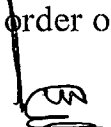


FORM OF ORDER SHEET

Court of _____

Case No.- 1695/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/11/2022	<p>The appeal of Mr. Muhammad Ibrar resubmitted today by Mr. Rashid Rauf Swati Advocate. It is fixed for preliminary hearing touring before Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR <i>RU</i></p>

Respect Sir,

It is submitted that the present appeal was received on 24.10.2022, which was returned to the counsel for the appellant removing objection 1 to 7 (Flag-A). Today i.e. 10.11.2022 he refilled the same without removing the objection no. 1,3 & 7 with a note i.e. (Flag-B).

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

Worthy Chairman

REGISTRAR

17/11/2022

*objection removed
removed within
days 21/11/22*

No = 3256
Date = 21/11/22

- Respectfully Submitted.*
- 1. Address of respondents No 4 and 5 furnished, on separate memo. Page 19A*
 - 2. Memorandum of appeal signed by appellant.*
 - 3. Deficant (two copies) also annexed. Resubmitted please.*

*(Counsel for Appellant)
28.11.2022*

The appeal of Malik Muhammad Ibrar Girdawar Circle Khalabat District Haripur received today i.e. on 24.10.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Addresses of respondent no.4 & 5 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ② Check list is not attached with the appeal.
- ③ Memorandum of appeal may be got signed by the appellant.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5- Annexures of the appeal may be attested.
- ⑥ Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- ⑦ Seven more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

Two copies less.

No. 2999 /S.T,

Dt. 26/10 /2022

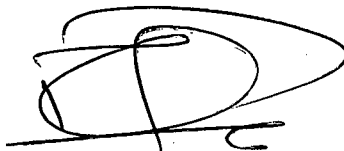

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Rashid Rauf Swati Adv. Pesh.

Respectfully Submitted.

- ① Address of respondents No 4 and 5 provided.
- 2 - check list Attached.
- ③ Memorandum of appeal already signed by appellant.
4. Appeal has flagged/Marked with Annexure.
5. Annexure Attested.
6. Annexures are now in sequence.
- ⑦ Spare copies (complete) submitted.

Due to public holiday on 9. 11. 2022
resubmitted today on 10. 11. 2022


Counsel for Appellant
10. 11. 2022

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Malik Muhammad Ibrar Vs SMBR and other

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>Rashid Rauf Swati</u>		
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	<input checked="" type="checkbox"/>	
3	Whether appeal is within time?	<input checked="" type="checkbox"/>	
4	Whether the enactment under which the appeal is filed mentioned?		
5	Whether the enactment under which the appeal is filed is correct?	<input checked="" type="checkbox"/>	
6	Whether affidavit is appended?	<input checked="" type="checkbox"/>	
7	Whether affidavit is duly attested by competent oath commissioner?	<input checked="" type="checkbox"/>	
8	Whether Appeal / Annexures are properly paged?	<input checked="" type="checkbox"/>	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	<input checked="" type="checkbox"/>	
10	Whether annexures are legible?	<input checked="" type="checkbox"/>	
11	Whether annexures are attested?	<input checked="" type="checkbox"/>	
12	Whether copies of annexures are readable/ clear?	<input checked="" type="checkbox"/>	
13	Whether copy of appeal is delivered to AG/ DAG?	<input checked="" type="checkbox"/>	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	<input checked="" type="checkbox"/>	
15	Whether number of referred cases given are correct?	<input checked="" type="checkbox"/>	
16	Whether appeal contains cutting / overwriting?	<input checked="" type="checkbox"/>	
17	Whether list of books has been provided at the end of the appeal?	<input checked="" type="checkbox"/>	
18	Whether case relate to this Court?	<input checked="" type="checkbox"/>	
19	Whether requisite number of spare copies are attached?	<input checked="" type="checkbox"/>	
20	Whether complete spare copy is filed in separate file cover?	<input checked="" type="checkbox"/>	
21	Whether addresses of parties given are complete?	<input checked="" type="checkbox"/>	
22	Whether index filed?	<input checked="" type="checkbox"/>	
23	Whether index is correct?	<input checked="" type="checkbox"/>	
24	Whether security and process fee deposited? On _____		<input checked="" type="checkbox"/>
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 _____		<input checked="" type="checkbox"/>
26	Whether copies of comments / reply / rejoinder submitted? On _____		<input checked="" type="checkbox"/>
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		<input checked="" type="checkbox"/>

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

Name:- Rashid Rauf Swati

Signature:- [Signature]

Dated:- 10.11.2022

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

-In Re S.A 1695 /2022

Malik Muhammad Ibrar

VERSUS

Senior Member BOR & Others

INDEX

<i>S#</i>	<i>Description of Documents</i>	<i>Annex</i>	<i>Pages</i>
1.	Memo of Appeal		1-3A
2.	Copy of Office Order No: 196-202/AE/DOR (H) dated 5-8-2006	"A"	4-5
3.	Copy of Office Order No: 1287-91/HCR/DC (H) dated 25-1-2019	"B"	6-7
4.	Copy of Record, Appeal & Order	"C"	8-12
5.	Copy of Minutes of DPC & Notification	"D"	13-16
6.	Copy of Dismissal Order of Departmental Appeal	"E"	17-19
7.	Wakalatnama		20

Dated: 10-11-2022

Appellant

Through

Rashid Rauf Swati

&

Zeel Huma

Advocates, High Court,
Peshawar.

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal no. 1695/2022

Malik Muhammad Ibrar Presently Posted As Girdawar Circle
Khalabat District Haripur

1673
24/10/22 (Appellant)

Versus

1. Senior Member Board Of Revenue Khyber Pakhtunkhwa Peshawar
2. Commissioner Hazara Division Abbottabad
3. Deputy Commissioner District Haripur
4. Muhammad Siddique Girdawar Haripur
5. Zia Khan Girdawar Haripur (Respondents No 4 & 5 through respondent No 3)

(Respondents)

24/10/22

APPEAL UNDER SECTION 4 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER/NOTIFICATION NO HCR/DPC/KANUNGO/3268-77/D C (H) DATED 14/04/2022 OF THE RESPONDENT NO 3/DEPUTY COMMISSIONER HARIPUR, WHEREBY, APPELLANT WAS NOT CONSIDERED FOR PROMOTION TO POST OF GIRDAWAR AND HIS APPLICATION WAS DISMISSED AS WELL THAT OF ORDER DATED 25/08/2022, RECEIVED ON 23/09/2022, OF RESPONDENT NO 2, WHEREBY THE DEPARTMENTAL APPEAL FILED BY THE APPELLANT, AGAINST THE ORDER DATED 14/04/2022 OF THE RESPONDENT NO 3, WAS DISMISSED

2

PRAYER

ON ACCEPTANCE OF APPEAL THE IMPUGNED ORDERS AND NOTIFICATIONS MAY GRACIOUSLY BE SEASIDE AND THE APPELLANT MAY BE PROMOTED AS GIRDAWAR FROM THE DUE DATE WITH ALL BENEFITS

Respectfully Submitted

1. That appellant was appointed as Patwari in BPS 5 in Revenue & Estate Department Haripur, vide office order No 196-202/AE/DOR (H) on 05/08/2006. ***Copy Annexed***
2. That appellant performed his duties to the best of his abilities and to the entire satisfaction of his high ups, left no room for any complaint which fact is clear from service record of appellant as well passed the examination of Kanungo.
3. That keeping in view service record of the appellant and appellant having qualified the required examination of Kanungo and after written no objection of the other Patwaris, appellant was posted as Girdawar vide office Order No 1287-91/HCR/DC (H) Dated 25/01/2019. ***Copy Annexed***
4. That appellant is performing his duties as Girdawar since then to the best of his abilities and to entire satisfaction of his high Ups
5. That though Patwaris junior to appellant and qualified for the promotion to the post of Girdawar, have already conceded the posting and promotion of the appellant as Girdawar however, respondents No 4 & 5 preferred Departmental Appeals against the posting/promotion of appellant as Girdawar to the Hon'ble Commissioner Hazara Divison. The appeals were however dismissed on 21/06/2019. ***Copy Of Record, Appeal And Order Are Annexed***
6. That in meeting of Departmental Promotion Committee vide impugned Notification No HCR/DPC/Kanungo/3868-77/ DC (H) Dated, 14/04/2022, promotion were made but the appellant was not considered for promotion

despite application filed by appellant. **Copy Of Minutes Of DPC And Notification Are Annexed**

7. That appellant preferred departmental appeal to respondent No 2, on plausible reasons, which was dismissed vide order dated. **Copy Annexed.**
8. ***That being aggrieved by the impugned Notifications of respondent No 3 and that of respondent No 2, appellant is before this Hon'ble Tribunal on following grounds:***

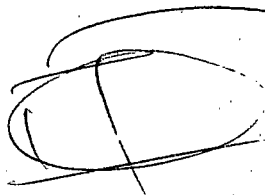
GROUNDS

- A. That appellant is senior to respondents No 4 and 5 despite that appellant was not considered for promotion.
- B. That keeping in view service record of the appellant and appellant having qualified the required examination of Kanungo and after written no objection of the other Patwaris, appellant was posted as Girdawar vide office Order No 1287-91/HCR/DC (H) Dated 25/01/2019. **Copy Annexed.**
- C. That appellant is performing his duties as Girdawar since then to the best of his abilities and to entire satisfaction of his high Ups
- D. That though Patwaris junior to appellant and qualified for the promotion to the post of Girdawar, have already conceded the posting and promotion of the appellant as Girdawar however, (respondents No 4 & 5) preferred Departmental Appeals against the posting of Appellant as Girdawar to the respondent No 2/Commissioner Hazara Divison. The appeals were however dismissed on 21/06/2019. **Copies Of Record, Appeal And Order Are Annexed**
- E. That appellant is already performing his duties as Girdawar since 25/01/2019 and despite the fact that the Patwaris have conceded the posting and promotion of the appellant as Girdawar in writing, as well the departmental appeal filed by the Patwaris were dismissed, by the Commissioner Hazara Division, appellant was not considered for promotion.

3A

- F. That appellant is highly aggrieved of the impugned order dated 14/04/2022 of respondent No 3 and order dated 25/08/2022 of respondent No 2, therefore has challenged the same before this learned tribunal in instant appeal.
- G. That any other ground will be raised during arguments with permission of the Hon'ble tribunal

THEREFORE, IT IS HUMBLY PRAYED, THAT ON ACCEPTANCE OF THE APPEAL THE IMPUGNED NOTIFICATIONS MAY KINDLY BE RECALLED/SEASIDE/MODIFIES AND APPELLANT MAY BE PROMOTED AS GIRDAWAR




Malik Muhammad Ibrar, (Appellant)

Through

Rashid Rauf Swati and Zele Huma Advocates High Court

Dated 24/10/2022

Stated on oath that the contents of the appeal are true and correct.
Nothing has been concealed and misstated



(Appellant)

OATH
COMMISSIONER

24/10/2022

"A"

(4)

Office Of The District Officer, Revenue And Estate/Collector, Haripur.

Office Order.

In exercise of the powers conferred by Rule 6 sub-rule 1 clause (c) of the NWFP, District Government Rules of Business, 2000, coupled with the direction of the Board of Revenue, contained in letter No. 13482/Admn: VII dated 08.06.2005, and office order bearing endorsement No. 5402-3/Admn: VII/Upper age dated 06.06.2006, whereby relaxation in upper age limit for 4 years was granted to Malik Mohammad Ibrar, a Patwar candidate the following Patwar candidates, waiting for appointment, are hereby appointed as Patwaris (BPS-5) in Revenue and Estate department Haripur, with immediate effect:-

1. Mr. Abid Sultan s/o Salthi Sultan.
2. Mr. Vajid Mehmood s/o Mohammad Younas.
3. Malik Mohammad Ibrar s/o Malik Mohammad Nawaz.

Their appointment is subject to:-

1. Good behaviour.
2. Production of medical fitness certificate from Medical Superintendent, DHQ, Hospital Haripur.
3. They will be on probation as prescribed under the rules and if their conduct is not found upto the mark during probation, their services will be terminated without any notice.
4. The other terms and conditions relating to their service shall be determined as per policy of the Provincial Government.

**District Officer
Revenue & Estate/Collector,
Haripur.**

No. 196-202/AE/DOR(H)

Dated Haripur the 07/8 /2006.

Copy to the:-

1. Secretary, Board of Revenue, NWFP, Peshawar.
2. Tehsildar, Haripur.
3. District Accounts Officer, Haripur for necessary action.
4. Assistant Finance (Local).
5. Officials concerned.

**District Officer
Revenue & Estate/Collector,
Haripur.**

5

Office Of The District Officer Revenue & Estate/Collector, Haripur.

Office Order.

The following newly appointed Patwaris of this district are hereby adjusted/posted against the vacant Patwar halqas (noted against each), with immediate effect, in the interest of general public:-

S. No.	Name of Patwari.	Name of Vacant Patwar Halqa.
1.	Malik Mohammad Ibrar.	Ladar Mang.
2.	Mr. Wajid Mehmood.	Kharkot.
3.	Mr. Abid Sultan.	Lalogali.

District Officer
Revenue & Estate/Collector,
Haripur.

No. 207-13 AE/DOR(H).

Dated Haripur the 21/8 /2006.

Copy to:

1. District Accounts Officer, Haripur.
2. Tehsildar, Haripur.
3. Assistant Finance Local.
4. Officials concerned for strict compliance.
5. P. File.

District Officer
Revenue & Estate/Collector,
Haripur.

بنا علیہ کہ ہر ایک کے لئے ایک ہی نمبر دیا جائے گا اور اس نمبر کے ساتھ ہی اس کے نام لکھا جائے گا۔

- 1) میاں سید احمد علی
- 2) عبدالغلام - 3
- 3) میاں محمد علی
- 4) خالد علی
- 5) میاں محمد علی
- 6) میاں محمد علی
- 7) میاں محمد علی
- 8) میاں محمد علی
- 9) میاں محمد علی
- 10) میاں محمد علی
- 11) میاں محمد علی
- 12) میاں محمد علی
- 13) میاں محمد علی
- 14) میاں محمد علی
- 15) میاں محمد علی

AS

(A)

6A



DIRECTORATE OF LAND RECORDS
KHYBER PAKHTUNKHWA

Issue No. 599

Departmental Examination of Kanungo Certificate

This is to certify that Mr. Malik Mohd. Ghansio Malik Mohd. Ghansio
having CNIC No. 1330205087065 Domicile Hari pur has passed
the Departmental Examination of Kanungo in the year 2016 under

Roll No. 242 In parts/as a whole Whole

Prepared By:
Name: Ghulam Hussain
Designation: Asst. Secy
Signature: [Signature]

Verified By:
Name: Sohail Khan
Designation: Jr. Secy
Signature: [Signature]

Countersigned By:
Name: Mansoor Ali
Designation: Asst. Secy
Signature: [Signature]

[Signature]
G. S. Khan

7



Office Of The Deputy Commissioner, Haripur.

Phone No. 0995 - 613391, 613319, FAX - 615412

No. 287-91 /HCR/DC (H).

Dated: 25/ 01/2019.

OFFICE ORDER

Malik Mohammad Ibrar Patwari halqa Sarai Saleh is hereby transferred and posted against the vacant post of Girdawar in his own pay and scale (OPS) with immediate effect until further orders and assigned the revenue work of the Patwar Circles (except Patwar Circle Kotnajibullah), which were previously held by the then Girdawar Mr. Mohammad Ijaz. The seniority of the other Patwaris will remain intact.

Deputy Commissioner
Haripur. *o/c*

Copy to the:-

1. Addl: Deputy Commissioner Haripur.
2. Assistant Commissioner Haripur with the direction to hand over the charge of Patwar Circle Sarai Saleh to the Patwari of adjacent Patwar Circle until further orders.
3. Tehsildar Haripur.
4. District Nazir (local)
5. Official concerned for compliance.

(Assistant (Estt))
Office of Commissioner
Mazara Division Abbottabad

Attested To be True Copy

Examiner

Deputy Commissioner
Haripur. *o/c*

*HCR No. 287-91
28-1-19
o/c*

49

No. _____

Date of Presentation of Application 28-1-19

Copying Fee _____

Urgent fee _____

Total _____

No. of Copies 1

Date of Preparation of Copy 28-1-19

Date of Delivery of Copy 28-1-19

o/c 26/01/2019

خدمت جناب مہتمم صاحب ہزارہ ڈویژن ایبٹ آباد

عنوان: درخواست برائے منتقلی آرڈر نمبری HCR/DC/91-128-1287-25/2019
جناب ڈپٹی مہتمم صاحب ضلع ہری پور، تعینات و پروموشن فرمائے جانے سے متعلق بطور ڈاؤن

جناب عالی! مسائل ذیل عرض رسال ہے۔

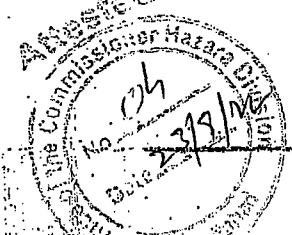
1- یہ کہ من مسائل حکم مال ضلع ہری پور میں بطور ڈپٹی تعینات ہوں۔ اور اپنے ذرائع معاشی بطور احسن طریقہ سے انجام دے رہا ہوں۔ مطابق سینئر سینیاری لسٹ ڈپٹی ایف جی کے مسائل کا نام سلسلہ 25 پر درج ہے۔ نقل سینئر سینیاری لسٹ مذکورہ علیحدہ جگہ پر لکھ ہے۔

2- یہ کہ ملک محمد ابراہیم ڈپٹی کا نام مذکورہ سینئر سینیاری لسٹ ہر سلسلہ نمبر 47 پر درج ہے۔ بدیں وہ خود سے کافی جونیئر ہے۔ نقل سینئر سینیاری لسٹ مذکورہ قابل جگہ ہے۔

3- یہ کہ بروئے آرڈر نمبری 91-1287-25/2019 بذمہ جناب DC صاحب ہری پور (مذکورہ عنوان) مذکورہ ملک محمد ابراہیم ڈپٹی کو بندر لکھ غیر قانونی حیثیہ سے own pay scale پر بطور ڈاؤن تعینات کر دیا گیا ہے۔ جو کہ خلاف قانون ہے اور قابل سنوٹی ہے۔ نقل مذکورہ آرڈر پر لکھ ہے۔

4- یہ کہ مطابق اصل سینیاری لسٹ کم فٹنس کی بنیاد پر صرف اور صرف سینئر ترین ڈپٹی کو ایڈجسٹمنٹ جاری کرنا چاہئے اور own pay scale پر دوسرے سیکل میں پروموشن دی جاتی ہے۔ جبکہ مذکورہ ملک محمد ابراہیم ڈپٹی (ذاتی تعینات شدہ ڈاؤن) من مسائل سے کافی جونیئر ہے۔ اور سینئر ڈپٹی کی موجودگی میں ملک محمد ابراہیم جونیئر ڈپٹی کی بطور ڈاؤن تعیناتی سے اسے خلاف قانون و خلاف واقعات ہے۔ بدیں وہ مذکورہ آرڈر 91-1287 قابل سنوٹی ہے۔

اندریں حالات استدعا ہے کہ ملک محمد ابراہیم ڈپٹی کی بطور ڈاؤن تعیناتی برائے آرڈر نمبری 91-1287-25/2019



Assistant (Estt) Office of Commissioner Hazara Division Abbottabad

(P.T.O)

Handwritten signature and initials.

Handwritten notes and signatures on the right margin, including 'put up on file', 'with reply in a copy of trans', and '2/2'.

۶



کوئٹہ فرمایا جاوے۔ اور طہانی سنیار احمد نسبی سیکرٹری ٹیڈا کی طرف سے امتحان
 گزراؤں پاس ہو کر موزون ٹرہ بطور گزراؤں تصنیات فرمایا جاوے۔ اور اگر کوئی
 سیکرٹری ٹیڈا گزراؤں موزون ٹرہ ہونے پر ہنا سندنہ ہو یا خواہش نہ رکھتا ہو تو اس سے
 کو بطور گزراؤں موزون ٹرہ فرمایا جاوے۔ من مسائل امتحان گزراؤں پاس ہوں۔
 نقل سر شفیق امتحان پاس ہمراہ لف ہے۔ نقل توئی شنائی کارڈ ہمراہ لف ہے۔

المکرّم
 29/01
 2019

ع

چھر صدیق خان (ٹیڈا) ولد شیر افضل خان سکندری
 داخلی سری تحصیل و ضلع ہری پور

ID card No: 13302-7699742-5

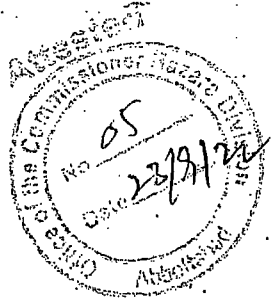
Cell No: - 0301-5219760

Assistant (Estb)
 Office of Commissioner
 Buzara Division Abbottabad

[Handwritten signature]

[Handwritten signature]

29/01
 2019





خدمت جناب کمشنر چوہدری نثار علیہ ایف ڈی آر

مخوان: 1. گورنمنٹ ہائیڈرو پاور ڈیولپمنٹ آرڈر نمبر 91/HCR/DC (CH) 1287-91 No. 25/2019
جناب ڈپٹی کمشنر صاحب مندرجہ ذیل کی بات پر بحث فرماتے جا رہے ہیں

جناب عالی!

تہذیب و تہذیب

1- یہ کہ من مسائل کے حوالے سے میں بطور پورے اہلیان کے اور ان کے اہل خانہ کے ساتھ سے سر انجام دے رہا ہے۔ مطالبہ مندرجہ سٹیٹ پاور ہاؤس مندرجہ ذیل کے مسائل کا حل ہے۔

2- یہ کہ من کے لئے ایئر لائن سٹیشن کا نام مندرجہ سٹیٹ پاور ہاؤس کے سلسلے 4 پر درج ہے اور وہ من مسائل سے کافی جوڑتا ہے۔ نقل مندرجہ سٹیٹ پاور ہاؤس کے قابل ملاحظہ ہے۔

3- یہ کہ من کے لئے ایئر لائن سٹیشن کا نام 25/2019 سے مندرجہ جناب ڈی. سی صاحب سے مندرجہ مخوان مندرجہ من کے لئے ایئر لائن سٹیشن کو مندرجہ سٹیٹ پاور ہاؤس کے سلسلے 4 پر درج ہے اور ان کے اہل خانہ کے ساتھ سے سر انجام دے رہا ہے۔

4- یہ کہ من کے لئے ایئر لائن سٹیشن کے مندرجہ سٹیٹ پاور ہاؤس کے سلسلے 4 پر درج ہے اور ان کے اہل خانہ کے ساتھ سے سر انجام دے رہا ہے۔

اگرچہ حالات اسے عین مندرجہ سٹیٹ پاور ہاؤس کے سلسلے 4 پر درج ہے اور ان کے اہل خانہ کے ساتھ سے سر انجام دے رہا ہے۔

الحاجرات
گورنمنٹ ہائیڈرو پاور ڈیولپمنٹ آرڈر نمبر 91/HCR/DC (CH) 1287-91
Phone: 0346-5639466

Assistant (Estb)
Office of Commissioner
Swaraj Division
29/9/2019

11

By Registered Post



OFFICE OF THE
DEPUTY COMMISSIONER, HARIPUR

☎ 0995 613391-19 | 📠 0995-615412 | ✉ @dcharipur | 📧 @dcharipur | 📧 hellodcharipur@gmail.com | 📠 0335 5613376

No. 2273/1(14) HCR/DC(H)

Dated: 29.02.2019

To,

Assistant to Commissioner (Rev/GA),
Hazara Division,
Abbottabad.

Subject:

DEPARTMENTAL APPEAL AGAINST THE ORDER NO. 1287-91/HCI/DC(H) DATED 25.1.2019.

Memo:

Reference your letters No. CHD/Estb/17/1/116-17 and No. CHD/Estb/17/1/1127-28, even dated 07/02/2019, whereby two appeals / applications submitted by Mohammad Siddique Khan Patwari and Zia Khan Patwari were sent to this office for comments / report:

It is clarified that Malik Mohammad Ibrar Patwari at Sr. No. 47 of the seniority list was temporarily posted as Girdawar in his own pay scale (OPS) in the interest of public. He has good service record and better know-how of revenue work. This will not affect seniority of his senior in fixation of seniority in the higher post. Both the appellants are mentioned at Sr. No. 20 and Sr. No. 21 of the seniority list (copy attached). The appellants will be considered for regular promotion on their turn and their present as well as seniority in the higher post will remain intact as the same has been recorded in the posting order of Malik Mohammad Ibrar Patwari.

Encl: (As above)

Assistant (L...)
Office of Commissioner
Hazara Division Abbottabad

Deputy Commissioner
Haripur

8/11/22
Reserve

8/11/22
Reserve

Reserve

Reserve

Reserve

Reserve

Reserve

Reserve

Reserve

Reserve

Reserve

Reserve

Reserve

13

Annexure D

۱۶

بخدمت جناب ڈپٹی کمشنر صاحب ضلع ہری پور

درخواست برائے:- برائے شامل کیے جانے D.P.C پر موشن قانون کو ریویو کر

جناب عالی!


سائل تین سال بحیثیت گروور O.P.S مورخہ 25-01-2019 کو آرڈر ہوئے اور میں اپنا کام آسن کر لے کر سے سرانجام
رہا ہوں۔ اس وقت جملہ پٹواریان جو کہ گرووری پاس تھے۔ میاں ساجد حسین پٹواری، احمد صدیق پٹواری اور جملہ پٹواری، وغیرہ
مجھے لکھ کر دیا تھا جب میرا O.P.S گروور آرڈر ہوا۔

محمد صدیق پٹواری، محمد ضیاء خان پٹواری نے میرے آرڈر کے خلاف کیس نمٹوا کر ڈویژن سے
29-01-20 اور 31-01-2019 پبل کی تھی جو کہ 17-06-2019 کو خارج کر دی گئی۔ جسکی فٹو کاپی برائے لف ہے گروور
پٹواری اور زاہد الرحمان کے علاوہ جملہ پٹواریان نے مجھے تحریری لکھ کر دیا تھا۔ جس کی فٹو کاپی لف ہے۔ میری اپنی فرما کر مجھے D.P.C
شامل کر کے کنفرم گروور کیا جائے۔

سائل ہمیشہ آپ کی عمر درازی کے لیا دعا گو رہے گا۔

الحاض

ملک محمد امجد O.P.S گروور سرکل (K.T.S)


5/9/20



15

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION / SELECTION COMMITTEE HELD ON 07.04.2022 UNDER THE CHAIRMANSHIP OF DEPUTY COMMISSIONER, HARIPUR.

A meeting of Departmental Promotion / Selection Committee was held on 07.04.2022 at 12:00 pm under the chairmanship of Deputy Commissioner, Haripur in his office to decide the promotion of senior most Patwaris as Girdawar (BPS-11) on regular basis which was attended by the following:-

1. Addl. Deputy Commissioner (G), Haripur.
2. Assistant Commissioner, Haripur.
3. Mr. Bahadur Khan, Rep. of Commissioner, Hazara Division, Abbottabad.

At the very outset, the chair welcomed the participants. The committee was informed that as per appointment and promotion rules notified by the Board of Revenue vide No. 1942/Estt-1/135/SSRC dated: 23.01.2015, the post of Girdawar (BPS-11) is to be filled from amongst the senior most Patwaris having passed departmental examination of Girdawari with at least 03 years regular service as Patwari. The committee was further informed that 04 posts of Girdawars were lying vacant due to promotion / retirement of Girdawars upon which senior most Patwaris are to be promoted.

The Patwaris mentioned at S. Nos 1, 2, 3, 4, 5, 6, 8, 9, 10, 13 & 14 in the seniority list of the year 2021 have either passed partially or not appeared in the Kanungo examination, hence they are not eligible for promotion to the post of Girdawar (BPS-11). However, the Patwaris at S. Nos 7, 11, 12 & 15 of the seniority list have passed the Kanungo Examination and fulfill the conditions for promotion. Their certificates were also verified from the office of Director Land Records, Peshawar vide letter No. 2174-75/LR-I/20-DEK/Hazara dated: 17.03.2022. The committee scrutinized the relevant documents i.e seniority list, ACR Synopsis, Girdawari Passed Certificates and non-involvement certificates in respect of senior most Patwaris included in the panel. Hence, the committee recommended / approved the following senior most Patwaris for promotion to the post of Girdawar (BPS-11) against the vacant posts.

1. Mr. Dilnawaz.
2. Muhammad Siddique
3. Muhammad Zia Khan
4. Mr. Zahid ur Rehman

An appeal of Malik Muhammad Ibrar, Girdawar (OPS) regarding promotion to the post of Girdawar (BPS-11) on regular basis was also discussed in detail and found not maintainable according to the law / rules. Hence, the appeal in hand was dismissed.

The meeting ended with a vote of thanks from the chair.

Bahadur Khan
Representative of Commissioner,
Hazara Division, Abbottabad (Member)

Muhammad Hashim Azeem
Assistant Commissioner
Haripur (Member)

Musarrat Zaman
Additional Deputy Commissioner (G)
Haripur (Member)

Attested Copy

20/4/22

Mughees Sanaullah
Deputy Commissioner
Haripur (Chairman)

16



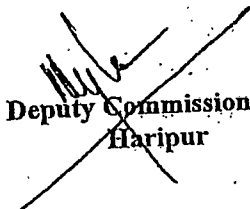
Office of the Deputy Commissioner, Haripur
Phone No. 0995-920200, 920202 Fax No. 0995-615412
No. HCR/DPC/Kanungo/3368-77/DC(H)
Dated: 14/04/2022

OFFICE ORDER:

Consequent upon the recommendations of Departmental Promotion / Selection Committee in its meeting held on 07.04.2022, following senior most Patawaris of this district are hereby promoted as Girdawar (BPS-11) on regular basis with immediate effect:

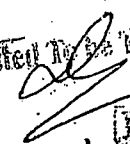
1. Mr. Dilnawaz.
2. Muhammad Siddique
3. Muhammad Zia Khan
4. Mr. Zahid ur Rehman

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


Deputy Commissioner,
Haripur

Copy to the:-

1. Commissioner, Hazara Division, Abbottabad.
2. Secretary-I, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. Additional Deputy Commissioner (G), Haripur.
4. Assistant Commissioner, Haripur Khanpur & Ghazi.
5. Addl: Assistant Commissioner-I & Revenue, Haripur.
6. District Accounts Officer, Haripur.
7. Tehsilgar Haripur, Khanpur & Ghazi.
8. District Nazir (Local).
9. Officials concerned.
10. Personal file.

Attested to be True Copy

Examiner

20/4/22


Deputy Commissioner,
Haripur

17

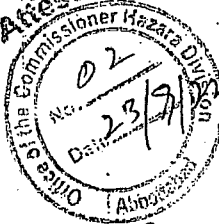
BEFORE THE HONORABLE COMMISSIONER HAZARA DIVISION ABBOTTABAD

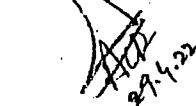
Subject: *Departmental Appeals Against The Order/Notification No FCR/DC/Kanungo/326977/DC (H) Dated 14/04/2022 Of The Deputy Commissioner Haripur Whereby Appellant Was Not Considered For Promotion To Post Of Girdawar And His Application Was Dismissed.*

Adh
[Signature]

Respectfully Submitted

1. That appellant was appointed as Patwari in BPS 5 in Revenue & Estate Department Haripur, vide office order No 196-202/AE/DOR (H) on 05/08/2006. **Copy Annexed - I**
2. That appellant performed his duties to the best of his abilities and to the entire satisfaction of his high ups, left no room for any complaint which fact is clear from service record of appellant as well passed the examination of Kanungo.
3. That keeping in view service record of the appellant and appellant having qualified the required examination of Kanungo and after written no objection of the other Patwaris, appellant was posted as Girdawar vide office Order No 1287-91/HCR/DC (H) Dated 25/01/2019. **Copy Annexed**
4. That appellant is performing his duties as Girdawar since then to the best of his abilities and to entire satisfaction of his high Ups
5. That though Patwaris junior to appellant and qualified for the promotion to the post of Girdawar, have already conceded the posting and promotion of the appellant as Girdawar however, Patwaris namely Muhammad Siddique and Zia Khan preferred Departmental Appeals against the posting of Appellant as Girdawar

Attested

 Office of the Commissioner Hazara Division
 Abbottabad

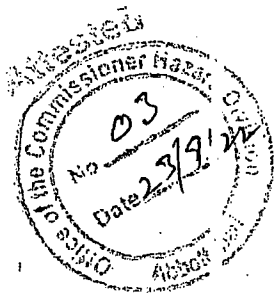
Read to
CHD

 29-1-22

Diary & Dispatch Br
 Dairy No. *13278*
 Date: *09/05/22*
 Commissioner Hazara Division

18

to the Hon'ble Commissioner Hazar Davison. The appeals were dismissed on 21/06/2019. **Copy Of Record, Appeal And Order Are Annexed**

6. That after meeting of Departmental Promotion Committee vide impugned Notification No HCR/DPC/Kanungo/3868-77/ DC (H) Dated, 14/04/2022, promotion were made but appellant was not considered despite application filed by appellants. **Copy Of Minutes Of DPC, and Notification Are Annexed**
7. That appellant is already performing his duties as Girdawar since 25/01/2019 and despite the fact that the Patwaris have conceded the posting and promotion of the appellant as Girdawar in writing as well the departmental appeal filed by the Patwaris were dismissed by the Commissioner Hazara Division, appellant was not considered for promotion.
8. That appellant is highly aggrieved of the impugned order dated 14/04/2022 therefore has challenged the same before this learned appellate authority in departmental appeal.



THEREFORE, IT IS HUMBLY PRAYED, THAT ON ACCEPTANCE OF APPEAL THE IMPUGNED NOTIFICATION MAY KINDLY RECALLED/SEASIDE/MODIFIES AND APPELLANT MAY PROMOTED AS GIRDAWAR

Malik Muhammad Ibrar, Girdawar Circle Khalabat Haripur (Appella

Malik Muhammad Ibrar

REGISTERED MAIL



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

Dated Abbottabad: 31/08/2022

19



Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER/ NOTIFICATION NO. HCR/DPC/KANUNGO/3268-77/DC (H) DATED 14/04/2022 OF THE DEPUTY COMMISSIONER, HARIPUR WHEREBY APPELLANT WAS NOT CONSIDERED FOR PROMOTION TO POST OF GIRDAWAR AND HIS APPLICATION WAS DISMISSED

ORDER

No. Reader/AR/ACR/CHD/ 9624-26 WHEREAS, Malik M. Ibrar, Girdawar Circle Khalabat District Haripur submitted a Departmental Appeal against the Promotion order bearing No. HCR/DPC/Kanungo/3368-77/DC (H) dated 14-4-2022 issued by DC Haripur whereby Four Patwaris were promoted to the post of Girdawars (BPS-11) on the recommendations of Departmental Promotion/Selection Committee in its meeting held on 07-4-2022.

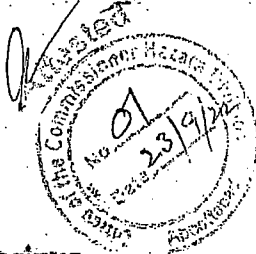
AND WHEREAS, being aggrieved of the order of the Deputy Commissioner Haripur, Mr. Malik M. Ibrar filed the Departmental appeal before me with the prayer that the Patwaris now Girdawars namely Muhammad Saddique & Muhammad Zia Khan already conceded for his the posting & promotion to the post of Girdawar. However, at the time of promotion Muhammad Saddique & Muhammad Zia Khan were got promoted but his application was not considered. Therefore, he requested that impugned Notification may kindly be recalled/ set aside/modifies and he may be promoted as Girdawar.

AND WHEREAS, the Deputy Commissioner, Haripur was asked for Para-wise comments vide letter No. 10/2/Reader/ACR/CHD/5154-56 dated 12-5-2022 in respect of instant appeal. The Deputy Commissioner, Haripur furnished Para-wise Comments vide letter No. PF/Malik Mohammad Ibrar/8705-06/HCR/DC(H) dated 27-6-2022 alongwith relevant documents. Later on the appellant Malik M. Ibrar was heard in person on 03-8-2022 & 05-8-2022 in presence of the representative of Deputy Commissioner, Haripur.

AND WHEREAS, after going through the appeal, careful perusal of the available record, comments received from the Deputy Commissioner Haripur & by giving the opportunity of personal hearing to the appellant in presence of representative of the Deputy Commissioner Office, Haripur it is established that the appellant was posted as Girdawar in his own Pay & Scale (OPS) & his claim is not maintainable under the law for regular promotion on the basis of any unauthentic/casual document & in the presence of senior Patwaris who are eligible for promotion,

NOW, THEREFORE in the light of above I, Mutaher Zeb, Commissioner Hazara Division, (as Appellate Authority) is convinced that the appellant could not produce any substantial evidence that his rights have been violated therefore, appeal in hand is dismissed & there is nothing to interfere with the impugned order of Deputy Commissioner Haripur bearing No. HCR/DPC/Kanungo/3368-77/DC (H) dated 14-4-2022.

ANNOUNCED
25-8-2022



Sd/-
Commissioner,
Hazara Division Abbottabad.

Copy forwarded to that:

1. Deputy Commissioner, Haripur.
2. PS to Commissioner, Hazara Division, Abbottabad.
3. Appellant Malik M. Ibrar, Girdawar Circle Khalabat District Haripur.

Assistant to Commissioner (Rev/GA),
Hazara Division, Abbottabad.

Before the Khyber Pakhtunkhwa Service

Tribunal Peshawar.

20

سہ 2ء منجانب ایڈووکیٹ

صاحب محمد امیر ابنہ بناہ S.M.B.R وغیرہ

BC 1030-17

Zele Numa
Advocate High Court

0332 9442207

مورخہ

مقدمہ

دعوی

جرم

باعث تحریر آنکہ

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

آن مقام لکھنؤ اور

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال کوئی اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعوی اور درخواست ہر قسم تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل یا برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا۔ بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائے التوائے مقدمہ ہوں گے
سب سے وہوگا۔ کوئی تاریخ پیشی مقام وورہ پر ہو یا ہمد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔

کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2022ء

20 ماہ النوم

المرقوم

العبد گواہ العبد

کے لئے ہے۔

مقام

Mabik Muhammad (Arbelland)