family's Name: GHULAM GARWAR
Address: KOT SING R. DHAP SHUMIA, J. TENSIL
RAHIMPUR, KHAN,
0336433001
Contact No: 03364330016
Enrolment Date: 01/01/2016
Place of Practice: OTTICHAH,
Date of Birth: 01/January/1971
Blood Group: B-
C.N.I.C No: 12101-80-4037

KHALID MAHMOOD
Advocate
bc-15-5415
Date of Issue: February 2019
Valid upto: February 2019

ت نامہ

Secretary
K.P. Bar Council

ایک روپیہ کورٹ فیس

بعدالت جناب سروسز ٹریڈنگ کمپنی اور
مخائب ایپریٹس

بیم الملک بنام گوپنڈ سنگھ
سروسز ایپریٹس

دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے ہی وی او جوبندی برائے پیشی یا تصفیہ مقدمہ مقام
حالیہ درجہ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت نکالے جانے والے مقدمہ وکیل صاحب
موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف
اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہر وی کے ذمہ دار نہ
ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہر وی کے ذمہ دار نہ
ہوں گے۔ اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ
دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مل کر وہ
ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل و ہر قسم درخواست پر دستخط و تصدیق کرنے کا
بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر عاشر یا راضی نامہ و فیصلہ بر
حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از بکھری صدر ہر وی مقدمہ مذکورہ نظر ثانی و اپیل و ہر قسم کی
مقدمہ یا مشوقی ڈگری کی طرف یا درخواست حکم انتہائی یا ترقی یا گرفتاری جس اذ فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا جنگی علیحدہ عائد ہر وی کا اختیار ہوگا
اور تمام ساختہ پر داخل صاحب موصوف مل کر وہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو
کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا گرفتاری یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا بھرت کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے شہر قانون کی
بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر باندہ التواہ چڑگا، وہ صاحب
موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی ہر وی نہ کریں اور اسکی
صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند ہے
29 مارچ 2019ء

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted
[Signature]

[Signature]

03364330001
03367869500



**SUPREME COURT
BAR ASSOCIATION
PAKISTAN**

**Ahmad Ali
Advocate**



President

Secretary

وکالت نامہ

(24)

کورٹ
فیس

بعدالت عدالت
سویٹنل جسٹس جواد لیٹا
پٹناب

نام گورنمنٹ ٹیچر
عہدہ ایڈووکیٹ
دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں بائیں طرف واسطے بیرونی اور بائیں طرف پیش یا تصدیق مقدمہ نام

الم علی فان الیہ مرجع المسائل فی الدعا

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود گیا ہوا ہوں اور عدالت حاضر ہونا ضروری ہے اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پٹناب کے علاوہ یا پٹناب کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پٹناب کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پٹناب کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا معیت نہ دالیں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کس ساخت پر داختم صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذمیری نظر ثانی اپیل گرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر غالی یا راضی نامہ و فیصلہ برحلاف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور ہیرن از پٹناب صدر بیروی مقدمہ مزکور نظر ثانی اپیل و گرانی و برآمدگی مقدمہ یا منسوقی ذمیری ایک طرفہ یا درخواست حکم استثنائی یا ترقی یا گرفتاری نقل از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادا ہونگی علیحدہ مختصراً دعویٰ کا اختیار ہو گا اور تمام ساخت پر داختم صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وثق اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التوا پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھو یا سہے تاکہ منظور ہے
مورثہ 29 مارچ 2021

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح کچھ لیا ہے اور منظور ہے

Accepted

Le Puro

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT AT DIKHAN

SERVICE APPEAL NO. 7759/2021

FAHIM AHMAD
(APPELLANT)

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA
THROUGH SECRETARY BOARD OF REVENUE, KHYBER PAKHTUNKHWA
(RESPONDENTS)

.....

INDEX

S.#	Description of Documents	Pages
1	Joint Para wise Comments, <i>Affidavit documents</i> <i>Duties by letter</i>	1-2 (i)
2	Annexure - "A"	3-5
3	Annexure - "B"	6-7
4	Annexure - "C" & D	8
4	Authority	9



(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 7759/2021.

Faheem Ahmad (DRA) Appellant.

VE RSUS

Government of Khyber Pakhtunkhwa through Secretary Board of Revenue, Khyber Pakhtunkhwa
and others..... Respondents.

Comments on behalf of Respondents

Respectfully sheweth

Preliminary objections

- 1 That the appellant has got no cause of action and locus standi.
- 2 That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- 3 That the appellant has been estopped by his own conduct to file the appeal.
- 4 That the appeal is time barred and barred by law

ON FACTS.

1. Pertains to record.
2. Correct to the extent that Final Seniority List of the regular District Revenue Accountants was issued on ending of calendar year 2020 (Annexure-A) and M/S Abdul Munim and Muhammad Riaz being regular DRA were included in Seniority List of DRAs, while the appellant was promoted as regular DRA on 04.08.2021 therefore, his name was not included in Seniority list of DRA for the year 2020.
3. Incorrect. The Appellant was appointed as District Revenue Accountant on Acting Charge Basis due to which his name cannot be included in the Seniority List of regular DRA while M/S Abdul Munim and Muhammad Riaz being regular DRA were included in the Seniority list of DRA for the year 2020..
4. Incorrect. The appellant was appointed as DRA in Dikhan Division against the post vacated by Mr. Haider Abbas Shahani who was appointed as Tehsildar on ACB (Annex-B) while Mr. Abdul Munim was promoted against the post vacated by Mr. Nak Nawaz on regular basis in Kohat Division(**Annex-C**) and Mr. Muhammad Riaz was promoted as DRA against the post vacated by Mr. Gul Faraz on regular basis in Hazara Division (**Annex-D**). Since the appellant was appointed as DRA on Acting Charge Basis, therefore his name was not included in the Seniority list of regular DRAs for the year 2020 as under Rule 8(4) of the Khyber Pakhtunkhwa Civil Servant Act, 1973. The appellant was promoted as District Revenue Accountant on regular basis on 06.08.2021, therefore his name is included in the Seniority List of DRA for the year 2021
5. Incorrect As in Para-4 above.

ON GROUNDS

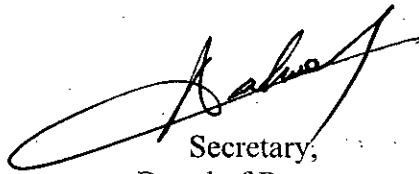
- a. Incorrect. The appellant was working DRA on Acting Charge Basis, therefore, his name cannot be included in the Seniority List of regular DRAs for the year 2020. His name has been included in the Seniority List of DRA for the year 2021(Annex-E)
- b. In correct. No discrimination has been done with the appellant. Detail reply already given above.
- c. As in para 4 above.
- d. Incorrect . As his regular promotion as DRA was notified on 06.08.2021. therefore, his name has been included in the Seniority List of DRAs for the year 2021
- e. Incorrect . The appellant has been treated as per law and Rules No violation Article 4 of the constitution Islamic Republic of Pakistan committed with the appellant
- F. Incorrect. The appellant has been treated as per Law and Rules and no discrimination has been done with the appellant

As per Preceding paras.

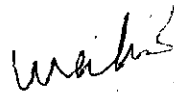
2

- H Incorrect. Neither the appellant discriminated nor violated the fundamental rights of the appellant.
- I Incorrect. According to para VI of promotion policy 2009 , promotion shall always be made immediate effect and not with retrospective effect.
- J The facts the respondent will also produce additional grounds at the time of arguments.

Keeping in view of above the service appeal of the appellant having no legal grounds may be dismissed with costs.



Secretary,
Board of Revenue
(Respondent No. 1)



Deputy Commissioner
D. I. Khan



Senior Member,
Board of Revenue,
(Respondent No. 2)



Addl. Assistant Commissioner (Rev.),
Dera Ismail Khan

3

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT AT DIKHAN**

SERVICE APPEAL NO. 7759/2021

FAHIM AHMAD
(APPELLANT)

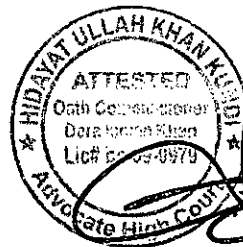
VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA ETC.
(RESPONDENTS)

AFFIDAVIT

I, Account Officer of the Deputy Commissioner DIKhan do hereby solemnly affirm and declare on oath that the contents of the comments are true and correct to the best of my knowledge & belief and that nothing has been concealed from this Honorable Khyber Pakhtunkhwa Service Tribunal.


Deponent



(4)

dt 27/6/22

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT AT DIKHAN
SERVICE APPEAL NO. 7759/2021

FAHIM AHMAD

VERSUS

GOVERNMENT OF KHYBERPAKHTUNKHWA
THROUGH SECRETARY BOARD OF REVENUE AND OTHERS.

AUTHORITY

In pursuance with Board of Revenue Khyber Pakhtunkhwa letter No.Estt:V/Fahim Ahmad DIKhan/11831 dated 15.04.2022 (Copy attached) Mr. Fahad Waqar Account Officer of this office is hereby authorized to submit Parawise Comments before the Khyber Pakhtunkhwa Service Tribunal camp court at DIKhan in the above titled case.

Wahid

DEPUTY COMMISSIONER
MADERA ISMAIL KHAN

No. 1696 /DC

Dated DIKhan, the 24/6 /2022

Copy to the:-

1. Assistant Secretary (Estt), Board of Revenue Khyber Pakhtunkhwa Peshawar for information with reference to above.
2. Mr. Fahad Waqar Account Officer, DC office DIKhan.

Wahid

DEPUTY COMMISSIONER
MADERA ISMAIL KHAN



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 20/04/2021.

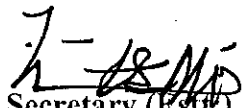
ORDER.

No. Estt:V/Final Seniority list/ DRA/2020 _____ In pursuance of Section 8 (1) of the Civil Servant Act ,1973 Final Seniority List of regular District Revenue Accountant as it stood on 31.12.2020 is hereby circulated for information of all concerned.

By Order of
Senior Member

No. Estt:V/Final Seniority list/ DRA/2020 9415-449

Copy alongwith copy of Final Seniority List of Distrcit Revenue Accountant is forwarded to all Deputy Commissioners in Khyber Pakhtunkhwa with request to circulate the same amongst the District Revenue Accountants concerned working under your kind control please.


Assistant Secretary (Estt.)

6

4

NAL SENIORITY LIST OF DISTRICT REVENUE ACCOUNTANT IN KHYBER PAKHTUNKHWA AS STOOD ON 31.12.2020

No.	Name of District Revenue Accountant/ Qualification	Date of Birth/ Domicile	Date of First Entry into Government Service	Date of Appointment as District Revenue Accountant on regular-basis	Method of Recruitment	Remarks
1	Mr. Nek Nawaz (F.A)	15.12.1964 Lakki Marwat	01.12.1989	03.01.2017	Promottee	Tehsildar ACB
2	Mr. Sharif Khan	07.07.1964 Swat	22.12.1985	04.05.2017	--do--	--do--
3	Mr. Khalilullah (B.A)	02.01.1983 Chitral	02.01.2006	04.05.2017	--do--	--do--
4	Mr. Yar Muhammad (B.A)	10.09.1978 Kohistan	28.06.2004	26.04.2018	--do--	--do--
5	Mr. Saeed Ahmad (B.A)	17.05.1982 Dir Upper	28.06.2004	26.04.2018	--do--	--do--
6	Mr. Sikandar Zaman (B.A)	20.04.1979 Shangla	02.12.2010	12.02.2019	--do--	District Revenue Accountant
7	Mr. Muhammad Tariq (Matric)	20.11.1962 Karak	28.05.1990	12.02.2019	--do--	--do--
8	Mr. Abdul Jabbar (F.A)	12.05.1973 Battagram	01.05.1998	12.02.2019	--do--	Dismissed from Service on account of life imprisonment vide order dated 02.12.2019
9	Mr. Fazal Iqbal (Matric)	03.01.1963 Sawabi	07.11.1990	29.03.2019	--do--	District Revenue Accountant
10	Mr. Abdul Munim	07.04.1963 Kohat	19.02.1992	20.08.2019	--do--	--do--

7

5

11	Mr. Muhammad Riaz (M.A Islamiat)	20.01.1985 Kolai Palas	01.09.2007	20.08.2019	--do--	--do--
12	Mr. Miraj Alam	24.10.1978 Chitral	02.01.2006	16.10.2019	--do--	--do--
13	Mr. Muhammad Anwar (F.A)	17.04.1975 Battagram	13.01.2006	07.02.2020	--do--	Promoted as Distri Revenue Accounta subject to contrar judgment of the cou in appeal filed by bdul Jabbar
14	Mr. Zahid Nawaz (M.A Islamiyat)	05.05.1982 Tank	23.01.2014	17.09.2020	--do--	District Revenue Accountant


Assistant Secretary (Es)



6

8

GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT.
Facebook ID: www.facebook.com/bor.kpk92
Twitter ID: [@RevenueBoardkp](https://twitter.com/RevenueBoardkp)
Fax No: [091.9213989](tel:091.9213989)

Peshawar Dated the 04/07/2019.

NOTIFICATION

No. Estt:I/DPC/Tehsildar/2017/_____.

Consequent upon the recommendation of Departmental Promotion Committee meeting dated 27.06.2019, the Competent Authority is pleased to order the appointment of the following Naib Tehsildars, District Kanungo and District Revenue Accountant, (BPS-14) to the post of Tehsildar (BS -- 16) on Acting Charge Basis against temporary posts with immediate effect:-

S.No	Name of official
1.	Mr. Bakht Jehan, Naib Tehsildar
2.	Mr. Nisarullah, Naib Tehsildar
3.	Mr. Asghar Ali, District Kanungo
4.	Mr. Mohammad Arif, District Kanungo
5.	Mr. Shafiullah, No.2 District Revenue Accountant
6.	Mr. Haider Abbas Shahani, District Revenue Accountant
7.	Mr. Muhammad Ibrahim, District Revenue Accountant
8.	Mr. Khaib Gul, District Kanungo
9.	Mr. Jamroz Khan, District Kanungo

2. The promotion of the officers at S. No. 3 and 4 shall be subject to final decision of the Supreme Court of Pakistan in Suo moto case No. 17 of 2016.

3. Consequent upon the above the following posting / transfer is hereby ordered with immediate effect:-

S.No	Name of Official	From	To
1.	Mr. Bakht Jehan.	Naib Tehsildar Nawagai	Services placed at the disposal of Commissioner Malakand Division for further posting in the Division.
2.	Mr. Nisarullah.	Naib Tehsildar Swabi	Services placed at the disposal of Commissioner Mardan Division for further posting in the Division.
3.	Mr. Asghar Ali.	District Kanungo Hangu	Services placed at the disposal of Commissioner Kohat Division for further posting in the Division.
4.	Mr. Mohammad Arif.	Tehsildar (OPS) Banda Daud Shah	Retained on the same post and station

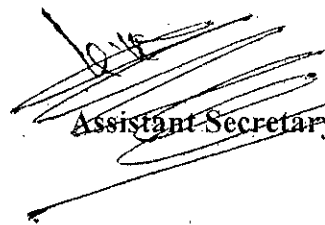
5.	Mr. Shafiullah, No.2.	Tehsildar (OPS) Domel	Retained on the same post and station.
6.	Mr. Haider Abbas Shahani.	DRA DI Khan	Services placed at the disposal of Commissioner DI Khan Division for further posting in the Division.
7.	Mr. Muhammad Ibrahim.	Tehsildar (OPS) Timergara	Retained on the same post and station.
8.	Mr. Khaib Gul.	District Kanungo Tor Ghar.	Services placed at the disposal of Commissioner Hazara Division for further posting in the Division.
9.	Mr. Jamroz Khan.	District Kanungo Battagram	Services placed at the disposal of Commissioner Hazara Division for further posting in the Division.

Sd/-
Senior Member

No. Estt: I/DPC/Tehsildar/2017/23207-12.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioners of the respective Divisions.
3. Deputy Commissioners of the respective Districts.
4. District Accounts Officers of the respective Districts.
5. Officers concerned.
6. Personal Files.


Assistant Secretary (Estt:)

(10) 7

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
Peshawar dated the 20 /08/2019

O.R.D.E.R.

No.Estt:V/DPC/NT/2019/_____ On the recommendation of Departmental Promotion Committee meeting dated 31.07.2019, the Competent Authority is pleased to order the promotion of the following Tehsil Accountant (BS - 07) of the District noted against their names to the post of District Revenue Accountant (BS-14) on regular basis with immediate effect :-

S. No.	NAME OF OFFICIAL	OFFICES
1.	Mr. Abdul Munim	Kohat
2.	Mr. Muhammad Riaz	Kolai Palas

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

Consequent upon their promotion, the following posting / transfer is hereby ordered with immediate effect: -

S.NO.	NAME OF OFFICIAL	OF	FROM	TO
1.	Mr. Abdul Munim		District Revenue Accountant (OPS) Kohat	Retained on the same post and station.
2.	Mr. Muhammad Riaz		District Revenue Accountant (OPS) Kolai Palas	Retained on the same post and station.

By order of
Senior Member

No.Estt:V/DPC/NT/2019/ 26867-75

Copy forwarded to the:-

1. Commissioners, Kohat and Hazara Division.
2. Deputy Commissioners of the respective District.
3. District Accounts Officers of the respective District
4. P.S to Senior Member Board of Revenue.
5. Officials concerned.
6. Personal Files.


Assistant Secretary (Estt:)

GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE | REVENUE AND ESTATE DEPARTMENT

(Tehsildar, Naib Tehsildar / Subordinate Revenue Service Rules 2008)

Peshawar dated the 26/11/2008.

No. 32102 /Admn:1/135/SSRC.

In pursuance of the provisions contained in sub - rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO. 457 (1) / 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 borne in the cadre strength of Revenue and Estate Department specified in column 1 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 (SMI 3)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission.	21 - 30 years For initial recruitment	(a) Twenty percent by initial recruitment; and (b) Sixty percent by promotion, on the basis of Seniority - cum - fitness From amongst the Graduate Naib Tehsildar with at least Five Years Service as such. The condition of Graduation will be applicable after five years from the date of issuance of this Notification; and (c) Twenty percent by Promotion, on the basis of Joint Seniority - cum - fitness from amongst the Graduate Assistants / Senior Scale Stenographer of Board of Revenue NWFP Director Land Record NWFP Revenue Appellate Court / Sub - Registrar with at least Five Years Service as such.

Handwritten: 06/8/13

District Commissioner Officer

Apprentice
Authority

2

2	3	4	5	6	7
Naib Tehsildar (BPS 14)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission	21 - 30 years For initial recruitment	<p>(a) Fifty percent by initial recruitment, through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and.</p> <p>(b) Thirty percent by promotion, on the basis of Seniority - cum - fitness from amongst Graduate Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. The condition of Graduation will be applicable after five years from the date of issuance of this Notification.</p> <p>(c) Twenty percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Junior Scale Stenographer and Assistants in the office of Political Agent and Assistant Political Agent Frontier Region, Assistant / Junior Scale Stenographer of Ex - Deputy Commissioner / Commissioners offices presently working in the offices of DCO / ACO / EDO (F&P) and DOR, who are Graduate with five Years Service as such.</p>
3. District Kanungo (Saddar Kanungo) (BPS 14)					By transfer from amongst Naib Tehsildar
4. Head Clerk (Revenue) (BPS 14) ✓					By transfer from amongst Naib Tehsildar ✓
5. District Revenue Accountant (BPS 14)					By transfer from amongst Naib Tehsildar

1	2	3	4	5	6	7
6	Kanungo (BPS - 09)	District Officer (Revenue & Estate) /Collector,	-	-	-	By promotion, on the basis of joint Seniority -cum fitness, on District level from amongst the Patwaris Tehsil Revenue Accountant and Wasil Baqi Nawis who have passed the Departmental Examination of Kanungo with at least five Years Service as such.
7.	Senior Tehsil Revenue Accountant (BPS 07) and Junior Tehsil Revenue Accountant Wasil Baqi Nawis / Additional Wasil Baqi Nawis (BPS - 05)	-	-	-	-	By transfer from amongst Patwaris
8.	Patwari (BPS - 05)	District Officer (Revenue & Estate) /Collector,	Intermediate or equivalent qualification, who have passed the Patwari Examination having one year diploma in information technology from any institution technology from any institution recognized by Board of technical education	18 to 30	By initial recruitment	By initial appointment for amongst the Patwari passed candidates entered in Register maintained by the District Collector of the District Concerned having one year diploma in information technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

Sd/-
Secretary to Government of NWFP
Revenue and Estate Department

No. 32103-61 /Admn:1/135/SSRC

Copy forwarded for information and necessary action :

1. Secretary to Government of NWFP Establishment Department
2. Secretary to Government of NWFP Finance Department
3. Secretary to Government of NWFP Law & Parliamentary Affairs Department
4. Secretary NWFP Public Service Commission
5. Secretary to Governor NWFP
6. Registrar Peshawar High Court Peshawar
7. Advocate General, NWFP
8. Accountant General NWFP Peshawar
9. Private Secretary to Chief Secretary NWFP
10. All District Coordination Officer, in NWFP
11. All District Officer (Revenue & Estate) /Collector, in NWFP
12. Director Land Record NWFP
13. The Controller, Government Printing Press, NWFP Peshawar with the request that the notification may be published in the official gazette and to supply one hundred printed copies to the undersigned.

Tubal
File

Deputy Secretary
Government of NWFP
Revenue & Estate Department

GOVERNMENT OF KHYBER PAKHTUNKHWA
 BOARD OF REVENUE
 (REVENUE & ESTATE DEPARTMENT)
 Peshawar dated the 20/03/2011

NOTIFICATION

No. 12389/Ad. 1/206/Amendment
 contained in Sub-Rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment and Finance Departments hereby directs that in this Departments Notification No. 32102/Ad. 1/13/SSRC, dated 26.12.2008, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix:

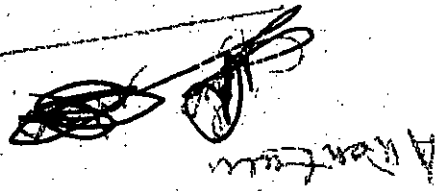
(1) against S.No. 7 for the existing entries, at clauses (a) and (c), the following shall be substituted, namely:

By promotion on the basis of seniority-cum-fitness in the following manner:

(1) sixty percent from amongst the Naib Tehsildars, District Kamangos, District Revenue Accountants and Head Clerk (Revenue) with at least five year service as such.

Note:- The seniority existing District Kamangos, District Revenue Accountants and Head Clerk (Revenue) will be made henceforth and promotion to these cadres and further promotion to these cadres will be made henceforth and

(ii) twenty percent from amongst Graduate Assistant, Senior Scale Stenographer of Board of Revenue, Director Land Record, Senior Scale Stenographer of the offices of Commissioners, Additional Commissioners, Political Agents and Sub-Registrar with at least five years service as such.

A. Khan


(2) after serial No. 1, as so amended, the following new entries shall be inserted in the respective columns, namely:

1	2	3	4	5	6	7
1-A	Reader	Senior Member	Member	Members of Board of Revenue		
					By transfer from amongst Tehsildars and	

(3) against S. No. 2, in column No. 7, for the existing entries, the following shall be substituted, namely:

- (a) Fifty percent, by initial recruitment; and
- (b) Fifty percent by promotion, on the basis of seniority-cum-fitness, in the following manner within the Division.

(1) thirty percent from amongst Kanungos of the Division concerned with at least five years service as such who have passed the Departmental Examination of Naib Tehsildars and

(ii) twenty percent from amongst graduate Assistants of the offices of Commissioners, District Commissioners, District Officers, District Officers (R&R)/Collectors, and Executive District Officers (F&P), Political Agents and Assistant Political Agents (FR), with at least five years service as such.

Note:

Age and qualification for initial recruitment of Naib Tehsildars, remain intact passing of Departmental Examination and prescribed training as per rules 52, 53, 54 and 55 of the West Pakistan Tehsildars and Naib Tehsildars Departmental Examination and Training Rules, 1969 shall remain intact.

DEPUTY SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
REVENUE & ESTABLISHMENT DEPARTMENT

[Handwritten signature]

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 Khyber Pakhtunkhwa.
8. All District Officers (R&H)/Collectors in 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 supply 50 printed copies thereof as the undersigned for record.

Copy forwarded for information and necessary action to the:-

No. 123/p-1447/11/296/Amended

[Handwritten initials]

FROM :

<p>Twenty five percent by promotion, on the basis of seniority-cum-fitness from amongst Registrars with at least five years service as such and have passed the departmental examination of Nali Tahsildar.</p> <p>Twenty-five percent by promotion on the basis of joint seniority-cum-fitness from amongst Registrars of the office of BOR, Commissioners, Additional Commissioners, DCOs, DOR office and Executive District Officers (E&T), with at least five years service, Political Moharirs of the office of Political Agent/Assistant Political Agents, with 10 years service.</p>	<p>Ag. 1 S.No. 2, in (d), the following shall be substituted, namely:</p>
<p>Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Nali Tahsildars, District Revenue Accountants, District Registrars and Sub-Registrars with at least five years service.</p> <p>Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Superintendents of the office of Board of Revenue (Revenue & State and Land Settlement & Consolidation Department), Commissioners, DOR and Political Agents and Senior Secretaries of the office of Board of Revenue, Commissioners, Additional Commissioners, DCOs and Political Agents having five years service.</p>	<p>Ag. 1 S.No. 1, in clause (a), for the existing entries, at clauses (a), (b) and (d), the following shall be substituted, namely:</p> <p>(a) Twenty percent by initial recruitment, through Public Service Commission, based on the result of a Competitive Examination conducted by it in accordance with syllabus, and</p> <p>(b) Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Nali Tahsildars, District Revenue Accountants, District Registrars and Sub-Registrars with at least five years service.</p> <p>(c) Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Superintendents of the office of Board of Revenue (Revenue & State and Land Settlement & Consolidation Department), Commissioners, DOR and Political Agents and Senior Secretaries of the office of Board of Revenue, Commissioners, Additional Commissioners, DCOs and Political Agents having five years service.</p>

Handwritten mark resembling a stylized '2' or '7'.

Handwritten signature or scribble.

No. Est/1/298/Amendment/29174. In pursuance of provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department in consultation with the Establishment, Finance and Law Departments, hereby directs that in this Department Notification No. 33202/Admn/135/SSRC, dated 26-12-2008 read with Notification No. 12219/Admn/296/Amendment, dated 30-03-2011, the following further amendments shall be made, namely:-

AMENDMENTS

NOTIFICATION

Dated Peshawar, the 2nd December, 2011.

BOARD OF REVENUE/REVENUE & ESTATE DEPARTMENT

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE PAKISTAN

PESHAWAR, 03000200000, 00TH SEPTEMBER, 2012.

Published by Authority

KHAYBER PAKHTUNKHWA



GOVERNMENT

GAZETTE

71 KHYBER PAKHTUNKHWA GOVERNMENT LAW III, EXTRAORDINARY, 25th SEPTEMBER, 2012

		<p>(d) The official so appointed shall successfully complete Settlement/Revenue training and pass Kanungo Certificate Examination.</p> <p>EXPLANATION:- Ministerial employees of the Board of Revenue eligible for appointment to the post of Kanungo under the provision of clause (a) shall, for the purposes of the said clause, be deemed to belong to the division and zone respectively in which their home district is situated.</p> <p>Note: Vacancies will be filled on respective divisional basis.</p>
3	District Kanungo (BPS-14)	<p>Against S.No. 3, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By selection on seniority-cum-fitness with due regard to seniority from amongst Intermediate passed Kanungos with at least 03 years.</p>
4	Head Clerk (Revenue) BPS-14 (Divisional cadre)	<p>Against S.No. 4, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>Assistant having dealt with revenue or acquisition matters for at least 03 years.</p>
5	District Revenue Accountant (BPS-14)	<p>Against S.No. 5, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By promotion on the basis of selection on seniority from amongst Kanungos with at least 03 years service.</p>
6	Kanungo (BPS-9)	<p>Against S.No. 6, in column No. 7, for the existing entries, the following shall be substituted, namely:</p> <p>By promotion on the basis of joint seniority-cum-fitness, on District level from amongst the patwaris/Tehsil Revenue Accountant who have passed the Departmental Examination of Kanungo.</p>
7	Patwaris (BPS-5)	<p>Against S.No. 8, in column No. 7, for the existing entries, at clause (a) and (b) the following shall be substituted, namely:</p> <p>(A) By initial appointment from amongst the Patwaris passed candidates entered in the Register maintained by the District Collector of the district concerned having one year certificate in information technology from any institution recognized by Board of Technical Education.</p> <p>(b) Successfully completed Settlement training. This condition will be applicable w.e.f. January, 2014.</p>

Sd/-x-x-x
SECRETARY.

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

NOTIFICATION

Dated Peshawar 20th September, 2011

No. Estt: _____ The Competent Authority has been pleased to delegate the powers of posting and transfer of Tehsildars and Naib Tehsildars presently vested in the Secretary to Government, Revenue & Estate Department to the Commissioners, and to be exercised within their respective Civil Divisions. While exercising the powers following directions shall be adhered to:

1. Cabinet: to provide a minimum of one year tenure protection to Tehsildar and Naib Tehsildars in order to protect honest and efficient officers/officials;
2. Where transfer is made prior to completion of one year, reason(s) necessitating the transfer will be shared with the Revenue and Estate Department; and
3. Service Tribunal: not to post officers/officials belonging to other cadres as Tehsildar/Naib Tehsildar.

Secretary to Government
Revenue & Estate Department

No. Estt: 25367/28

Copy forwarded for information to:-

1. Secretary Establishment Department, Civil Secretariat Peshawar.
2. Secretary Administration (Cabinet), Civil Secretariat Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. All Commissioners in Khyber Pakhtunkhwa.
5. PSO to Chief Secretary Government of Khyber Pakhtunkhwa.
6. All District Officers (R&E)/Collector, in Khyber Pakhtunkhwa.
7. All District Accounts Officers in Khyber Pakhtunkhwa.

Assistant Secretary (Estt)

No. Estt: _____

Copy forwarded to the Controller Government Printing Press Peshawar with request to publish the notification in next gazette.

Filed

2006 P.L.C (C.S.) 1159

[Supreme Court of Pakistan]

Present: Khalil-ur-Rehman Ramday and Raja Fayyaz Ahmed, JJ

LUQMAN ZAREEN and others

Versus

SECRETARY EDUCATION, N.-W.F.P. and others

C.Ps. Nos.326-P to 342-P, 485-P, 486-P, 513-P to 519-P, 586-P and 622-P of 2005, decided on 21st June, 2006.

(On appeal from the judgment/order, dated 14-5-2005 of the N.-W.F.P. Service Tribunal, Peshawar, passed in Service Appeals Nos.187 and 188 of 2004, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1122, 1178, 1191, 1192, 1193, 1194, 1195, 1196, 1024, 1151, 1152, 1153, 1154, 1158, 1159, 1160, 1161, 1157 and 997 of 2003, respectively).

(a) North-West Frontier Province Civil Servants Act (XVIII of 1973)---

---S. 8---Promotion--- Principle--- Acting charge--- Departmental Promotion Committee issued delayed notification---Effect---Where a post was available against which a civil servant could be promoted; where such civil servant was qualified to be promoted to such a higher post; where he was put on such higher post on officiating or acting charge basis only because requisite exercise of allowing regular promotion to such post was being delayed by competent authority and where he was subsequently found fit for such promotion and was so promoted on regular basis, then the civil servant was entitled not only to the salary attaching to such post but also to all consequential benefits from that very date from which he had put on the said post on officiating or acting charge basis.

(b) North-West Frontier Province Civil Servants Act (XVIII of 1973)---

---S. 8---Promotion---Acting charge---Date of promotion---Determination---Civil servants were promoted on 31-8-2000, on acting charge basis but Departmental Promotion Committee issued their notification of promotion on 27-5-2003---Grievance of civil servants was that their promotion was not considered from the date when they were promoted on acting charge basis---Validity---Civil servant who was asked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc. attaching to such post for the period that he held the same---Such civil servant was also entitled to any other benefits which might be associated with such, post---If a vacancy existed in the higher cadre to which a civil servant was qualified to be promoted on regular basis but was not so promoted without any fault on his part and was instead put on such post on officiating basis, then on his regular promotion to such post, the civil servant would be deemed to have been so promoted to the same from the date from which he was allowed to hold the higher post, unless justifiable reasons existed to hold otherwise---Supreme Court converted petition for leave to appeal into appeal and set aside the judgment passed by Service Tribunal---Supreme Court declared the civil servants to be deemed to be promoted from 31-8-2000 and not from 27-5-2003---Appeal was allowed.

Sarwar Ali Khan's case PLD 1994 SC 233 and Chaudhry Mehmood Akbar's case 2003 SCMR 13 rel.

(c) North-West Frontier Province Service Tribunals Act (I of 1974)---

---S. 4---North-West Frontier Province Civil Servants Act (XVIII of 1973), S.8---Appeal---Maintainability---Necessary parties---Non-impleading of direct appointees---Civil servants were promoted on 31-8-2000, on acting charge basis but Departmental Promotion Committee issued their notification of promotion on 27-5-2003---During promotion on acting charge basis and issuance of notification, department directly recruited few civil servants---Grievance of said civil servants was that their promotion was not considered from the date when they were promoted on acting charge basis---Service Tribunal dismissed appeal on the ground that the direct appointees were not made party to the appeal---Validity---Appeals filed by civil servants before Service Tribunal did not seek seniority over directly recruited persons and what they were asking for was vindication of their right to regular promotion from the date in question---If civil servants were found entitled to the same then they could not

influenced by the fact that they had not re-coursed to the available remedies in the year 2000 when they had been promoted to the posts in question on acting charge basis only and not on regular basis.

8. We have heard the learned counsel for the parties and have also perused the record in the light of the submissions made before us.

9. It is then a position admitted on all sides that nothing existed in the way of the petitioners on 31-8-2000 which could have disentitled them to regular promotion to the posts in question and that it was only the usual apathy, negligence and bureaucratic red-tapsim which had deprived the petitioners of the fruits that they deserved. The petitioners could not be permitted to be punished for the faults and in action of others. We are of the view that where a post was available against which a civil servant could be promoted; where such a civil servant was qualified to be promoted to such a higher post; where he was put on the said higher post on officiating or acting charge basis only because the requisite exercise of allowing the regular promotion to the said post was being delayed by the competent authority and where he was subsequently, found fit for the said promotion and was so promoted on regular basis then he was entitled not only to the salary attaching to the said posts but also to all consequential benefits from the very date from which he had been put on the said post on officiating or acting charge basis and we hold accordingly.

10. The learned Tribunal had brushed aside some precedent cases cited before it including some cases of this Court by declaring that the same were distinguishable. We have gone through the said judgments delivered by this Court and find that the learned Tribunal had failed to read the said judgments properly and to appreciate the ratio of the same in its correct prospective.

11. One such judgment to which a reference had been made in detail in the impugned judgment was Sarwar Ali Khan's case reported as PLD 1994 SC 233. This was a case where a Deputy Registrar of the Sindh Labour Appellate Tribunal had been appointed to the post of the Registrar of the same Tribunal on 5-7-1988 with immediate effect and till further orders but in his own pay and scale. It was almost three years later that he was regularly promoted to the said post on the recommendation of the Departmental Promotion Committee. Since there was no prospect of his further promotion beyond the post of Registrar, therefore, he had claimed only the salary of the post of Registrar which he had held on officiating basis for about three years and had prayed for nothing more. This claim was denied to him which finally led him to this Court. And this is what was held by this Court in the said facts and circumstances:--

".... This cannot be stretched to cover the case in hand, where the incumbent has worked against that post on his own pay and status for three years, particularly when there was no legal impediment in his way to be promoted at that time on regular basis when he was inducted on 5-7-1988. In the instant case, since the appellant was eligible and qualified for promotion to B-18, there appears no justifiable reason to deprive him of the salary and others benefits of that post for a period of three years, which he would have received, had he been promoted on regular basis. The appellant had discharged full duties and responsibilities of the higher post and in the absence of some plausible reason, he cannot be deprived of the salary and other benefits connected with that post." Underlining is ours).

12. Dealing with this judgment, the learned Tribunal had failed to appreciate the principle laid therein by this Court by omitting to give the requisite weight to the principle enunciated and the words "other benefits" emphasized by this Court through the said judgment.

13. Another judgment of this Court placed before the learned Tribunal for its guidance was the one delivered in the case of Chaudhry Mehmood Akbar reported as 2003 SCMR 13.

14. This was a case where Muhammad Afzal, the respondent in that case, while serving as Deputy Superintendent of Jail on 21-12-1989, was transferred and posted as Superintendent of Jail in his own pay and scale and it was almost five years thereafter i.e. on 1-9-1994 that he was regularly promoted to the said post of Superintendent. He reached the Service Tribunal claiming regular promotion from the date when he had been appointed to the said post of Superintendent i.e. from 21-12-1989 instead of the date of his regular promotion to the same i.e. on 1-9-1994. The learned District Attorney who represented the Government before the learned Tribunal did not object to the grant of the said relief and the same was accordingly allowed to him. One Muhammad Akbar questioned the said judgment of the learned Tribunal before this Court submitting that he was senior to Muhammad Afzal in service; had been promoted to the post of Superintendent of Jail after Muhammad Afzal had been put on the said post in his own pay and

scale but before his regular promotion to the said post on 1-9-1994 and that granting promotion to the said Muhammad Afzal with effect from 21-12-1989 would operate prejudicially to his seniority and interests vis-a-vis the said Muhammad Afzal. After hearing all the sides, this Court sanctified the promotion of Muhammad Afzal with effect from the date when he had been actually put on the said higher post i.e. with effect from 21-12-1989 subject only to the proviso that the same would not adversely affect the rights of the other Superintendents of Jail who were senior to the said Muhammad Afzal.

15. A bare perusal of these judgments would thus, show that this Court had always accepted the principle that a person who was asked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc. attaching to such a post for the period that he held the same; that he would also be entitled to any other benefits which may be associated with the said post and further that if a vacancy existed in a higher cadre to which a civil servant was qualified to be promoted on regular basis but was not so promoted without any fault on his part and was instead put on the said post on officiating basis then on his regular promotion to the said post, he would be deemed to have been so promoted to the same from the date from which he was allowed to hold the said higher post unless justifiable reasons existed to hold otherwise.

16. The appeals filed by the petitioners before the learned Service Tribunal could not have been dismissed on the ground of limitation. Firstly, because it was the subsequent notification dated 27-5-2003 which had ordered their regular promotion not from the date that they had been promoted to the posts in question on acting charge basis but from the date of the said notification, which had caused grief to them. Therefore, limitation would start running against them not from 31-8-2000 but from 27-5-2003. And secondly, because on similar question of limitation, this Court had thus, held in Sarwar Ali Khan's case (supra):--

"-----it can be said that presumption favourable to the civil servant (appellant) would be that it was temporary arrangement and would not last long but it lasted for three years. Filing representation was also proper remedy and in such circumstances, it would not be fair to knock down service appeal as time-barred on the ground that first notification was not challenged."

17. This brings us to the question whether the petitioners could have been denied relief by the learned Tribunal on the ground that allowing relief in question to them could have operated to the prejudice of some persons who had been directly recruited to the posts of Subject Specialists between 31-8-2000 and 27-5-2003 and who had not been impleaded as respondents in the said appeals. Suffice it to say that the appeals filed by the petitioners before the Service Tribunal did not seek seniority over the said directly recruited persons and what they were asking for was the 'vindication of their right to regular promotion from the date in question and if the petitioners were found entitled, to the same then they could not be deprived of it only because it could have caused some prejudice to some others nor could the said others be heard to deny the said benefit deserved by the petitioners. Therefore, we find that non-impleading of the said direct recruits to the appeals filed by the present petitioners in the learned Tribunal could also be no ground to deny them a right which had lawfully accrued to them.

18. Having thus, examined all aspects of the matter and for the above-discussed reasons, all these petitions are converted into appeals which are allowed as a result whereof the impugned judgment of the N.-W.F.P. Service Tribunal is set aside and as a further result whereof it is declared that the petitioners (now appellants) shall be deemed to have been regularly promoted as Subject Specialists from 31-8-2000 and not from 27-5-2003.

19. No orders as to costs.

M.H. /L-6/SC Appeals allowed.

Fabeem Ahmed up BOR.

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING
REGARDING PROMOTION OF TEHSIL ACCOUNTANT OF KOHAT, KOLAI
PALAS, DIRKHAH AND TOR GHAR DISTRICT TO THE POST OF DISTRICT
REVENUE ACCOUNTANT (BPS - 14).

A meeting of Departmental Promotion Committee was held on 31.07.2019
at 11.30 AM in the office of Senior Member, Board of Revenue under his Chairmanship for
consideration of the promotion cases of Tehsil Accountant to the of post of District Revenue
Accountant (BPS - 14). The following attended:-

1. Mr. Khurshid Alam, Member
Secretary-I.
2. Mr. Khalid Zaman Member
Director Land Records
3. Mr. Muhammad Ajmal, Secretary
Assistant Secretary (Estr).

ITEM NO.1 PROMOTION OF TEHSIL ACCOUNTANT TO THE POST OF
DISTRICT REVENUE ACCOUNTANT (BS-14) IN DISTRICT
KOHAT.

There is one sanctioned post of District Revenue Accountant in Kohat District which
is lying vacant due to retirement of Mr. Azhar Iqbal District Revenue Accountant. The Committee
examined the record of the officials included in the panel for promotion to the post of District
Revenue Accountant (BS-14) in Kohat District and made the following recommendation:-

S.No.	Name of official	Recommendation
1	Mr. Abdul Munim Tehsil Accountant (BPS - 07)	He was considered and found suitable for promotion as District Revenue Accountant (BS - 14) on regular basis.

ITEM No.2 PROMOTION OF TEHSIL ACCOUNTANT TO THE POST OF
DISTRICT REVENUE ACCOUNTANT (BS-14) IN DISTRICT KOLAI
PALAS.

There is one sanctioned post of District Revenue Accountant in Kolai Palas
District which is lying vacant due to promotion of Mr. Gul Faqir District Revenue Accountant to
the post of Tehsildar. The Committee examined the record of the officials included in the panel
for promotion to the post of District Revenue Accountant (BS-14) in Kolai Palas District and
made the following recommendation:-

S.No.	Name of official	Recommendation
1	Mr. Muhammad Rizq, Tehsil Accountant (BPS - 07)	Being the senior most, he was considered and found suitable for promotion as District Revenue Accountant (BS - 14) on regular basis.

ITEM NO.3 PROMOTION OF TEHSIL ACCOUNTANT TO THE POST OF DISTRICT REVENUE ACCOUNTANT (BS-14) IN DISTRICT DIKHAN.

38

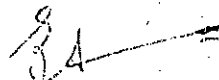
There is one sanctioned post of District Revenue Accountant in DIKhan District which is lying vacant due to appointment of Mr. Haider Abbas Shahani District Revenue Accountant as Tehsildar on acting charge basis. The Committee examined the record of the officials included in the panel for promotion to the post of District Revenue Accountant (BS-14) in DIKhan District and made the following recommendation:-


S.No.	Name of official	Recommendation
1.	Mr. Fahim Ahmad Tehsil Accountant (BPS - 07)	He was considered and found suitable for appointment as District Revenue Accountant (BS - 14) on acting charge basis.

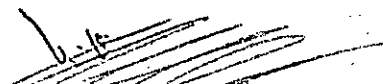
ITEM NO.4 PROMOTION OF TEHSIL ACCOUNTANT TO THE POST OF DISTRICT REVENUE ACCOUNTANT (BS-14) IN DISTRICT TOR GHAR.

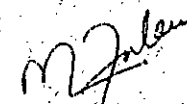
The promotion case of Tehsil Accountant (BPS - 07) to the post of District Revenue Accountant in District Tor Ghar was discussed but not considered due to non availability of post of District Revenue Accountant in Tor Ghar District.

The meeting was ended with a vote of thanks from the Chair.


Khurshid Alam,
Secretary-I,
(Member)


Khalid Zaman,
Director, Records
(Member)


Muhammad Ajmal
Assistant Secretary (Distt.)
(Secretary)


Dr. Fakhre Alam
Senior Member
(CHAIRMAN)

SENIORITY LIST OF CONFIRMED TEHSIL REVENUE ACCOUNTANTS OF DISTRICT D.I.KHAN AS IT STOOD ON 31/12/2016

S.No	Name of Tehsil Revenue Accountant	Father's Name	Date Of Birth	Qualification	Date of entry in service	Date of confirmation as Tehsil Revenue Accountant
1.	Fahim Ahmad	Inayat Ullah	24-04-1981	M.A, L.L.B	21-05-2008	12-01-2016
2.	Abdul Waheed	Haji Muhammad	06-03-1970	D.Com	02-09-2008	11-02-2016

Two Posts (out of sanctioned four posts) are lying vacant in the District.

Banner
Deputy Commissioner,
Dera Ismail Khan.

Q.R.
District Qanongo
Dera Ismail Khan
16/1/19

145

GOVERNMENT OF KHUNBER PAKHTUNKHWA
BOARD OF REVENUE, REVENUE AND ESTATE DEPARTMENT.

NOTIFICATION

Reshwar, dated 23-01-2015

No. 1842/Estt/135/SSRC. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO. 457(1)/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	7
	Reader to Senior Member / Members Board of Revenue	Administrative Secretary (SMBR)				By transfer from amongst the Tehsildars
"1-B	Inspector of Stamps	Administrative Secretary (SMBR)				By transfer from amongst the Tehsildars.
2.	Naib Tehsildar (BPS 14)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Deleted	21-30 years For initial recruitment	(a) Fifty percent by initial recruitment, through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and (b) twenty five percent by promotion on the basis of Seniority - cum - fitness from amongst Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. (c) fifteen percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Senior Clerks of the office of Board of Revenue, Commissioners and Deputy Commissioners Offices in the Division concerned; and (d) Ten percent by promotion on the basis of seniority cum fitness from amongst Junior Clerks as Political Muharrirs of the offices of Political Agents with atleast ten years service.;
3.	District Kanungo (Saddar Kanungo) (BPS 14)	Administrative Secretary (SMBR)				By promotion on the basis of seniority-cum-fitness, from amongst the Kanungo of the concerned District with at-least three years service as such
4.	Head Clerk Revenue (BPS - 14)					By transfer from amongst Naib Tehsildar (Deleted) (Post has been abolished)

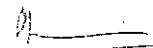
2	3	4	5	6	7
District Revenue Accountant (BPS-14)	Administrative Secretary (SMBR)	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Tehsil Accountant of the district with at least three years service as such.
6. Kanungo (BPS - 11)	District Collector	-	-	-	By promotion, on the 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.

Sd/-
 SECRETARY TO GOVERNMENT
 REVENUE AND ESTATE DEPARTMENT

No 1943-81/Estt-I/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 supply 50 printed copies thereof to the undersigned for record.


 DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
 REVENUE & ESTATE DEPARTMENT



GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT.
Facebook ID: www.facebook.com/bor.kpk92
Twitter ID: [@RevenueBoardkp](https://twitter.com/RevenueBoardkp)
Fax No: 091.9213989

Peshawar Dated the 04/07/2019.

NOTIFICATION

No. Estt:I/DPC/Tehsildar/2017/_____ . Consequent upon the recommendation of Departmental Promotion Committee meeting dated 27.06.2019, the Competent Authority is pleased to order the appointment of the following Naib Tehsildars, District Kanungo and District Revenue Accountant (BPS-14) to the post of Tehsildar (BS -- 16) on Acting Charge Basis against temporary posts with immediate effect:-

S.No	Name of official
1.	Mr. Bakht Jehan, Naib Tehsildar
2.	Mr. Nisarullah, Naib Tehsildar
3.	Mr. Asghar Ali, District Kanungo
4.	Mr. Mohammad Arif, District Kanungo
5.	Mr. Shafiullah, No.2 District Revenue Accountant
6.	Mr. Haider Abbas Shahani, District Revenue Accountant
7.	Mr. Muhammad Ibrahim, District Revenue Accountant
8.	Mr. Khaib Gul, District Kanungo
9.	Mr. Jamroz Khan, District Kanungo

2. The promotion of the officers at S. No. 3 and 4 shall be subject to final decision of the Supreme Court of Pakistan in Suo moto case No. 17 of 2016.

3. Consequent upon the above the following posting / transfer is hereby ordered with immediate effect:-

S.No	Name of Official	From	To
1.	Mr. Bakht Jehan.	Naib Tehsildar Nawagai	Services placed at the disposal of Commissioner Malakand Division for further posting in the Division.
2.	Mr. Nisarullah.	Naib Tehsildar Swabi	Services placed at the disposal of Commissioner Mardan Division for further posting in the Division.
3.	Mr. Asghar Ali.	District Kanungo Hangu	Services placed at the disposal of Commissioner Kohat Division for further posting in the Division.
4.	Mr. Mohammad Arif.	Tehsildar (OPS) Banda Daud Shah	Retained on the same post and station

	Mr. Shafiqullah, No.2.	Tehsildar (OPS) Domel	Retained on the same post and station
6.	Mr. Haider Abbas Shahani.	DRA DI Khan	Services placed at the disposal of Commissioner DI Khan Division for further posting in the Division.
7.	Mr. Muhammad Ibrahim.	Tehsildar (OPS) Timergara	Retained on the same post and station.
8.	Mr. Khaib Gul.	District Kanungo Tor Ghar.	Services placed at the disposal of Commissioner Hazara Division for further posting in the Division.
9.	Mr. Jamroz Khan.	District Kanungo Battagram	Services placed at the disposal of Commissioner Hazara Division for further posting in the Division.

Sd/-
Senior Member

No. Estt: I/DPC/Tehsildar/2017/23207-12.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioners of the respective Divisions.
3. Deputy Commissioners of the respective Districts.
4. District Accounts Officers of the respective Districts.
5. Officers concerned.
6. Personal Files.


Assistant Secretary (Estt:)

Dist. Govt. NWFP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (October-2019)



Personal Information of **Mr FAHIM AHMED d/w/s of INAYAT ULLAH KHAN**

Personnel Number: 00403036 CNIC: 1210157706899 NTN:
 Date of Birth: 24.04.1981 Entry into Govt. Service: 21.05.2008 Length of Service: 11 Years 05 Months 012 Days

Employment Category: **Active Temporary**

Designation: **DISTRICT REVENUE ACCOUNTANT** 80001641-DISTRICT GOVERNMENT KHYBE

DDO Code: D16147-DISTT.OFFICER(REV:STATE)DIKHAN

Payroll Section: 001 GPF Section: 002 Cash Center:
 GPF A/C No: 403036 Interest Applied: Yes **GPF Balance:** 160,082.00

Vendor Number: -
 Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil **BPS:14** Pay Stage: 4

Wage type		Amount	Wage type		Amount
0001	Basic Pay	19,860.00	1000	House Rent Allowance	2,214.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	405.00	2199	Adhoc Relief Allow @10%	275.00
2211	Adhoc Relief All 2016 10%	1,399.00	2224	Adhoc Relief All 2017 10%	1,986.00
2247	Adhoc Relief All 2018 10%	1,986.00	2264	Adhoc Relief All 2019 10%	1,986.00
5002	Adjustment House Rent	541.00	5011	Adj Conveyance Allowance	800.00
5801	Adj Basic Pay	1,872.00	5990	Adj Adhoc Relief All 2017	561.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till October-2019: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 38,241.00 Deductions: (Rs.): -3,820.00 Net Pay: (Rs.): 34,421.00

Payee Name: FAHIM AHMED
 Account Number: PLS-15400006934301
 Bank Details: HABIB BANK LIMITED, 221540 AASHAIN SHOPPING CENTER, D.I.KHAN. AASHAIN SHOPPING CENTER, D.I.K, D.I.KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: D.I.KHAN Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address: City: Email:

Dist. Govt. NWFP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (June-2020)



Personal Information of **Mr. FAHIM AHMED d/w/s of INAYAT ULLAH KHAN**

Personnel Number: 00403036 CNIC: 1210157706899 NTN:
 Date of Birth: 24.04.1981 Entry into Govt. Service: 21.05.2008 Length of Service: 12 Years 01 Months 011 Days

Employment Category: Active Temporary

Designation: DISTRICT REVENUE ACCOUNTANT 80001641-DISTRICT GOVERNMENT KHYBE

DDO Code: DI6147-DISTT:OFFICER(REV:STATE)DIKHAN

Payroll Section: 001 GPF Section: 002 Cash Center:

GPF A/C No: 403036 Interest Applied: Yes **GPF Balance: 181,042.00**

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil **BPS: 14** Pay Stage: 5

Wage type		Amount	Wage type		Amount
0001	Basic Pay	21,030.00	1000	House Rent Allowance	2,214.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	405.00	2199	Adhoc Relief Allow @10%	275.00
2211	Adhoc Relief All 2016 10%	1,399.00	2224	Adhoc Relief All 2017 10%	2,103.00
2247	Adhoc Relief All 2018 10%	2,103.00	2264	Adhoc Relief All 2019 10%	2,103.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-600.00	4200	Professional Tax	-1,200.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till June-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 35,988.00 Deductions: (Rs.): -5,020.00 Net Pay: (Rs.): 30,968.00

Payee Name: FAHIM AHMED

Account Number: PLS-15400006934301

Bank Details: HABIB BANK LIMITED, 221540 AASHAIN SHOPPING CENTER, D.I.KHAN. AASHAIN SHOPPING CENTER, D.I.K, D.I.KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: D.I.KHAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

Dist. Govt. NWFP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (June-2021)



Personal Information of **Mr FAHIM AHMED d/w/s of INAYAT ULLAH KHAN**

Personnel Number: 00403036 CNIC: 1210157706899 NTN:
 Date of Birth: 24.04.1981 Entry into Govt. Service: 21.05.2008 Length of Service: 13 Years 01 Months 011 Days.

Employment Category: Active Temporary

Designation: **DISTRICT REVENUE ACCOUNTA** 80001641-DISTRICT GOVERNMENT KHYBE
 DDO Code: DI6147-DISTT:OFFICER(REV:STATE)DIKHAN
 Payroll Section: 001 GPF Section: 002 Cash Center:
 GPF A/C No: 403036 Interest Applied: Yes GPF Balance: 232,526.00
 Vendor Number: -
 Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil **BPS: 14** Pay Stage: 6

Wage type		Amount	Wage type		Amount
0001	Basic Pay	22,200.00	1000	House Rent Allowance	2,214.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	405.00	2199	Adhoc Relief Allow @10%	275.00
2211	Adhoc Relief All 2016 10%	1,399.00	2224	Adhoc Relief All 2017 10%	2,220.00
2247	Adhoc Relief All 2018 10%	2,220.00	2264	Adhoc Relief All 2019 10%	2,220.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-1,200.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till June-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 37,509.00 Deductions: (Rs.): -4,420.00 Net Pay: (Rs.): 33,089.00

Payee Name: FAHIM AHMED
 Account Number: PLS-15400006934301
 Bank Details: HABIB BANK LIMITED, 221540 AASHAIN SHOPPING CENTER, D.I.KHAN. AASHAIN SHOPPING CENTER, D.I.K, D.I.KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:
 City: D.I.KHAN Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address:
 City: Email:

Dist. Govt. NWFP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (October-2021)



Personal Information of **Mr FAHIM AHMED d/w/s of INAYAT ULLAH KHAN**

Personnel Number: 00403036 CNIC: 1210157706899 NTN:
 Date of Birth: 24.04.1981 Entry into Govt. Service: 21.05.2008 Length of Service: 13 Years 05 Months 012 Days

Employment Category: Active Temporary

Designation: **DISTRICT REVENUE ACCOUNTANT** 80001641-DISTRICT GOVERNMENT KHYBE

DDO Code: D16147-DISTT:OFFICER(REV:STATE)DIKHAN

Payroll Section: 001 GPF Section: 002 Cash Center:
 GPF A/C No: 403036 Interest Applied: Yes **GPF Balance: 243,006.00**

Vendor Number: -
 Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil **BPS: 14** Pay Stage: 6

Wage type		Amount	Wage type		Amount
0001	Basic Pay	22,200.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	405.00	2199	Adhoc Relief Allow @10%	275.00
2211	Adhoc Relief All 2016 10%	1,399.00	2224	Adhoc Relief All 2017 10%	2,220.00
2247	Adhoc Relief All 2018 10%	2,220.00	2264	Adhoc Relief All 2019 10%	2,220.00
2309	Adhoc Relief All 2021 10%	2,220.00	2315	Special Allowance 2021	3,500.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-1,200.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till October-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 44,336.00 Deductions: (Rs.): -4,420.00 Net Pay: (Rs.): 39,916.00

Payee Name: FAHIM AHMED

Account Number: PLS-15400006934301

Bank Details: HABIB BANK LIMITED, 221540 AASHAIN SHOPPING CENTER, D.I.KHAN. AASHAIN SHOPPING CENTER, D.I.K, D.I.KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: D.I.KHAN Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email:

2003 S C M R 13

[Supreme Court of Pakistan]

Present: Muhammad Bashir Jehangiri, Ch. Muhammad Arif and Rana Bhagwandas, JJ

Ch. MAHMOOD AKBAR, SUPERINTENDENT JAIL, DISTRICT JAIL, FAISALABAD
---Appellant

Versus

Ch. MUHAMMAD AFZAL, SUPERINTENDENT JAIL, SIALKOT and 2 others---Respondents

Civil Petition No. 1789 of 1996, heard on 13th June, 2001.

(On appeal from judgment dated 20-10-1996 passed by the Punjab Service Tribunal, Lahore in Appeal No. 267.of 1995).

(a) Punjab Civil Servants (Appointment and Conditions of Service Rules, 1974----

---R. 8(1)(b), Expin. I---Punjab Civil Servants Act (VIII of 1974), Ss. 7, & 9---Punjab Service Tribunals Act (IX of 1974), S. 4---Constitution of Pakistan (1973). Art.212(3)---Promotion---Seniority---Respondent while serving as Deputy Superintendent Jail was transferred and posted on 21-12-1989 as Superintendent Jail on his own pay and scale, and w promoted as Superintendent on 1-9-1994---Respondent claimed promotion w.e.f. 21-12-1989 for having been working as Superintendent since then, but Department dismissed his representation---Service Tribunal accepted respondent's appeal by granting him pay and allowances, privileges and status of the post of Superintendent w.e.f. 21-12-1989---Petitioner contention was that he being senior to respondent was not made party appeal; and that Tribunal had erred in conferring the status and privileges of the post of Superintendent on respondent w.e.f. 21-12-1989, which had amounted to granting him promotion from said date---Supreme Court granted leave to appeal to consider said contentions of petitioner.

(b) Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974----

---3. 8(1)(b); Explan. I---Punjab Civil Servants Act (VIII of 1974), Ss. 7, 8 & 9---Punjab Service Tribunals Act (IX of 1974), S.4---Constitution of Pakistan (1973). Art 212(3)---Promotion---Seniority---Respondent while serving as Deputy Superintendent Jail was transferred and posted on 21-12-1989 as Superintendent Jail on his own pay and scale, and was promoted as Superintendent , on 1-9-1994---Respondent claimed promotion w.e.f. 21-12-1989 for having been working as Superintendent since then, but Department dismissed his representation---Service Tribunal accepted respondent's appeal in view of the concession made by District Attorney that respondent was entitled to pay and allowances, privileges and status of the post of Superintendent w.e.f. 21-12-1989---Validity---Appellant had not been impleaded as party by respondent before Tribunal--Explanation I to proviso to cl. (b) of sub-rule (1) of R. 8 of Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 was not brought to bear by Tribunal upon facts and circumstances of present case Tribunal had not considered the concession made on respondent regarding out of turn promotion and relaxation of rules being not applicable to his case---District Attorney had no authority to make any such concession, which had all the potentialities of adversely affecting the rights of a substantial number of employees contrary to R.8 of Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974---Tribunal had erred in law in sanctifying said concession of District Attorney---Supreme Court accepted the appeal and partially set aside impugned judgment by declaring that grant of the status and privileges of the post of Superintendent Jail (B-17) w.e.f. 21-12-1989 to respondent would not adversely, affect the rights of appellant and other Superintendents Jail in B-17. who were senior to respondent.

Muhammad Ramzan and others v. Member (Rev.)/CSS and others 1997 SCMR 1635 ref.

Ch. Mushtaq Masood, Advocate Supreme Court and Sh. Masud Akhtar, Advocate-on-Record (absent) for Appellant.

Respondents: Ex parte.

"28. Thus, following the dictum in aforementioned cases, and looking to glaring disregard of law and earlier decisions of this Court, we are inclined to hold that disposal of petition by Lahore High Court based on illegal and tainted concession of Settlement Department is devoid of lawful authority and subsequent direction for its implementation is equally coram non judge, as-such has no binding effect."

4. Respondents in this case are ex parte.

5. The arguments addressed at the Bar in support of this appeal are not without force. It is not the case of anybody that the appellant was impleaded as party by respondent Ch. Muhammad Afzal before the Tribunal.

Explanation 1 to the proviso to clause (b) of sub-rule (1) of rule 8 of 1974 Rules was not brought to bear by the Tribunal upon the facts and circumstances of the instant case.

6. The Tribunal did notice the concession made on behalf of respondent No. 1 before it (as appellant) regarding (i) out of turn promotion, and (ii) relaxation of rules being not applicable to his case. However, while noticing respondent's contention that the condition of own pay and scale was illegal, it made a reference to the learned counsel of respondent Ch. Muhammad Afzal having taken the following stand in his written arguments:--

"That according to the Government instructions dated 17-5-1982 and 17-8-1988 printed at pages 146 and 147 of ESTACODE, 1991 Edn. the condition own pay and scale has no meaning in law. Even according to the law laid down by the Hon'ble Tribunal in judgment dated 19-9-1994 in Appeal No.971 of 1993 upheld by Supreme Court in their judgment dated 6-12-1995 in Civil Petition No. 137-L of 1994 and reported as 1996 PLC (C.S.) 627 an illegal stipulation of purely temporary laid down in the order of appointment was ignored and appointment was approved. Similar view has been taken by this Hon'ble Tribunal in judgment dated in cases of Noor Hussain and others (Inspectors Police) wherein the illegal condition 'ad hoc' imposed in promotion order was held to be illegal and promotion was held to be 'substantive'."

We find that beyond reproduction of the above excerpt from the written arguments, the Tribunal did not proceed any further to resolve the issue even then. It was in the penultimate paragraph of the impugned judgment that the Tribunal held as under:--

"7. The learned District Attorney had no objection to the contention of the learned counsel for the appellant that the appellant is entitled to the pay and allowances, privileges and status of the post of Superintendent Jail w.e.f. the date he was actually working as such i.e. 21-12-1989."

The learned counsel is quite right in contending that the learned District Attorney had no authority whatsoever to make any concession as above in that it had all the potentialities of adversely affecting the rights of a substantial number of employees contrary to the very words of rule 8 (ibid). We are of the considered opinion that the Tribunal was in error of law in sanctifying the alleged concession of the District Attorney that the pay and allowances, privileges and status of the post of Superintendent Jail with effect from 21-12-1989 was the 'entitlement' of respondent Ch. Muhammad Afzal.

7. The above are the reasons for our short order of even date which reads thus:--

"For reasons to be recorded, the impugned judgment of the Punjab Service Tribunal is partially set aside and it is declared that the grant of the status and privileges of the post of Superintendent Jail B-17 with effect from 21-12-1989 to respondent No. 1 shall not adversely affect the rights of the appellant, as also other Superintendents Jail in B-17 who are senior to respondent No. 1.

"2 To the above extent the appeal is allowed with no order as to costs."

S.A.K./M-347/S Order accordingly

GOVERNMENT OF KHYBER PAKHTUNKHWA
 BOARD OF REVENUE
 REVENUE & ESTATE DEPARTMENT
 Peshawar dated the 22/08/2019

O.R.D.E.R.

No. Estt: V/DPC/NT/2019/_____ On the recommendation of Departmental Promotion Committee meeting dated 31.07.2019, the Competent Authority is pleased to order the promotion of the following Tehsil Accountant (BS - 07) of the District noted against their names to the post of District Revenue Accountant (BS-14) on regular basis with immediate effect :-

S. No.	NAME OF OFFICIAL	OFFICES
1.	Mr. Abdul Munim	Kohat
2.	Mr. Muhammad Riaz	Kolai Palas

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

Consequent upon their promotion, the following posting / transfer is hereby ordered with immediate effect:-


S.NO	NAME OF OFFICIAL	OF	FROM	TO
1.	Mr. Abdul Munim		District Revenue Accountant (OPS) Kohat	Retained on the same post and station.
2.	Mr. Muhammad Riaz		District Revenue Accountant (OPS) Kolai Palas	Retained on the same post and station.

By order of
Senior Member

No. Estt: V/DPC/NT/2019/ 26867-75

Copy forwarded to the:-

- Commissioners, Kohat and Hazara Division.
- Deputy Commissioners of the respective District.
- District Accounts Officers of the respective District.
- P.S to Senior Member Board of Revenue.
- Officials concerned.
- Personal Files.


Assistant Secretary (Estt:)