

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7123/2021

Date of Institution ... 02.08.2021

Date of Decision ... 09.11.2021

Muhammad Dawood, Settlement Tehsildar, Tehsil & District Nowshera.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa
at Civil Secretariat, Peshawar and seven others. ... (Respondents)

Syed Noman Ali Bukhari,
Advocate

... For Appellant

Mr. Riaz Khan Paindakheil ,
Assistant Advocate General

... For official respondents No. 1 to 7

Mr. Arbab Saiful Kamal
Advocate

... For private respondent No. 8

SALAH-UD-DIN
ATIQ-UR-REHMAN WAZIR

...
...

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the case

are that the appellant while serving as Tehsildar, was repeatedly transferred from one station to another and to this effect, his last transfer was made on 16-07-2021 from District Nowshera to Tribal District Mohmand and such order was made impugned by the appellant, against which the appellant filed departmental appeal, which was not responded within the stipulated timeframe, hence the instant service appeal with prayers that the impugned order dated 16-07-2021 may be set aside and the appellant may be allowed to continue as Tehsildar settlement, Tehsil and district Nowshera.

02. Learned counsel for the appellant has contended that in a span of one and half year, the appellant was successively transfer for almost 08 times and his last

transfer to this effect was made on 16-07-2021, which was pre-mature and was contrary to clause-1 and 4 of the transfer policy, as normal tenure for such transfer is 02 years, whereas the appellant served only for 04 months against such post; that the Supreme Court of Pakistan in its judgment reported as PLD 2013 Supreme Court 195 has held that the issue of tenure of the civil servant could not be dealt with in an arbitrary manner, it could only be sustained when it was in accordance with law and decision which deviated from the accepted or rule-based norm without proper justification could be tested on the touchstone of a manifest public interest; that the appellant fell victim to political interference, which however is not tenable in the eye of law; that respondent No. 8, who was transferred to Nowshera is also resident of Nowshera, which is contrary to the guidelines drawn by Board of Revenue vide its letter dated 09-01-2020; that it is a cherished principle of law, that where a law requires a thing to be done in a particular manner, then the same is to be done in that manner and not otherwise; that the impugned transfer orders are thoroughly in derogation to the principles as laid down in the Transfer and Posting Policy; that transfer of the appellant is also in violation of circular based on Anita Turab Case dated 27-02-2013, in which it has clearly been mentioned that when the ordinary tenure for a posting has been specified in the law or rule made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, but in case of the appellant tenure was not respected.

03. Learned Assistant Advocate General for official respondents has contended that the appellant filed departmental appeal to a wrong forum, which is contrary to the provisions of Appeal Rules, 1986; that under section-10 of Civil Servant Act, 1973, it is obligatory upon the civil servant to serve anywhere within or outside province at the discretion of the employer; that successive transfers of the appellant were made on complaints with regard to demand of illegal gratifications from public; that complaints started pouring in, when he is posted anywhere against any post; that the residents of district Nowshera as well as Deputy Commissioner Nowshera had

submitted complaint against the appellant for his corrupt practices, which resulted into his transfer to another location; that the appellant failed to achieve his goal according to given timeline due to his poor performance, hence was transferred, which is in accordance with law; that the appellant always exert political pressure on respondents for posting of his choice, which is not a legal course.

04. Mr. Arbab Saiful Kamal, Advocate appeared on behalf of private respondent No. 8 has contended that the appellant remained a problematic official throughout his career and his colleagues and superior always remained in problem due to his bad behavior; that the appellant never challenged any of his transfer except the instant transfer, which was posting of his choice and which he got through political maneuver; that transfer order has already been implemented as respondent No. 8 has relinquished his charge at his previous place of posting and assumed charge at Nowshera; that respondent No. 8 has already served for considerable time in tribal district Mohmand; that the appellant has filed departmental appeal to the Chief Minister of the province, which is not an appellate authority for the appellant under the law; that no legal grounds has been raised in the departmental appeal but his only ground is posting of respondent No. 8 in the district of his domicile; that respondent No. 8 is posted against a project post and the mentioned notification is not applicable upon respondent No. 8, as permanent Tehsildar, Mr. Muhammad Bilal is posted against the permanent post of Tehsildar; that the civil servant is liable to serve anywhere on the discretion of the respondents; that transfer order of the appellant is not violative of circular mentioned by the counsel for the appellant as the compelling reasons are his bad behavior, problematic nature, disobedience and ill treatment with juniors.


05. We have heard learned counsel for the parties and have perused the record.


06. Record reveals that the appellant has been transferred many a times within a span of one and half year. The reason shown for his repeated transfer in the comments of the respondents is his rude behavior, corruption, poor performance etc

but in the rule nowhere it is mentioned that transfer can be used as a punitive tool, rather the respondents were required to proceed him as per law, if he was found guilty of misconduct, hence transfer of the appellant on such grounds is illegal and on this score alone, the impugned orders are liable to be set at naught. The impugned transfer order is also in violation of transfer/posting policy, as the appellant has not completed the normal tenure specified in the policy and has been transferred every time without completion of his normal tenure showing malafide on part of the respondents. Stance of the respondents to the effect that the appellant filed departmental appeal to a wrong forum does not hold force, as in case of transfer of a civil servant being part of terms and condition of his service, would fall within the exclusive jurisdiction of service tribunal and if an aggrieved civil servant wanted to get relief, could directly approach even without filing departmental appeal. Reliance is placed on 2011 PLC (CS) 993. It however is mentioned that a civil servant could be transferred earlier due to exigency of service or in public interest, but it cannot be dealt with in an arbitrary manner and it could only be sustained when it was in accordance with law. Reliance is placed on PLC 2013 Supreme Court 195. We are of the opinion that the appellant has not been treated in accordance with law, hence the impugned transfer order is liable to be set aside.

07. In view of the foregoing discussion, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
09.11.2021


(SALAH-UD-DIN)
MEMBER (J)


(ATTIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

09.11.2021

Syed Noman Ali Bukhari, Advocate for the appellant present. Mr. Wazir Zada Assistant Director (LR) and Mr. Afsar Jan Assistant alongwith Mr. Riaz Khan Paindakheil, Assistant Advocate General for official respondents No. 1 to 7 present. Mr. Arbab Saiful Kamal, Advocate for private respondent No. 8 present. Arguments heard and record perused.

Vide our detailed judgment of today separately placed on file, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

09.11.2021



(SALAH-UD-DIN)
MEMBER (J)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

26.10.2021

Appellant in person present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents present. Mr. Arbab Saif-ul-Kamal, Advocate, for private respondent No. 8 present.

Appellant submitted rejoinder to the comments of respondent No. 8, which is placed on file and copy of the same handed over to learned Assistant Advocate General as well as learned counsel for private respondent No. 8. Appellant also requested for adjournment on the ground that his counsel is busy in the MTI Tribunal and unable to attend the Tribunal today. Adjourned. To come up for arguments on 09.11.2021 before the D.B.


(MIAN MUHAMMAD)
MEMBER (E)


(SALAH-UD-DIN)
MEMBER (J)

03.09.2021

Due to summer vacations, the case is adjourned to
17.09.2021 for the same as before.



READER

17.09.2021

Counsel for appellant present.

Muhammad Adeel Butt learned A.A.G for official
respondents present. Counsel for private respondent No. 8
present.

Former seeks time to submit rejoinder of the reply. Let
him submit rejoinder but before the date fixed in office. To
come up for arguments on 26.10.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

7123/2021

02.08.2021

Appellant alongwith counsel present. Preliminary arguments heard.

The appellant is aggrieved from his transfer order dated 16.07.2021 and having no response from the Appellate Authority within fifteen days, he has approached this Tribunal by appeal at hand. Needless to say that the normal waiting period within meaning of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 is ninety days for presumption as to rejection of departmental appeal, if no such decision is made by the appellate authority. After expiry of ninety days, the appellant is supposed to prefer service appeal before the Tribunal within thirty days on presumption of rejection of his departmental appeal on 90th day from the date of his departmental appeal; however, there is a policy of the Government in place relating to posting/transfer of the Government Servants in Khyber Pakhtunkhwa. Accordingly, a Government Servant has been given right of departmental appeal to the next higher authority, which has to decide appeal within fifteen days. Obviously, the limitation provided for decision of departmental appeal, in posting/transfer policy, 2009 is a special provision, therefore, the general period of ninety

days as provided under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act will not prevail over special provision of the said policy. Accordingly, if the Appellate Authority does not pass any order in respect of departmental appeal against transfer within fifteen days, the aggrieved government servant becomes entitled to file service appeal on the presumption of rejection of his departmental appeal having regard to the limitation of thirty days provided for filing of service appeal. With the given view as to legal requirement of the waiting period for decision of departmental appeal, this appeal is maintainable notwithstanding the fact that Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 provides otherwise. As far as the factual account is concerned, copies of orders of successive transfers of the appellant not meeting with the requirement of the tenure have been annexed with memorandum of appeal. Lastly, the appellant was transferred vide order dated 26.02.2021 from the post of Tehsildar Karak for posting as Tehsildar Settlement Operation Nowshera but now he has again been transferred from the said post vide impugned order dated 16.07.2021 and posted as Tehsildar Safi Mohmand. The given account of the fact is apt to give right to arguable points. This appeal is



admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 03.09.2021 before the D.B.

Appellant Deposited
Security & Process Fee
07/08/21

An application has been filed alongwith the appeal seeking interim relief for suspension of operation of the impugned order till disposal of the main appeal. Notice of this application be also given to the respondents alongwith notice of appeal. The operation of the impugned order is suspended till date fixed.

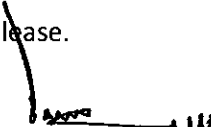

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7123 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/08/2021	<p>The appeal of Mr. Muhammad Dawood presented today by Syed Noman Ali Bukhari 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 S. Bench for preliminary hearing to be put up there on _____.</p> <p style="text-align: right;">CHAIRMAN</p>
2-		

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

Case Title: Muhamad Dawud vs SMBR

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Syed Naveed Ali Butcher</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: _____

Syed Naveed Ali Butcher

Signature: _____

[Signature]

Dated: _____

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In S.A No _____/2021

Mr. Muhammad Dawood

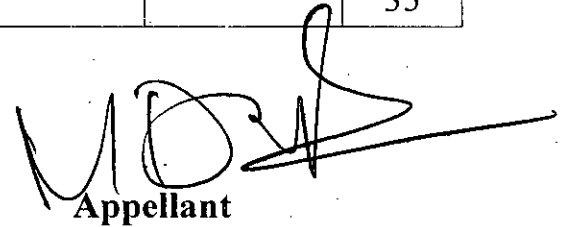
VS

Govt of KP& Others

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S#	Description of Documents	Annex	Pages
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Dated: 02/08/2021


Appellant

Muhammad Dawood

THROUGH:


(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT

& 
(SYED NOMAN ALI BUKHARI),
ADVOCATE HIGH COUR

(1)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Service Appeal No- 7123/2021 Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7387

Dated 02-8-2021

Muhammad Dawood, Settlement Tehsildaar,
Tehsil & District Nowshera.

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat, Peshawar.
2. Board of Revenue Khyber Pakhtunkhwa through Senior Member Board of Revenue at Civil Secretariat, Peshawar.
3. Senior Member, Board of Revenue at Civil Secretariat, Peshawar.
4. Commissioner, Peshawar Division Peshawar.
5. Director Land Record, Chief Settlement Officer, R&E Department.
6. Commissioner, Mardan Division.
7. Assistant Secretary Establishment, Board of Revenue & Estate Department, Peshawar.
8. Gohar Ali, Tehsildar Safi Mohmand, District Mohmand.

..... Respondents

Filed to-day

Registrar

21/8/2021

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 READ WITH CLAUSE XIV OF POSTING TRANSFER POLICY AGAINST THE IMPUGNED TRANSFER Order No. LR-V/Settlement P&T/1757-65 Dated 16-07-2021, WHEREBY THE APPELLANT HAS BEEN TRANSFERRED IN UTTER VIOLATION TO THE TRANSFER & POSTING POLICY AS WELL AS SAME AMOUNTS TO PERSISTENT TRANSFER AND POSTING, WHICH UNDER THE LAW

IS ILLEGAL AND VOID AGAINST NOT DECIDING THE APPEAL OF THE APPELLANT WITHIN 15 DAYS AS PROVIDED UNDER CLAUSE XIV OF THE POSTING TRANSFER POLICY.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE ORDER DATED 16.07.2021 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE ALLOWED TO CONTINUE AS TEHSILDAR SETTLEMENT, TEHSIL AND DISTRICT NOWSHERA AS PRIOR TO THE ISSUANCE OF THE IMPUGNED PREMATURE TRANSFER ORDER. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

RESPECTFULLY SHEWETH,

FACTS:

1. That the Appellant is naturally born bona-fide citizen of Islamic Republic of Pakistan & hails from respectable family.
2. That after going through the mandatorily required test and interview and after being envisaged with the ordeals and inquisitions of selection process, the Appellant got inducted into service, couple of years back.
3. That after getting into the rolls of the prestigious Department of Revenue & Settlement, the Appellant has remained most devoted, punctual, professional and pragmatic fellow, who never left any stone unturned in performance of his duties and because of the same, there has never ever been any kind of soot or sootage of any nature upon his long service.
4. That before parting with the facts of the instant case, and to make and vesicate out a case for the Appellant, it would be appropriate to have a brief glimpse over the background of service career of the Appellant, which kept on transferring much abruptly. The Appellant was posted as Settlement Tehsildar at District Nowshera, from where, the Appellant was then transferred and placed at the disposal of Commissioner Malakand Division for further posting vide Office

Order No. Estt:I/PF/Muhammad Zamān / 25907 Dated 05-09-2019 by Respondent No. 3. The Commissioner Malakand Division further posted the Appellant as Tehsildar Dargai vide Office Order No. 3348-55/2/19/Estt Dated 30-10-2019. **(Copies of Office Order Dated 05-09-2019 & 30-10-2019 are annexed herewith as Annexure "A & A/I") respectively.**

5. That after serving as Tehsildar Dargai for a period, spread over only 2 months, the Appellant was again transferred from District Malakand and the Services of the Appellant were placed at the disposal of Commissioner Peshawar Division vide office order No. Estt:I/Posting/Transfer/2019/968-75 Dated 08-01-2020. After 16 days, the Respondent No. 3 posted the Appellant as Tehsildar CPEC City, Nowshera vide Office Order No. Estt:I/Posting/Transfer/2019/2820-28 Dated 17-01-2020. **(Copies of Office Orders Dated 08-01-2020 & 17-01-2020 are annexed herewith as Annexure "B & B/I") respectively.**
6. That the story of postings and transfers of the Appellant did not end here. Even only serving for a period of 02 months as Tehsildar CPEC City Nowshera. The Appellant was again transferred BY Respondent No. 3 vide Office Order No. Estt: I/PF/M.Dawood/8430-37 Dated 24-03-2020 and was posted as Tehsildar / Instructor Revenue Academy, Peshawar. Having rendering services for 03 months, the Appellant further transferred and posted, placed at the disposal of Commissioner Mardan Division vide Office Order No. 14290-96 Dated 08-06-2020 and was posted as Inspector of Stamp Commissioner Office Mardan. **(Copies of Office Orders Dated 24-03-2020 & 08-06-2020 are annexed herewith as Annexure "C & C/I") respectively.**
7. That thereafter, serving at Mardan for a period of two months, the Appellant was further transferred, and his services were surrendered to his parent Department vide Office Order No. 771/Sec/EA/2-5 Dated 07-08-2020. The services of the Appellant was further transferred after 21 days to Kohat and his services were placed at the disposal of Commissioner Kohat Division vide Office Order No. Estt:PF/Muhammad Dawood / 21703-35 Dated 28-08-2020; from where, the Appellant was posted as Tehsildar Karak vide Office Order No. 1611/EA/Cmr-kt Dated 09-09-2020. **(Copies of Office Orders Dated 07-08-2020, 28-08-2020 & 09-09-2020 are annexed herewith as Annexure "D, D/I & D/II) respectively.**

8. That this was the background and the chequered history of postings and transfer. Now coming onto the main epitome of the instant case, while the Appellant was serving as Tehsildar at District Karak for about 6 months, was once again transferred and posted as Tehsildar Settlement Operations District Nowshera vide Office order No. LR-V/P&T/Settlement/Nowshera/6865-75 Dated 26-02-2021. The Appellant however, have rendered about 04 months at District Nowshera, when again the impugned order got circulated and hit the Appellant like a bolt from the blue, Whereby, the Appellant was transferred from District Nowshera and was posted as Tehsildar, Safi District Mohmand vide impugned Office Order No. LR-V/Settlement/P&T/1757-65 Dated 16-07-2021. **(Copies of Office Order Dated 26-02-2021 and impugned Office Order Dated 16-07-2021 are annexed herewith as Annexure "E & E/I) respectively.**
9. That feeling highly aggrieved, the Appellant preferred Appeal / Representation but nothing came out of the same.**(Copy of Departmental Appeal is annexed herewith as Annexure "F").**
10. That feeling aggrieved from the supra-mentioned episodes, grievances, that comes into existence, having the only forum and remedy available, the Appellant approaches this Hon'ble Tribunal, upon the following grounds, inter-alia;

GROUND:

- A. That the impugned office order dated 16-07-2021 is wrong, illegal, unlawful, against the policy and is liable to be struck down and set at naught.
- B. That it is a cherished principle of law, that where a law requires a thing to be done in a particular manner, then the same is be done in that manner and not otherwise.
- C. That the impugned Transfer & Posting are thoroughly in derogation to the principles as laid down and enumerated in the Transfer & Posting Policy.
- D. That the policy of the government can safely be interpreted and stretched to bring in its ambit the case of the Appellant.

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- E. That even the Respondent Board of Revenue / Respondent No. 3 have circulated an Office Notification, wherein it has categorically been mentioned that 'Tehsildar shall not be posted in the District of his Domicile'. This Notification was circulated vide Office Order No. Estt:I/Posting / Transfer / Policy / 1013-55 Dated 09-01-2020, but the Respondents themselves have made utter violation to their very notification, whereby, Respondent No. 08 was Transferred and Posted as Tehsildar Settlement Nowshera, to his Domicile District which posting and transfer in itself is wrong, illegal, against policy and circular issued by the Respondent No. 02 & 03 and unlawful. **(Copy of Office Notification Dated 09-01-2020 is annexed herewith as Annexure "G")**.
- F. That according to posting transfer policy, normal tenure for posting is 2 years, but the appellant transferred order was passed prematurely before completion of normal tenure just after 4 months, which is total violation of clause (i) (ii) and (iv) Govt: posting transfer policy. Thus the impugned transfer order is liable to be set-aside on this score alone. It is, further mentioned here that not only premature but successive transfers in span of 1 year which is not permissible in eye of law as held in Supreme Court Judgment cited as 2011 PLC(cs) 935. **Copy of posting transfer Policy is attached as Annexure-H.**
- G. That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.2.2013 in which it was clearly mentioned that when the ordinary tenure for a posting has been specified in the law or rules made there under, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, but in the case of the appellant the tenure was not respected and was posted/ transferred without completing his normal tenure. As held in Supreme Court Judgment cited as 2013 PLD SC 195. **Copy of Circular is attached as Annexure-I.**
- H. That in the special circumstances of the case and due to urgency in the instant appeal being transfer matter the appeal of the appellant may be heard in the light of posting policy and order dated 03.06.2021 of this Tribunal in appeal no.5338/2021. **Copy of order is attached as annexure-J.**
- I. That consecutive transfer orders of the appellant shows that the appellant was made a rolling stone and not allowed him to do his duty

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to best of his abilities as held in Superior Court Judgment cited as 2016 PLC (cs) 526 and 2011 PLC(cs) 935.

- J. That from all prospective, the impugned order dated 16-07-2021 is the result of colorful exercise of discretionary powers vested in the Respondents, because of which, the Appellant has been made an escape goat and has been victimized just to adjust the blue-eyed one, i.e. Respondent No. 08, on political pressure.
- K. That any other ground not raised here may graciously be allowed to be raised at the time of arguments with kind permission of this august Tribunal.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 02/08/2021


Appellant

Muhammad Dawood

THROUGH:


(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT

& 
(SYED NOMAN ALI BUKHARI),
Advocate High Court

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BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2021

Muhammad Dawood

V/S

Govt. of KP etc.

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE
3. Any other case law as per need.


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In S.A No- _____/2021

Muhammad Dawood

V/S

Govt. of KP etc

AFFIDAVIT

I, **Muhammad Dawood, Settlement Tehsildaar, Tehsil & District Nowshera**, do hereby solemnly affirm and declare on oath that the contents of the instant Service Appeal are correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


DEPONENT

Identified by:


(**SYED NOMAN ALI BUKHARI**)
ADVOCATE HIGH COURT

9

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

In S.A _____/2021

Muhammad Dawood

VS

Govt of KP & Others

**APPLICATION FOR SUSPENSION OF OPERATION OF
IMPUGNED TRANSFER & POSTING ORDER DATED 16-07-2021
TILL THE DISPOSAL OF MAIN APPEAL.**

RESPECTFULLY SHEWETH,

1. That the Appellant / Applicant is filing the instant application, the contents of which may very graciously be considered as integral part and parcel of the instant Appeal.
2. The Appellant has got a strong prima facie case in his favor and is very much sanguine of its success.
3. That balance of convenience lies in favor of the Appellant / Applicant.
4. That constantly, the law, rules, policy and circulars have been violated by the Respondents concerned and if the impugned Transfer & Posting orders is not suspended, the Appellant / Applicant shall suffer irreparable loss.
5. That in given circumstances of the case, suspension of operation of the impugned Transfer & Posting Orders Dated 16-07-2021 are indispensable.

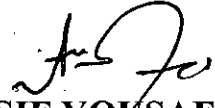
It is therefore most humbly prayed that on acceptance of the instant application, the operations of impugned Transfer & Posting Orders Dated 16-07-2021 may very graciously be suspended, till the final disposal of the instant Service Appeal.

Dated: 02-08-2021




Appellant
Muhammad Dawood

THROUGH:



(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT


& 

(SYED NOMAN ALI BUKHARI),
Advocate High Court

AFFIDAVIT:

It is affirmed and declared that the contents of this Application are true and correct to the best of my knowledge and belief.


DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT,
 Facebook ID: www.facebook.com/boar.kpk92
 Twitter ID: @RevenueBoardkpk
 Fax No: 091.9213289

Peshawar dated the 25/09/2019.

NOTIFICATION:

No. Estt: L/PF/Muhammad Zaman/25907 The Competent Authority is pleased to place the services of the following Tehsildars at the disposal of the offices noted against their names:-

S. No.	Name of Tehsildar	From	To
1.	Mr. Muhammad Zaman	Tehsildar Upper Orakzai	Settlement Tehsildar Nowshera
2.	Mr. Muhammad Dawood	Settlement Tehsildar Nowshera	Services placed at the disposal of Commissioner Malakand Division for further posting in the Division.

By order of Senior Member

No. Estt: L/PF/Muhammad Zaman/25908-16

Copy to be sent to the:

1. Commissioner Kohat Division, Kohat.
2. Commissioner Peshawar Division, Peshawar.
3. Director Land Records, Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner, Orakzai and Nowshera.
5. Settlement Officer, Nowshera.
6. District Accounts Officer, Orakzai and Nowshera.
7. PS to Senior Member, Board of Revenue.
8. Officers concerned.
9. Office Order



Assistant Secretary (Estt.)

JAVED IQBAL GULBELA
 Advocate
 Supreme Court of Pakistan
 (ASC # 5317)

12)

Ann A/I



OFFICE OF THE
COMMISSIONER MALAKAND DIVISION
SAIDU SHARIF SWAT

Tel# 0946-9240458
Email: secretarytoamd@gmail.com

OFFICE ORDER

Dated - 30/10/2019

No. 3148 - 55 /2/19/Ret: In pursuance of the Board of Revenue, Khyber Pakhtunkhwa Peshawar Notification NO. Estu:IPP/Muhammad Zaman/24907, dated 05.09.2019, the following posting/ transfer of Tehsildars and Naib Tehsildars within Malakand Division are hereby ordered with immediate effect in the larger public interest:

Sr.	Name & Designation	From	To
1.	Muhammad Dewood Tehsildar	Waiting for posting	Tehsildar Dargai, District Malakand. While Mr. Jehan Zeb, Assistant, adjusted for the purpose of pay against the post is hereby repatriated to his original post of Assistant, DC's Office, Malakand.
2.	Mr. Imran Ali Shah, Naib Tehsildar	Tehsildar (OPS) Bahuzai, District Swat	Tehsildar Charbagh District Swat in his own pay & scale vice S.No.3
3.	Mr. Abrar Ahmad, Naib Tehsildar	Tehsildar (OPS) Charbagh, District Swat	Tehsildar Babuzai, District Swat in his own pay & scale vice S.No.2
4.	Mr. Muhammad Room, Naib Tehsildar	Naib Tehsildar Barang, Tribal District Bajaur	Naib Tehsildar Dargai, District Malakand vice S.No.5
5.	Mr. Abdul Ghafoor, Karungo	Naib Tehsildar (OPS), Dargai District Malakand	Naib Tehsildar Barang, Tribal District Bajaur in his own pay & scale vice S.No.4

Mr. Imran Shah, Naib Tehsildar (OPS), Matta District Swat is hereby directed to hold additional charge of Tehsildar Matta in addition to his own duties till return of Mr. Muhammad Yar, Tehsildar from mandatory training for PMS.

Sd/-
COMMISSIONER MALAKAND DIVISION

Endst: No. & Date Even.

Copy forwarded to:

- The Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- The Deputy Commissioners, Swat, Malakand and Bajaur.
- The District Accounts Officers, Swat, Malakand and Bajaur.

The officers/ officials concerned, for compliance.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(Asst. Secy)

Office Order File

13)

Ann "B"



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

Peshawar dated the 08/10/2020.

NOTIFICATION:

No. Estt./Posting/Transfer/2019/ _____ The Competent Authority is pleased to order the posting/transfer of the following Tehsildars with immediate effect in the best public interest:-

S. No.	Name of Tehsildar	From	To
1.	Mr. Abdur Rasheed	Tehsildar Barawal Dis Upper	Services placed at the disposal of Commissioner Mardan Division
2.	Mr. Ibrahim Khan	On repatriation from Commissioner Malakand Division	Services placed at the disposal of Commissioner Peshawar Division
3.	Mr. Muhammad Dawood	Tehsildar Dargai Malakand	Services placed at the disposal of Commissioner Peshawar Division
4.	Mr. Muhammad Younas	On completion of training	Services placed at the disposal of Commissioner Malakand Division
5.	Mr. Aamir Abdullah	On completion of training	Services placed at the disposal of Commissioner Malakand Division
6.	Mr. Saqar Din	On completion of training	Services placed at the disposal of Commissioner Bannu Division
7.	Mr. Abdul Karim	On completion of training	Services placed at the disposal of Commissioner Kohat Division

By order of
Senior Member

No. Estt./Posting/Transfer/2019/ 968-75

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioner Peshawar Division, Peshawar.
3. Commissioner Malakand Division, Saidu Sharif Swat.
4. Commissioner Kohat Division, Kohat.
5. Bill Assistant, Board of Revenue.
6. Officers concerned.
7. Office Order File.

Assistant Secretary (Estt.)

Em-1-2019
24 JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

14)

Ann B/I



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

Peshawar dated the 17/01/2020

NOTIFICATION:

No. Estt://Posting/Transfer/2019/_____ The Competent Authority is pleased to transfer
Mr. Muhammad Dawood Tehsildar waiting for posting in Commissioner Office Peshawar
Division Peshawar and post him as Tehsildar CP&C City Nowshera for disbursement of
compensation amount with immediate effect in the public interest.

By order of
Senior Member

No. Estt://Posting/Transfer/2019/2820-28.

Copy forwarded to the:-

1. Principle Secretary to Chief Minister Khyber Pakhtunkhwa with reference to telephonic discussion today with Senior Member, Board of Revenue
2. Accountant General, Khyber Pakhtunkhwa.
3. Commissioner Peshawar Division, Peshawar.
4. PSO to Chief Secretary Khyber Pakhtunkhwa.
5. Deputy Commissioner, Nowshera.
6. General Manager (ELAS) NHA Headquarter Islamabad
7. Deputy Director (Personnel-I) NHA HQ Islamabad.
8. Officer concerned
9. Office Order File

Assistant Secretary (Estt.)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(5)

Ann C



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

Peshawar dated the 24/03/2020.

NOTIFICATION:

No. Estt:MP/M.Dawood/_____ The Competent Authority is pleased to order the posting/transfer of the following Tehsildar/Naib Tehsildar with immediate effect in the best public interest:-

S. No.	Name of Tehsildar	From	To
1.	Mr. Muhammad Dawood, Tehsildar.	Tehsildar CPEC City Nowshera	Tehsildar / Instructor Revenue Academy Peshawar
2.	Mr. Saadiq Akbar, Naib Tehsildar.	Tehsildar / Instructor Revenue Academy Peshawar (OPS)	Tehsildar CPEC City Nowshera (OPS) for disbursement of compensation amount.

By order of
Senior Member

No. Estt:MP/M.Dawood/ 5430-37

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Commissioner Peshawar Division Peshawar.
3. Director Land Records Khyber Pakhtunkhwa
4. Deputy Commissioner Nowshera.
5. Deputy Secretary - I Board of Revenue.
6. Officials concerned.
7. Office Order File.

Assistant Secretary (Estt.)

JAVED IQBAL GULBELA
Supreme Court of Pakistan
(ASG-SCAT)

16)

Annⁿ C/Iⁿ



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

Peshawar dated the 02/06/2020 (19290-96)

NOTIFICATION:

No. Estt:1/PF/Zahid Kamal/_____ The Competent Authority is pleased to order the posting/transfer of the following Tehsildars with immediate effect in the best public interest:-

S. No.	Name	From	To
1.	Mr. Zahid Kamal Tehsildar	Awaiting posting in Board of Revenue.	Tehsildar / Instructor Revenue Training Academy Peshawar
2.	Mr. Muhammad Dawood Tehsildar	Tehsildar / Instructor Revenue Training Academy Peshawar	Services placed at the disposal of Commissioner Mardan Division.
3.	Mr. Asmatullah Noji Tehsildar	Tehsildar Landi Kotal (OPS)	Services placed at the disposal of Commissioner Mardan Division.

By order of
Senior Member

No. Estt:1/PF/Zahid Kamal/_____

Copy forwarded to the:-

- 1. Accountant General, Khyber Pakhtunkhwa.
- 2. Commissioner Peshawar Division Peshawar.
- 3. Commissioner Mardan Division, Mardan.
- 4. Director Land Records Khyber Pakhtunkhwa.
- 5. PS to Member-I, Board of Revenue.
- 6. Officers / Official concerned.
- 7. Office Order File.

Assistant Secretary (Estt.)

12-06-20

17)

Ann. D



OFFICE OF THE COMMISSIONER, MARDAN DIVISION MARDAN

Website: <http://www.gopkh.com/office/commissioner/mardan/division>
Address: Opposite Town Hall,
Nour College Chowk Mardan
Phone: 0937-9230572-73
Fax: 0937-9230578
Email: commissioner.mrd@yuhoo.com

Office Order

With the approval of competent authority, the following posting/transfers of Tehsildar/Naib Tehsildar are hereby made with immediate effect in the best public interest

S/No	Name of Officer	From	To
01	Muhammad Dawood (Tehsildar)	Inspector of Stamp Commissioner Office Mardan.	Surrendered to Board of Revenue, Revenue & Estate Department Pakhtunkhwa Peshawar Khyber
02	Said Amin (Naib Tehsildar)	Naib Tehsildar Swabi.	Inspector of Stamp Commissioner Office Mardan, (OPS).

By order of
Commissioner
Mardan Division Mardan
Dated Mardan the 07/08/2020

No. 771 /Sec/EA/2-5

Copy forwarded to:-

- 1- Deputy Commissioner Mardan/Swabi
- 2- District Comptroller of Accounts Mardan/Swabi.
- 3- PS to Senior Member, Board of Revenue & Estate Department Khyber Pakhtunkhwa Peshawar.
- 4- PS to Commissioner Mardar Division Mardan.
- 5- Officer Concerned

Assistant to Commissioner (Rev)
Mardan Division Mardan

Mu
JIP

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC# 5317)

18)

Ann D/I



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

Peshawar dated the 28/08/2020.

NOTIFICATION:

No. Estt:1/PF/Muhammad Dawood _____ The Competent Authority is pleased to place the services of Muhammad Dawood Tehsildar waiting for posting in Board of Revenue at the disposal of Commissioner Kohat Division for further posting in the Division with immediate effect in the best public interest.

By order of
Senior Member

No. Estt:1/PF/Muhammad Dawood/21730-35

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa
2. Commissioner Kohat, Division Kohat with reference to his letter No. 1387/EA/ Cmr-Kt dated 13.08.2020.
3. PS to Member-III, Board of Revenue.
4. Bill Assistant, Board of Revenue.
5. Officer concerned.
6. Office Order File.

Assistant Secretary (P&E)

19)

Ann D/II



FAX

OFFICE OF THE
COMMISSIONER KOHAT DIVISION
KOHAT

Vb: 0972-0240165
0972-0240165

Fax: 0972-0240165
0972-0240165

Commissioner Kohat Division, Kohat
No. 1611 IEA JChr-Kt
commissionerkohat
commissionerkohat@gmail.com

Dated Kohat Sep. 9 / 2020

ORDER:

The following Postings/ transfers amongst Tehsildars and Naib Tehsildars are hereby ordered with immediate effect, in the best public interest:

S.No.	Name	From	To
1.	Muhammad Daud	Awaiting posting	Tehsildar Karak (Vice S.No.2)
2.	Nawab Gul	Tehsildar Karak	Tehsildar Upper Orakzai (Vice S.No.3)
3.	Amjid Khan	Tehsildar Upper Orakzai	Naib Tehsildar (OPS), Ismailzai, Orakzai (Vice S.No.4)
4.	Khuista Akbar	Naib Tehsildar Ismailzai, Orakzai	Naib Tehsildar (OPS), Central Orakzai (Vice S.No.5)
5.	Javed Khan	Naib Tehsildar Central Orakzai	Services placed at the disposal of Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
6.	Fuzal Rahim	Naib Tehsildar Central Kurram	Naib Tehsildar-II (OPS), Upper Kurram (Vice S.No.6)
7.	Warekhamin Badshah	Naib Tehsildar-II Upper Kurram	Naib Tehsildar (OPS), Central Kurram

-Sd-
COMMISSIONER, KOHAT DIVISION,
KOHAT.

Entist: No. & Date Even

Copy forwarded to the:

1. Secretary, Law & Order Deptt., Merged Areas Secretariat, Peshawar.
2. Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioners, Karak, Orakzai and Kurram.
4. District Accounts Officers, Karak, Orakzai and Kurram.
5. P.S to Commissioner, Kohat Division, Kohat.
6. Officers/Officials concerned.

Secretary to Commissioner,
Kohat Division, Kohat.

No
11

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC #6317)

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Annⁿ E^v



GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Phone: 091-9210057
E-Mail: landrecord.kpk@gmail.com

E: lb.cgm/landrecord.kpk
@LandrecordKP

Peshawar dated the 26/12/2021

O.R.D.E.R

No. LR-V/P&T/Settlement/Nowshera/ 6865-75 ; The competent authority is pleased to transfer Muhammad Daud Khan Tehsildar (BS-16) from Karak and post him as Tehsildar Settlement Operation Nowshera with immediate effect, till further orders in the best public interest

Approved by
Secretary to Government of
Khyber Pakhtunkhwa
Revenue & Estate Department

Ends: No. & Date even:-
Copy forwarded to the:-

1. Commissioner, Kohat Division Kohat.
2. Deputy Commissioner Nowshera & Karak.
3. Secretary-I, Board of Revenue Khyber Pakhtunkhwa.
4. Settlement Officer Nowshera.
5. District Accounts Officer, Nowshera & Karak.
6. PS to Minister Revenue & Estate Khyber Pakhtunkhwa.
7. PS to Senior Member Board of Revenue Khyber Pakhtunkhwa.
8. Officer concerned for compliance.
9. Personal Files of the concerned.

Director Land Records/
Chief Settlement Officer



211

Ann E/I

GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Phone: 091-9210057.

E-Mail: landrecord.kpk@gmail.com

fb.com/landrecord.kpk

@LandrecordKP

Peshawar dated the 16/07/2021

OFFICE ORDER

No. LR-V/Settlement/P&T/ 1757-65 On the direction of the Competent Authority, the following posting/ transfer of the Tehsildars are hereby order with immediate effect in the best public interest.

S. No.	Name of Officer	From	To	Remarks
1.	Mr. Gohar Ali, Tehsildar	Tehsildar Safi Mohmand	Tehsildar Settlement Nowshera	Vice S. No. 02
2.	Mr. Muhammad Dawood, Tehsildar	Tehsildar Settlement Nowshera	Tehsildar Safi Mohmand	Vice S. No. 01

Approved by
Competent Authority

Endst: No. & Date even:-

Copy forwarded to the:-

1. Member-III, Board of Revenue, Khyber Pakhtunkhwa.
2. Deputy Commissioners concerned.
3. Settlement Officers concerned.
4. District Accounts Officers concerned.
5. Private Secretary to Senior Member Board of Revenue, Khyber Pakhtunkhwa.
6. PS to Commissioner, Peshawar Division, Peshawar.
7. Officers concerned for compliance.
8. Personal Files of the concerned officials.
9. Office Order File.

DIRECTOR LAND RECORDS/
CHIEF SETTLEMENT OFFICER

CS Scanned with CamScanner

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

22)

Ann F

To

The worthy
Chief Minister,
Khyber Pakhtunkhwa.

Subject: Appeal / Representation


Respected Sir,

The undersigned humbly submits as
under.

- 1- That the undersigned is serving as Tehsildar Settlement at District Nowshera.
- 2- That the undersigned was illegally transferred vide office Order dated 16-07-2021, to District Mohmand, whereas Tehsildar Mohmand has been transferred onto the post of the undersigned.
- 3- That as per the notification of the Revenue Deptt, Tehsildar's cannot be posted to the area of their Domicile, whereas Mr. Gohar Ali, who is Tehsildar Mohmand has been posted as Tehsildar Settlement Nowshera & he belongs to District Nowshera, which is illegal.

It is therefore requested that the office Order, Dated 16/7/21 may kindly be set-aside & the undersigned be let to serve at District Nowshera.

Date: 17-07-2021.

Yours Sincerely,

Muhammad Dawood
Tehsildar Settlement
Nowshera.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

23)

Ann G



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

Fax No: 0912213989

No. Estt./posting / transfer/policy/ 101355
Peshwar dated the 09/01/2020.

To

1. All the Commissioners,
In Khyber Pakhtunkhwa.
2. All the Deputy Commissioners
In Khyber Pakhtunkhwa.

**SUBJECT: POSTING / TRANSFER OF REVENUE STAFF IN THEIR
DISTRICT OF DOMICILE.**

Dear Sir,

I am directed to refer to the subject and to state that the Competent Authority in consultation with Chief Secretary Khyber Pakhtunkhwa has been pleased to direct that posting / transfer of the Revenue Staff in the Province shall be made in the following manner:-

- a. Tehsildar shall not be posted in the District of his domicile.
- b. Naib Tehsildar shall not be posted in his home Tehsil.
- c. Patwari shall not be posted in Patwar Halqa to which he belongs.

I am further directed to request you to submit details of those revenue staff who were posted in their district of domicile, their home tehsil and Patwar Halqas to which they belongs for further necessary action within 15 days positively please.

Assistant Secretary (Estt.)

No. Estt./posting / transfer/policy/ _____

Copy forwarded to the:-

1. PSO to Chief Secretary Khyber Pakhtunkhwa.
2. PS to Chief Secretary Khyber Pakhtunkhwa.
3. PS to Secretary Establishment Khyber Pakhtunkhwa.
4. PS to Senior Member Board of Revenue.
5. PS to Member - III Board of Revenue.
6. PA to Secretary - I Board of Revenue.

Assistant Secretary (Estt.)

CP# 1.2020

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants

ii) All Government servants are prohibited to exert political, Administrative, or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.

iii) All contract Government employees appointed against specific posts, cannot be posted against any other post.

iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.

v) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.

While making postings/transfers of officers/officials up to BS-17 from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above; from settled areas to FATA and vice-versa, specific approval of the Governor NWFP shall be obtained.

vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.

vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

Para-I(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No. SOR-VI (E&AD) 14/2008/Vol-VI dated 5-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business, 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)14/2008, dated 21-09-2004.

ATTESTED

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ATTESTED

- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

(xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement. DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales:

- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent.	

Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

Attended

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a) Within the same Department.	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service; performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.


xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases:

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business-2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

ATTACHED


 Attached

16 27

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.
(Authority: Letter No: SOR.VI/E&AD/1-4/2003 dated 24-6-2003)

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

NO. _____ The Competent Authority is pleased to order the transfer of Mr. _____ Department and to post him as _____ in the interest of public service, with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

ATTESTED

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- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{Authority: Urdu circular No. SOR-VI/E&AD/1-4/2003, dated 86-2004
Urdu Letter No. SOR-VI/E&AD/Misc. /2005, dated 31-3-2005.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{Authority: Urdu circular letter No. SOR (E&AD)/1-4/2005, dated 9-9-2005}

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{Authority: Urdu circular No. SOR-VI (E&AD)/1-4/06, dated, 29-6-2007}

PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and then the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the

Placement Policy has been made part of the posting/transfer policy vide Urdu circular No. SOR-VI(E&AD)/1-4/06, dt 9-2-2007

Attested

(13) (21) (14)

officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:


- a) Permanent posting of an officer to the training institutions for 2-3 years;
- b) Temporary attachment with the training institutions for 3 to 6 months for some research project on helping in developing case studies;
- c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participant will decline/represent against his/her posting.

RECEIVED

ATTENTION

mushkalawati

[Handwritten Signature]
Director


GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
 (REGULATION WING)
 NO. SOR.VI(E&AD)1-4/2005/Vol-II
 Dated Peshawar, 27th February, 2013

30
 Director, Establishment
 Government of Khyber Pakhtunkhwa
 Peshawar

To
 1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa
 2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa
 3. All Administrative Secretaries to Govt of Khyber Pakhtunkhwa
 4. All Commissioners in Khyber Pakhtunkhwa

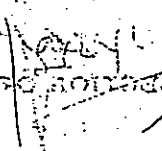
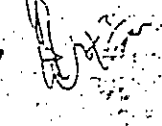
Subject: CONSTITUTION PETITION NO. 23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184(3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,
 I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

AS
 4/3


- (i) Appointments, Removals and Promotions: Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) Tenure, Posting and Transfer: When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

may send



 SE. AC / So. Est
 11-573

ATTESTED

ATTESTED


 ATTESTED

(iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.

(iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

NAJAM

(NAJ-MUS-SAHAR)
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl. Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

NAJAM

SECTION OFFICER (REG-VI)

Attested

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

Khyber Pakhtunkhwa
Service Tribunal

Diry No. 5757

APPEAL No. 538 /2021

Dated: 26/5/2021

Shahida Begum,
Librarian (Bps-17),
Government Girls Higher Secondary School, Chamkani, Peshawar.



Versus

..... Appellant

1. The Government of Khyber Pakhtunkhwa,
Through Chief Secretary Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
2. The Elementary and Secondary Education,
Through Secretary Elementary and Secondary Education, Government of
Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
3. Principal,
GGHSS, Chamkani
4. Principal,
GCET, Jamrud, Khyber District.
5. Mst. Rubab Tabassum
Librarian (BPS-17),
GCET, Jamrud, Khyber District.

..... Respondents

Filed today

Registrar

26/5/2021

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 AGAINST THE TRANSFER ORDERS OF THE APPELLANT WHEREBY SHE HAS
BEEN TRANSFERRED/POSTED ILLEGALLY AND WITHOUT LAWFUL AUTHORITY AND**

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

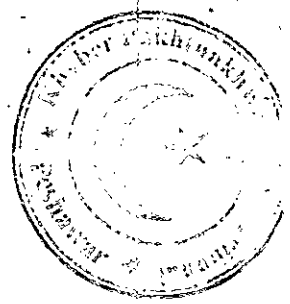
FORM OF ORDER SHEET

Court of _____

Case No. 5338 /2021

Handwritten marks: 21, 45, 53

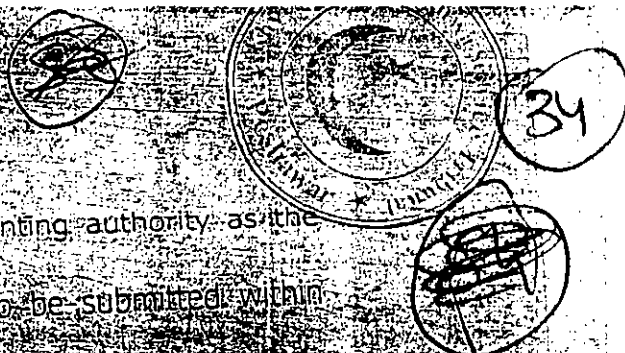
S.No.	Date of order proceedings	Order or other proceedings with signature of Judge
1	2	
1	28/05/2021	<p>As per direction of the Worthy Chairman this case may be entered in the Institution Register and put to the S.Bench for preliminary hearing on <u>3-06-2021</u></p> <p style="text-align: right;">REGISTRAR</p>
	03.06.2021	<p>Appellant with counsel present. Preliminary arguments heard.</p> <p>Alongwith the appeal, the appellant has annexed two copies of posting/transfer policies. One is at page 17 (Annexure-B) which is the Transfer Policy of Teaching Cadre in E&SE Department Khyber Pakhtunkhwa and the other is available at Page 19 (Annexure-E) which is a copy of the Posting and Transfer of the Government from Eisa Code. According to Para xiv of the latter policy, right of appeal has been given to the government servants and accordingly, if one is aggrieved due to the orders of posting/transfer of authorities, he may seek remedy from</p>



Appellant Deposited Security & Process Fee

Handwritten date: 16/6/21

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the next higher authority/the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. It is further provided in the said Para that such appeal shall be disposed of within fifteen days. As far as the office objection based on general waiting of 90 days is concerned, it is not workable in presence of a special condition of 15 days under the policy is in field for disposal of appeal. Therefore, office objection is overruled. Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 24.06.2021 before the D.B.

In the prayer part of the appeal, the appellant has also requested for interim relief. Notice of the same be also given to the respondents.

Handwritten notes:
 1. 2021
 2. 2021
 Filed

Handwritten signature:
 Desai

Signature of Chairman
 Chairman

Date of Presentation of Application 29-6-21
 Number of Words 1200
 Copying Fee 14.00
 Urgent 4.00
 Total 18.00
 Name of Copyist _____
 Date of Completion of Copy 29-6-21
 Date of Delivery of Copy 29-6-21

Certified to be true copy
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

VAKALATNAMA

NO. _____ /20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

Ms. Dawood

Appellant,
Petitioner
Plaintiff

VERSUS

SMBR

Respondent (s)
Defendants (s)

I/WE Muhamad Dawood

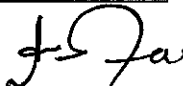
do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____ /20



(CLIENT)

ACCEPTED



M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT

& 

SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT

THE [1][KHYBER PAKHTUNKHWA]
SERVICE TRIBUNALS ACT, 1974.

[2][KHYBER PAKHTUNKHWA] ACT NO. I OF 1974.

4. Any civil servant aggrieved by any final order, whether original or appellate made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him [19][or within six months of the establishment of the appropriate Tribunal, whichever is later], prefer an appeal to the Tribunal having jurisdiction in the matter: Appeals to Tribunals.

Provided that ---

- (a) Where an appeal, review or representation to a departmental authority is provided under the [20][Khyber Pakhtunkhwa] Civil Servants Act, 1973, or any rules against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was preferred; [21]

THE [1][KHYBER PAKHTUNKHWA] CIVIL SERVANTS ACT, 1973.

[2][KHYBER PAKHTUNKHWA] ACT NO. XVIII OF 1973) [11th November, 1973].

10. Every civil servant shall be liable to serve anywhere within or outside the Province in any post under the Federal Government, or any Provincial Government or local authority, or a an corporation or body set up or established by any such Government: Posting and transfers.

03/09

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7123/2021.

Muhammad Dawood, Settlement Tehsildar, Tehsil & District Nowshera..... Appellant
Versus

- (1) Govt: of Khyber Pakhtunkhwa through chief Secretary at Civil Secretariat 17, Peshawar.
- (2) Board of Revenue Khyber Pakhtunkhwa through Senior Member Board of Revenue at Civil Secretariat, Peshawar.
- (3) Senior Member Board of Revenue at Civil Secretariat, Peshawar.
- (4) Commissioner, Peshawar Division, Peshawar.
- (5) Director Land Record – Chief Settlement Officer, R&E Department.
- (6) Commissioner, Mardan Division Mardan.
- (7) Assistant Secretary Establishment, Board of Revenue & Estate Department, Peshawar.
- (8) Gohar Ali, Tehsildar Safi Mohmand, District Mohmand. Respondents.

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1.	Para-wise comments		1-3
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3.	Complaint against appellant vide No.15392-98	Annexure-A	5
4.	Joint application of the locality of Nowshera against appellant	Annexure-B	6-7
5.	DC Nowshera report regarding strike against appellant	Annexure-C	8
6.	Poor performance Report of the appellant	Annexure-D	9-15
7.	Reluctant to perform duties & presented a lame excuse	Annexure-E	17
8.	issue in drawl of salary in CPEC City Nowshera	Annexure-F	18
9.	Requisition of Commissioner Kohat Division	Annexure-G	19
10.	section 4 (a) of the Khyber Pakhtunkhwa Service Tribunal Act, 1974	Annexure-H	20
11.	Rule 10 of the Civil Servant Act, 1973	Annexure-I	21


Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7123/2021.

Muhammad Dawood, Settlement Tehsildar, Tehsil & District Nowshera..... Appellant

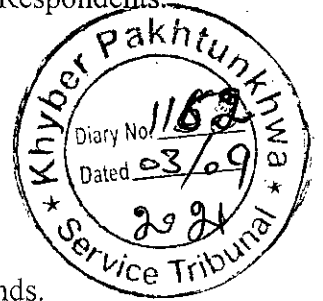
Versus

- (1) Govt: of Khyber Pakhtunkhwa through chief Secretary at Civil Secretariat, Peshawar.
- (2) Board of Revenue Khyber Pakhtunkhwa through Senior Member Board of Revenue at Civil Secretariat, Peshawar.
- (3) Senior Member Board of Revenue at Civil Secretariat, Peshawar.
- (4) Commissioner, Peshawar Division, Peshawar.
- (5) Director Land Record – Chief Settlement Officer, R&E Department.
- (6) Commissioner, Mardan Division Mardan.
- (7) Assistant Secretary Establishment, Board of Revenue & Estate Department, Peshawar.
- (8) Gohar Ali, Tehsildar Safi Mohmand, District Mohmand. Respondents.

Joint Para-wise Comments on behalf of Respondents No. 1 to 7.

Preliminary Objections:

1. That the appellant has got no cause of action.
2. That the appeal is not maintainable in its present form.
3. That the appellant has not come to this Honourable Tribunal with clean hands.
4. That the appellant is estopped by his own conduct.



FACTS.

1. No comments.
2. Pertains to record.
3. Incorrect. The appellant was initially recruited in Education Department as PTC Teacher, however, later-on, he was appointed as Patwari in Revenue & Estate Department and in a short span he succeeded to get out of turn promotion as Kanungo and subsequently as District Kanungo and Tehsildar as well.

As regard his performance, etc; complaints with regard to demand of illegal gratification were lodged against the appellant during the period of his posting as District Kanungo Peshawar (**Annexure-A**). Similarly, the inhabitants of District Nowshera had submitted complaint against the appellant for his corruption, malpractices, misbehaviour & vileness (**Annexure-B**). The appellant also created embarrassment situation for the Respondents because of his rude behaviour with Anti-Corruption Establishment. The District Administration Nowshera also reported that all the Revenue/Settlement Field Staff locked their offices, gathered and protested against the appellant and refuse to work till the repatriation of Muhammad Dawood Khan (the appellant) to his original posting vide **Annexure-D**.

Besides, during the course of his posting as Settlement Tehsildar, Nowshera his poor performance was observed as he failed to achieve his goal according to given timeline (**Annexure-C**), hence, contents of Para-3 are denied.

4. Incorrect. Since complaints against the appellant were pouring and the Revenue/Settlement Field Staff as well as Anti-Corruption Establishment were protesting against the posting of the appellant in Nowshera, therefore, in order to remove the

embarrassing situation, he was posted in Malakanad as Settlement Tehsildar, but he is reluctant to perform duties & presented a lame excuse (**Annexure-E**), hence denied the contents mentioned in Para-4.

5. Incorrect. As explained vide Para-4, the appellant succeeded to get his choice posting in CPEC Nowshera.
6. Incorrect. Since issue in drawl of salary in CPEC City Nowshera was observed (**Annexure-F**), therefore, the appellant was posted as Tehsildar/Instructor in Revenue Academy Peshawar and subsequently transferred and posted as Stamp Inspector Mardan Di vision.
7. Incorrect. In compliance of the August Supreme Court of Pakistan directions, the Land Revenue Record is computerized in District Mardan and his services were no longer required as such was surrendered to Respondent Department, whereafter, on the requisition of Commissioner Kohat Division (**Annexure-G**), the appellant was posted as Tehsildar Karak.
8. Incorrect. As explained in Para-4 above, though appellant was posted physically in district Karak but mentally was not ready to serve there as such he kept trying for posting by inserting political influence to get his choice posting i.e. Settlement Tehsildar Nowshera. However, due to the reasons explained at Para-3 & 4 above, the appellant was transferred and posted in Mohmand District.
9. Incorrect. No departmental appeal/Representation as required under section 4 (a) of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 (**Annexure-H**) has been preferred to the Respondent Department to comment.
10. Incorrect. As envisaged under Rule 10 of the Civil Servant Act, 1973, every civil servant shall be liable to serve anywhere within or outside the Province in any post under the Federal Government, or any Provincial Government or local authority, or a an corporation or body set up or established by any such Government (**Annexure-I**). Moreover, a policy cannot overrule the Act.

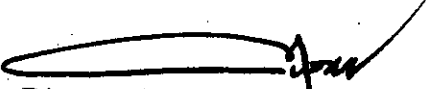
GROUND

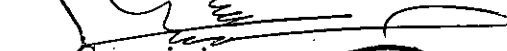
- A. Incorrect. As explained at Paras-3 & 4 of the facts.
- B. Incorrect. As per Paras-3 & 4 of the facts. Besides, no violation has been committed.
- C. Incorrect. As explain at paras 3 &10 of the facts.
- D. Incorrect. As per para 3 & 10 of the facts.
- E. Incorrect. Settlement is a task of construction/revision of record of right within a stipulated time/period as per Sections 40 & 41 of the Land Revenue Act, 1967, wherein Settlement Tehsildars are posted for achievement of progress in given timeline, who are not Revenue Officer, hence, the policy dated, 09.01.2020 do not cover such individuals. The said policy/notification is for Revenue Officer (Tehsildar) posted in Mahal side (Revenue side).

Furthermore, the appellant was transferred because of lodging complaints, poor performance & rude behaviours as explained in Para 3 & 4 of the Facts.

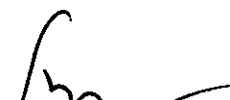
- F. Incorrect. The posting/transfer of the appellant was not let under consideration by adopting the Posting/Transfer Policy of the Provincial Government, but was transferred from Nowshera due to creation of Law & Order situation.
- G. Incorrect. As per Para-F of the grounds.
- H. Incorrect, misleading & repetition of preceding para. The Posting/Transfer Policy purely to ensure tenure and it cannot be attracted if performance of any official is not satisfactory or there are sufficient grounds to post any official before a laid down tenure. There are much reasons which warranted his transfer in public interest as explained in Paras 3 & 4 of the Facts and Para-F of the Grounds.
- I. Incorrect. As envisaged under Rule 10 of the Civil Servant Act, 1973, every civil servant shall be liable to serve anywhere within or outside the Province in any post under the Federal Government, or any Provincial Government or local authority, or a an corporation or body set up or established by any such Government (**Annexure-I**). Besides, the appellant was transferred either on his request OR complaints. No transfer except the present one was earlier contested by the appellant as he knew the grounds of each of his posting.
- J. Incorrect. As explained in preceding para.
- K. Since the appeal is pre-mature & availing no departmental opportunity according to Section 4(a) of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, therefore, the appellant have no such right to argue. However, if permitted, then the respondents may also be allowed for additional grounds at the time of hearing.

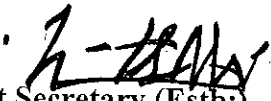
Keeping in view the above explained position, the instant service appeal being having no force / legal ground may very kindly be dismissed with cost.



 Director Land Records,
 Khyber Pakhtunkhwa
 (Respondent No.5)

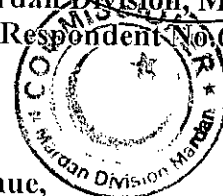

 Commissioner,
 Peshawar Division, Peshawar.
 (Respondent No.4)




 Senior Member, Board of Revenue,
 Khyber Pakhtunkhwa
 (Respondent No. 1, 2 & 3)


 Assistant Secretary (Estb.)
 Board of Revenue,
 (Respondent No.7)


 Commissioner,
 Mardan Division, Mardan.
 (Respondent No.6)





OFFICE OF THE
DEPUTY COMMISSIONER PESHAWAR.

Dated Peshawar the 18/8/2017

OFFICE ORDER.

As per complaint of one Mr. Shah Fahad Patwar Candidate telephonic received through Secretary Board of Revenue KP Peshawar, Mr. Daud Khan Dis Kanungo Peshawar has demanded illegal gratification from him for his appointment Patwari which is tantamount to mis-conduct.

Mr. Muhammad Mughees Sanullah Assistant Commissioner, Peshawa probe into the allegation and submit report within 7 days.


Deputy Commissioner,
Peshawar.

No. 15392-98/DC(P)/EA

- ✓
1. Senior Member Board of Revenue Khyber Pakhtunkhwa.
 2. Commissioner, Peshawar Division Peshawar.
 3. Additional Deputy Commissioner, Peshawar.
 4. Secretary Board of Revenue, Khyber Pakhtunkhwa with reference to telephonic conversation and with the request to initiate formal proceeding
 5. Mr. Muhammad Mughees Sanullah, Assistant Commissioner, Peshawa
 6. Mr. Daud Khan District Kanungo Peshawar.

AS (Admin) / AS (E)


Deputy Commissioner,
Peshawar.

18/8/2017

S/E

18/8

AS

SECRET
 15/11/19

بخدمت جناب عزت مآب ڈائریکٹر لینڈ ریکارڈ صاحب صوبہ خیبر پختونخواہ

عنوان : درخواست بمراد تادلہ کرنے اہٹانے بد عنوان اور کرپٹ ترین محمد داؤد خان بندوستی تحصیل داؤد شہر فک

جناب عالی!

- 1- ہم اہلیان ضلع نوشہرہ آپ صاحبان کی خدمت میں انتہائی پر زور طور پر اپیل اور التجا کرتے ہوئے امید کے ساتھ حسب ذیل عرضی کرتے ہیں۔
- 2- یہ کہ ہم مستقل طور پر ضلع نوشہرہ کے پیدا آئی اور ہاشی اور صاحب جائیداد غریب مال گزاران ہیں۔
- 3- یہ کہ یہاں پر ضلع ہڈا میں بندوبست اراضی کا کام جاری ہے جس سے ہمارے حقوق بالواسطہ طور پر وابستہ ہے۔ جس کی گمرانی کے لیے اہل، قابل ترین اور ایماندار افسران اور اہلکاران کی تعیناتی ناگزیر ہے۔
- 4- یہ کہ عرصہ تقریباً 2 سال سے مذکورہ بالا کرپٹ ترین، بد اخلاق اور انسانی اقدار سے عاری محمد داؤد خان تحصیلدار کو یہاں بغیر میرٹ کے حکمانہ اور سیاسی اثر و رسوخ کے باعث ہم پر مسلط کیا گیا ہے۔
- 5- یہ کہ مذکورہ اہلکار نہ صرف کام بندوبست ناواقف اور نا بلند ہے بلکہ قبضہ مافیا اور لینڈ مافیا کا سرغنہ بھی ہے۔ جو کہ بد معاش اور لینڈ مافیا کے ساتھ مل کر غریب مال گزاران پر اپنی اراضیات سے محروم کر رہا ہے۔
- 6- یہ کہ مذکورہ بالا اہلکار غریب مال گزاران سے جائز کاموں کے بدلے نا جائز مطالبات کرتے ہوئے بالواسطہ اور بلاواسطہ طور پر سرعام رشوت بصورت تحائف اور نقدی طلب کرتے ہیں۔ جب کے مطالبات نہ ماننے کی صورت میں غریب مال گزاران کا کام کئی مہینوں تک روک دیا جاتا ہے۔
- 7- یہ کہ مذکورہ اہلکار اپنے اختیارات کا ناجائز استعمال کرتے ہوئے بندوبست میں ریکارڈ مال کے اندر غیر قانونی ردوبدل کر رہا ہے جس سے غریب مال گزاران کے مابین تنازعات، دشمنی اور عدالتی مقدمات میں روز افزوں حیران کن طور پر اضافہ ہو رہا ہے۔
- 8- یہ کہ مذکورہ اہلکار قانون میں پردہ نشین خواتین کے لیے گنجائش ہونے کے باوجود پردہ نشین خواتین کو اپنے دفتر میں لانے کا مطالبہ کرتے ہیں جو کہ ہمارے رسوم و رواج اور اسلامی اقدار کی سنگین خلاف ورزی ہے۔
- 9- یہ کہ مذکورہ اہلکار بگاڑ دہل یہاں نجی طور پر پراپرٹی ڈیلنگ اور تجارت کا کام کر رہا ہے۔
- 10- یہ کہ مذکورہ اہلکار علی الاطلاق یہ بھی کہتا ہے کہ میں سیاسی اور حکمانہ طور پر اعلیٰ سطح پر ملا ہوا ہوں اور ماہرین کی پہچان ہوں۔ جس کے وجہ سے کسی مافی کے لال میں دم نہیں کہ مجھے یہاں سے تبدیل کر سکیں۔
- 11- یہ کہ مذکورہ اہلکار سیاسی طور پر بھی ہرگز غیر جانبدار نہیں ہے۔ اور مخالف سیاسی پارٹیوں اور اہلکاروں کو نقصان پہنچا رہا ہے۔ اس کے ساتھ ساتھ برسر اقتدار سیاسی پارٹی کے خلاف زبانی پروپیگنڈا بھی کر رہا ہے۔ جو کہ سول سرونٹ کو زیب نہیں دیتا۔
- 12- یہ کہ مذکورہ اہلکار کا ذرائع آمدن انتہائی قلیل ہے اور ضلع نوشہرہ میں تعیناتی کے بعد ان کی طرز زندگی شاہانہ ہو چکی ہے۔ جو کہ اس کے ناجائز ذرائع آمدن کا منہ بولتا ثبوت ہے۔
- 13- یہ کہ مذکورہ اہلکار کے لیے ضلع نوشہرہ میں تعیناتی پر کشش اور پر تعیش جنت بن چکی ہے۔ جہاں سے وہ ناقص کارکردگی کے باوجود کسی صورت جانے کے لیے تیار نہیں ہے۔

Director Land Records
 Dy-No: 3792
 Date: 16/7/19
 Govt. of Khyber Pakhtunkhwa

- 13- یہ کہ اس سے قبل بھی مختلف فورمز (محکمانہ اور سیاسی) طور پر ان کے خلاف ہزاروں تحریری اور زبانی شکایات اور درخواستیں موصول ہو چکی ہیں لیکن یہ محکمانہ اور سیاسی اثر و رسوخ کا استعمال کرتے ہوئے ان درخواستوں اور شکایات کو کوڑا دان کی زینت بنا چکا ہے۔
- 14- حیران کن امر یہ ہے کہ سن 2015-16 میں مذکورہ اہلکار بد عنوانی اور کرپشن شکایات پر یہاں سے ضلع بدر ہو چکا تھا لیکن ناجائز ذرائع کا استعمال کرتے ہوئے دوبارہ یہاں پر تعینات ہو کر یہاں کے عوام کے لیے درد من چکا ہے۔
- 15- یہ کہ ہم غریب مال گزاران اور عوام کا آپ صاحبان کے سوا کوئی دادرسی اور مدد کرنے والا نہیں ہے۔
- 16- یہ کہ اب کی بار بھی مذکورہ اہلکار کا تبادلہ نہ کر کے بھی ہماری شنوائی اور دادرسی نہ ہوئی تو بروقت قیامت ہمارے ساتھ ہونے والی زیادتیوں کا آپ صاحبان اللہ کے حضور ہمارے جواب دہ ہونگے۔

لہذا ہم غریب مال گزاران اور عہدیداران ضلع نوشہرہ آپ صاحبان کے حضور میں عاجزانہ طور پر التجا کرتے ہیں کہ مذکورہ بالا کرپٹ ترین، بد عنوان، بد اخلاق، پختون اور اسلامی اقدار سے عاری محمد داؤد خان بندو بستی تحصیلدار یہاں سے فوری طور پر تبدیل کیا جائے تاکہ ضلع نوشہرہ کے غریب عوام اور مال گزاران سکھ اور چھین کا سانس لے سکیں۔

ہم اور ہماری آئندہ آنے والی نسلیں آپ کی اس احسان عظیم کے بدلے آپ صاحبان کو ہمیشہ دعاؤں میں یاد رکھیں گے۔

عقیدہ سید علی محمد شاہ
B. FAH 119-UL-Haq
القاصی فہیم الحق ولد قاضی العام الحق
17201-9335352-7

عقیدہ سید علی محمد شاہ
17201-2308854-7

عقیدہ سید علی محمد شاہ
17201-2266916-9

عقیدہ سید علی محمد شاہ
17201-216591-3

عقیدہ سید علی محمد شاہ
17201-0521354-3

عقیدہ سید علی محمد شاہ
17201-2160084-5

عقیدہ سید علی محمد شاہ
17201-3980048-1

عقیدہ سید علی محمد شاہ
17201-2535590-7

عقیدہ سید علی محمد شاہ
17201-2255172-7

عقیدہ سید علی محمد شاہ



Office of the

Deputy Commissioner
Nowshera

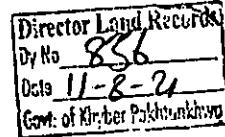
(Office Phone#0923-9220098-9220099, Fax#0923-9220159)

Facebook.com/DCNowshera Twitter.com/DCNowshera Email: dconsrpk@gmail.com

No. 9471-73 /PS/DC/NSR/202
09 August, 2021

To

The Director Land Records,
Board of Revenue, Revenue & Estate Department,
Khyber Pakhtunkhwa.

Subject: - **INCIDENT REPORT**

Please refer to the subject noted above and to state that Assistant Commissioner Nowshera reported vide letter No. 1919/AC/R/NSR dated 06-08-2021 that on 03-08-2021 he visited the Settlement Office Nowshera, wherein he found that all the revenue staff locked their offices, gathered and protested against the posting of Mr. Dawood Khan Settlement Tehsildar Nowshera and intimated that all the revenue official will refuse to work till the repatriation of Muhammad Dawood Khan to his original posting station. It is pertinent to mention here that Mr. Dawood Khan was transferred and posted as Tehsil Safi District Mohmand vide order No. LR-V/Settlement/P&T/1757-65 and Mr. Gohar Ali was replaced as Settlement Tehsildar Nowshera, however the order was challenged by Muhammad Dawood Khan vide Appeal No. 7123/2021 dated 02-08-2021 before the Service Tribunal Khyber Pakhtunkhwa and the Chairman Service Tribunal Khyber Pakhtunkhwa subsequently suspended the said order till 03-09-2021.

The incident report furnished by Assistant Commissioner Nowshera is submitted for your perusal and guidance please.

[Signature]
Deputy Commissioner
Nowshera

Even No. & date.

Copy forwarded to the:

- 1- Assistant Commissioner Nowshera w/r to letter No. quoted above.
- 2- PS to Commissioner, Peshawar Division, Peshawar.

[Signature]
Deputy Commissioner
Nowshera

[Handwritten signature]

of Settlement Operation

NOWSHERA

For the Month of JUN

2021

S/No	Name of Maaza	Name of Pawani (Posted since)	Mutations Current Month			Shajara Nakh			Khatoni			Measurement / Massive			Masle Hoqiya			Deadline of current stage	Remarks	
			Total	Completed	% Stage	Total	Completed	% Stage	Total	Completed	% Stage	Total	Completed	% Stage	Total	Completed	% Stage			
1	Manki Sharif Saif ul Malook (08-09-2014)	Zara Mena	Riaz Khan (16 September 2014)				883 khata	883 khata	100 %	1651 khatoni	1651 khatoni	100 %	2144 khasra	2144 khasra	100 %	883 khata	645 khata	73 %	31-07-2021	
2		Kandhar	Sajjid Shah				1342 khata	1342 khata	100 %	2238 khatoni	2238 khatoni	100 %	4140 khasra	10 khasra	1%				31-07-2021	Plotting is completed directed to start spot measurement plus field book
3		Walai	Shoukat A.C (13-07-2020)				130 khata	130 khata	100 %	263 khatoni	263 khatoni	100 %	476 khasra	476 khasra	100 %	130 Khat	130 khata	100 %	15-07-2021	Parthal in progress
4		Manki Sharif	Rochullah				212 khata	212 khata	100 %	488 khatoni	488 khatoni	100 %	1084 khasra	1084 khasra	100 %	212 khata	212 khata	100 %	31-07-2021	Parthal in progress
5		PirPiai	Riaz Ali				1465 khata	1465 khata	100 %	2643 khatoni	2643 khatoni	100 %	4909 khasra	1010 khasra	20%				31-07-2021	Plotting is completed directed to start spot measurement plus field book

Settlement Operation

NOWSHERA

For the Month of JUN

2021

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Azakhel Eala	Tariq Rahim				1262 khata	1262 khata	100 %	2884 katoni	2884 katoni	100 %	3804 khasra	600 khasra	15%				Time line for measurement 31-07-2021	spot verification plus field book
Badrasai	Noor Hussain				170 khata	170 khata	100 %	334 Katoni	334 Katoni	100 %	939 khasra	739 khasra	100 %	170 khata	170 khata	100 %	31-07-2021	Directed to speed up the progress
Nowshera Kalan II	Arshaid kamal				2265 khata	2265 khata	100 %	4852 katoni	4852 katoni	100 %	4936 khasra	730 khasra	14%				31-07-2021	spot verification plus field book
Nowshera Kalan I	Johar Ali(27-09- 2017)				2265 khata	2265 khata	100 %	4852 katoni	4852 katoni	100 %	2400 khasra	620 khasra	25%				31-07-2021	spot verification plus field book
Aza kiel payan	Ayaz ali shah (04-03-2020)				1150 khata	1150 khata	100 %	2963 katoni	2963 katoni	100 %	5000 khasara	745 khasra	14%				31-07-2021	spot verification plus field book
Nowshera khurd	Rashid ali (20- 04-2020)				344 khata	344 khata	100 %	478 katoni	478 katoni	100 %	866 Khasra	635 khasra	73%				31-07-2021	Plotting/ Measureme nt
Deri kati khel	Arshid Ali (19 July 2020)				331 khata	331 khata	100 %	395 katoni	395 katoni	100 %	831 khasra	831 khasra	100 %	331 khata	183 khata	55 %	31-08-2021	
Khesghi Muhammad Abbas(08- 09-2014)	Banda Chei Tariq Raheem A.C(13-07- 2020)				688 khata	688 khata	100 %	1222 katoni	1222 katoni	100 %	1506 khasra	1506 khasra	100 %	688 khata	420 khata	61 %	31-07-2021	
Kalanger	Adlat khan				529 khata	529 khata	100 %	969 katoni	969 katoni	100 %	1234 khasra	1234 khasra	100 %	529 khata	529 khata	100 %	31-07-2021	Partial in progress

Poor

Poor

Fair

Fair

Fair

Very Poor

Poor

D

D

249

Settlement Operation: **NOVSHERA** For the Month of **JUN** 2021

Lakari	Samiullah (13-11-2019)				31 khata	31 khata	100 %	86 katoni	86 katoni	100 %	436 khasra	380 khasra	87%				31-07-2021	spot verification plus field book
Khesghi Payan	Mi-tuqman				2016 khata	2016 khata	100 %	2642 katoni	2642 katoni	100 %	3725 khasra	350 khasra	9%				31-07-2021	Spot verification +field book
Khesghi Bala	Muhammad Kheraz				1365 khata	1365 khata	100 %	2357 katoni	2357 katoni	100 %	3154 khasra	260 khasra	8%				31-07-2021	Spot verification +field book
Kati khel	Waqar ullah (15-07-2020)				29 khata	29 khata	100 %	112 katoni	112 katoni	100 %	308 khasra	198 khasra	64%				31-07-2021	Plotting
Palosai	Waqar ullah (15-07-2020)				34 khata	34 khata	100 %	96 katoni	96 katoni	100 %	339 khasra	339 khasra	100 %	34 khat	34 khat	100 %	15-07-2021	Parthal in progress
Spin Kani Kalan	SamiUllah (15-07-2020)				121 khata	121 khata	100 %	429 katoni	429 katoni	100 %	1006 khasra	1006 khasra	100 %	121 khat	121 khat	100 %	15-07-2021	Parthal in progress
Shekhai	Abdullah				79 khata	79 khata	100 %	103 katoni	103 katoni	100 %	500 khasra	500 khasra	100 %	79 khat	79 khat	100 %	15-07-2021	Parthal in progress
Rashakai (Waqar Ali)	Main shabir				753 kahta	753 khata	100 %	1231 katoni	1231 katoni	100 %	1456 khasra	480 khasra	32%				31-07-2020	Spot verification + field book
Bara Bandha	Waqar khan				474 khata	474 khata	100 %	699 khatoni	699 katoni	100 %	523 khasra	523 khasra	100 %	474 khat	420 khat	88%	31-07-2021	poor
Pir Sabaq	Amir Hussain				1425 khata	1425 khata	100 %	2134 katoni	2134 katoni	100 %	1682 khasra	1682 khasra	100 %	142 khat	712 khat	49%	31-07-2021	poor

Waqar Ali
poor

poor

Settlement Operation

NO. WSHERA

For the Month of JUN

2021

250

Behram Kali	Imran Khan			1122	1122	100	1170	1170	100	1870	1870	100	111	780	70%	31-07-2021	Partial in progress
Turlandi	Riaz Ali Shah (18-01-2017)			473	473	100	813	813	100	1183	1183	100	473	473	100	31-07-2021	Partial in progress
Kutar pan	Muhammad Kheraz (10-01-2019)			244	244	100	902	902	100	1270	1270	100	244	244	100	31-07-2021	Partial in progress
Mera Kandhar	Imran Khan			443	443	100	550	550	100	771	771	100	443	443	100	15-07-2021	Partial in progress

SETTLEMENT NAIB TEHSILDAR CIRCLE - II

SETTLEMENT NAIB TEHSILDAR CIRCLE - III

SETTLEMENT TEHSILDAR CIRCLE - I

SETTLEMENT

Progress of Sewerage Operation - NAWSHIKA For the Month of JULY 2021

Sl. No.	Name of the contractor	Name of the work	Mumbai Center			Kandhari			Mhasara			Mhasara			Date of completion of work	Remarks
			Total	Completed	% Stage	Total	Completed	% Stage	Total	Completed	% Stage	Total	Completed	% Stage		
1	Munali Sharif Saif ul Malook (08-09-2014)	Zara Mcha Riaz Khan (16 September 2014)	882	882	100%	1651	1651	100%	2144	2144	100%	882	882	100%	30-09-2021	Work is completed
2	Kandhari	Sajjid Shah	1342	1342	100%	2238	2238	100%	4140	4140	100%	1342	1342	100%	30-09-2021	Work is completed directed to start operation in the field
3	Munali	Shoukat A.C (13-07-2020)	130	130	100%	263	263	100%	476	476	100%	130	130	100%	31-05-2021	Partial in progress
4	Munali	Nurki Sharif Rookhullah	212	212	100%	488	488	100%	1084	1084	100%	212	212	100%	31-08-2021	Partial in progress
5	Munali	Feiz Muhammad	1465	1465	100%	2643	2643	100%	4909	4909	100%	1465	1465	100%	30-09-2021	Work is completed directed to start operation

Pool

Pool

Pool

14

253

Household Description			Khasra			Khatas			Total			Area			Other			Remarks		
No.	Name	Address	Area	Area	%	Area	Area	%	Area	Area	%	Area	Area	%	Area	Area	%	Date	Remarks	
07-	Enaiz Rahim		175	175	100	2884	2884	100	384	57	26							30-09-2021	Good	
	Enaiz	Neor Hussain	175	175	100	534	534	100	938	939	100	175	154	88				30-09-2021	Good	
	Neor Hussain	Ashaid kamal	2265	2265	100	4852	4852	100	4936	830	16%							30-09-2021	Good	
	Neor Hussain	Fahar Ali(27-09-2017)	2265	2265	100	4852	4852	100	2460	720	30%							30-09-2021	Good	
	Azizul	Ayaz ali shah (04-03-2020)	1150	1150	100	2963	2963	100	5000	875	17%							30-09-2021	Good	
	Neor Hussain	Rashid ali (20-04-2020)	344	344	100	478	478	100	866	670	77%							30-09-2021	Good	
	Denar khatal	Sardar Ali	33	331	100	395	395	100	831	831	100	331	187	56				30-09-2021	Good	
	Khesghi Muhammad Abbas(08-09-2014)	Baiz Chel Tariq Raheem A.C (13-07-2020)	688	688	100	1222	1222	100	1506	1506	100	688	430	62				30-09-2021	Good	
	Khatas	Adlar Khan	529	529	100	969	969	100	1234	1234	100	529	529	100				31-08-2024	Progress	

Good

Good

Good

Good

Good

Good

حکومت صواب محمد سید محمد کوہرڈ آف ایونو میں صدر خیر خواہ

میں خدمات فراہم کرنا اور آف ایونو میں خیر خواہ

Este

PS/IMBR
Dr No 5771
Date 12-09-19
Govt of Khyber Pakhtun Kwa

12/9

میں خدمات فراہم کرنا اور آف ایونو میں خیر خواہ

59 No: ESTT: 1/PE/Muhammad Zaman / 28908-16

میں خدمات فراہم کرنا اور آف ایونو میں خیر خواہ
میں خدمات فراہم کرنا اور آف ایونو میں خیر خواہ
میں خدمات فراہم کرنا اور آف ایونو میں خیر خواہ
میں خدمات فراہم کرنا اور آف ایونو میں خیر خواہ
میں خدمات فراہم کرنا اور آف ایونو میں خیر خواہ
میں خدمات فراہم کرنا اور آف ایونو میں خیر خواہ
میں خدمات فراہم کرنا اور آف ایونو میں خیر خواہ

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MBR-III
12/9/19

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MBR-III

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MBR
12/9/19

میتھن - قسم III ص 10 اور آئی او اینو میں خطہ نمبر 10
عنوان: ٹرانسفر آف کھیتل ڈیگ سے لے کر ڈیولپمنٹ 1-1-19

صاحب عالی
زادیں جا کر سائل خلیفہ صاحبان سے اور کھیتل ڈیگ
میں ملک ٹرنڈ میں محدث کھیتل ڈیگ اور آئی او اینو ڈیولپمنٹ

وہ رہا ہے
سائل کو ٹرنڈ ماہ میں ڈیولپمنٹ بخاری کی شکایت ہوگی جس
کا نام ہے سے عدلیہ میں سے کھیتل ڈیگ سے کرنا ہے
جس میں کھیتل ڈیگ اور آئی او اینو ڈیولپمنٹ
سائل ڈیولپمنٹ بخاری سے سے کھیتل ڈیگ اور آئی او اینو
اور آئی او اینو سے کھیتل ڈیگ سے سے کھیتل ڈیگ
کھیتل ڈیگ اور آئی او اینو سے کھیتل ڈیگ سے سے کھیتل ڈیگ
تیس ہیں جس سے کھیتل ڈیگ اور آئی او اینو سے کھیتل ڈیگ
صاحب فرما رہے ہیں

9/12/19
کھیتل ڈیگ اور آئی او اینو سے کھیتل ڈیگ

Secy-I
9/12/19
I

MBR-III
09/12/19

11.12.19

To,

The Secretary-I
Board of Revenue, Khyber Pakhtunkhwa

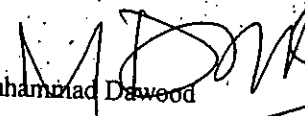
Subject: **APPLICATION FOR RELEASE OF SALARY W.E.F. 12.09.2019 TO 30.09.2019.
& 01.02.2020 To 05.03.2020**

R /Sir,

It is stated I, Muhammad Dawood Tehsildar/Instructor Revenue Academy Peshawar was posted as Tehsildar w.e.f 12.09.2019 to 30.09.2019 at the office of Commissioner Malakand, (waiting for posting) and then posted as Tehsildar CPEC Nowshera w.e.f 01.02.2020 to 05.03.2020 (Non Availability of sanction post) but could not draw my salary of the above mentioned period due to the reason mention above with each posting.

It is therefore requested to kindly allow me to draw the salary of the above period from Revenue Academy Peshawar against the vacant post and to regularize my service please.

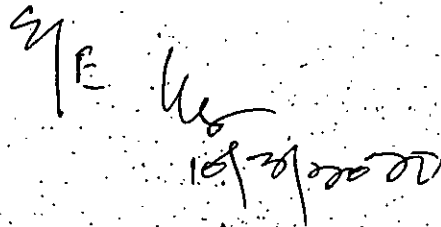
Yours sincerely,


Muhammad Dawood

Tehsildar/Instructor 09/3

Revenue Academy Peshawar.

Dated: 09.03.2020


09/03/2020



**OFFICE OF THE
COMMISSIONER KOHAT DIVISION
KOHAT**

Ph: 0922-9260001-3
0922-9260232

Fax: 0922-9260105
0922-9260385

Commissioner Kohat Division, Kohat commissionerkht commissionerkohat@gmail.com

No. 1387 EA/Cmr-Kt

Dated Kohat Aug, /3 2020

To

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

SUBJECT: SHORTAGE OF TEHSILDARS/ NAIB TEHSILDARS.

Memo:

I am directed to refer to the above noted subject and to say that the following post of Tehsildars and Naib Tehsildars are vacant in Kohat Division and are filled up by posting Girdawars, Political Muharrirs or by assigning look after charge, as a stop gap arrangement, as per Board of Revenue, Khyber Pakhtunkhwa letter No. Estt:V/PF/Farooq Nawaz/Bannu/32707-1, dated: 19-08-2018:

S.No.	District	Post	Remarks
1.	Kohat	Tehsildar Kohat	Muhammad Shoaib, Inspector of Stamps of this office has been assigned additional charge of the post of Tehsildar, Kohat, being experienced hand.
2.		Tehsildar Darra Sub Division, Kohat	Mr. Hafeez ud Din, Naib Tehsildar has been posted as Tehsildar, TSD Darra in his own pay & scale.
3.		NT Darra Sub Division, Kohat	Muhammad Naseer, Junior Clerk has been posted as NT Darra Sub Division, Kohat in lieu of the Status Quo granted by the Khyber Pakhtunkhwa Service Tribunal.
4.	Karak	NT Karak	Mr. Wazir Muhammad Kanungo has been posted as NT, Karak in his own pay & scale
5.	Orakzai	Tehsildar, Upper Orakzai	Mr. Amjad Khan Kanungo has been posted as Tehsildar, Upper Orakzai in his own Pay & Scale.
6.		Tehsildar, Lower Orakzai	Mr. Khalid Azmat, Assistant, has been posted as Tehsildar, Lower Orakzai in lieu of Status Quo granted by the Peshawar High Court, Bannu Bench.
7.		NT Ismailzai	Mr. Khaista Akbar, Political Muharrir has been posted as NT Ismailzai in his own Pay & Scale
8.	Kurram	NT Central Kurram	Mr. Fazal Rahim, Political Muharrir has been posted as NT Central Kurram in his own Pay & Scale
9.		NT - II, Upper Kurram	Mr. Wrekhmin Badshah, Political Muharrir has been posted as NT - II, Upper Kurram in his own Pay & Scale

In view of the above position, it is requested that services of competent/ efficient regular Tehsildars/ Naib Tehsildars for the above mentioned posts may be placed at the disposal of this office, for further posting, please.

Secretary to Commissioner,
Kohat Division, Kohat.

Copy forwarded to the PS to Commissioner, Kohat Division, Kohat.

Secretary to Commissioner,

| 30 H

THE [1][KHYBER PAKHTUNKHWA]
SERVICE TRIBUNALS ACT, 1974.

[2][KHYBER PAKHTUNKHWA] ACT NO. I OF 1974.

4. Any civil servant aggrieved by any final order, whether original or appellate made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him [19][or within six months of the establishment of the appropriate Tribunal, whichever is later], prefer an appeal to the Tribunal having jurisdiction in the matter: Appeals to Tribunals.

Provided that ---

- (a) Where an appeal, review or representation to a departmental authority is provided under the [20][Khyber Pakhtunkhwa] Civil Servants Act, 1973, or any rules against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was preferred; [21]

/ T

THE [1][KHYBER PAKHTUNKHWA]
SERVICE TRIBUNALS ACT, 1974.

[2][KHYBER PAKHTUNKHWA] ACT NO. I OF 1974.

4. Any civil servant aggrieved by any final order, whether original or appellate made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him [19][or within six months of the establishment of the appropriate Tribunal, whichever is later], prefer an appeal to the Tribunal having jurisdiction in the matter: Appeals to Tribunals.

Provided that ---

- (a) Where an appeal, review or representation to a departmental authority is provided under the [20][Khyber Pakhtunkhwa] Civil Servants Act, 1973, or any rules against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was preferred; [21]

THE [1][KHYBER PAKHTUNKHWA] CIVIL SERVANTS ACT, 1973.
[2][KHYBER PAKHTUNKHWA] ACT NO. XVIII OF 1973 [11th November, 1973].

10. Every civil servant shall be liable to serve anywhere within or outside the Province in any post under the Federal Government, or any Provincial Government or local authority, or a corporation or body set up or established by any such Government: Posting and transfers.

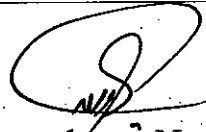
BEFORE THE COURT OF CIVIL JUDGE, PESHAWAR

In Service Appeal No. 7123-P/2021

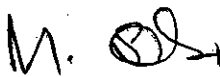
Muhammad DawoodVs.....Govt. of KPK, through
Chief Secretary, KPK
and others

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Written Statement	*	1-6
2.	Written reply to application	*	7-8
3.	Copies of transfer order	R & R1	9-10
4.	Copy of order	R2	11
5.	Copies of order	R3 to R4	12-16
6.	Copy of order	R5	17
7.	Copy of Advertisement	R6	18
9.	Wakalat Nama	*	19


Respondent No.8

Through

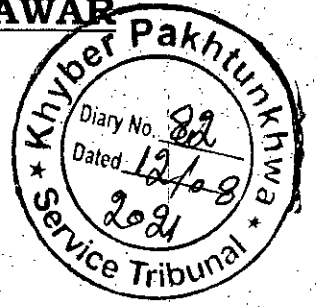

Mohammad Shabir
Advocate High Court,
Peshawar
Cell# 0333-9058380
Off: C-3, Rehman
Plaza Khyber Bazar
Peshawar

Date: 12/08/2021

(1)

BEFORE THE COURT OF CIVIL JUDGE, PESHAWAR

In Service Appeal No. 7123-P/2021



Muhammad DawoodVs.....Govt. of KPK, through
Chief Secretary, KPK
and others

REPLY ON BEHALF OF
RESPONDENT NO.8 (GOHAR ALI)

Respectfully Sheweth:

Preliminary Objections:

1. That the appeal is not maintainable in its present form.
2. That the appellant is liable to serve anywhere in Pakistan Under Section 10 of Civil Servant Act.
3. That the transfer order is made in public interest.

ON FACTS:

1. Needs no reply.

2. Needs no reply.
3. Incorrect, the appellant remained a problematic official throughout his carrier, and his colleagues and superior always remained in problem due to his bad behavior.
4. Pertains to record, however appellant previously posted on the same post as admitted by him in this para and his not challenged his transfer.
5. Pertains to record, however he has not challenged the orders which proves that it was his choice as well.
6. Pertains to record.
7. Pertains to record.
8. That appellant never challenged any transfer during his service which means it was his choice as well but this time he is highly interested in the posting at Nowshera which is not permissible under the law for the reason that
 - i. That the transfer order has already been implemented as Respondent No. 8 has relinquish he charge at Safi Mohamand and took charge as settlement tehsildar in

3

Nowshera. **(Copies are attached as Annexure-R & R1)**

- ii. That R No.8 has already served District Mohmand for a considerable time in past. **(Copy of order is attached as Annexure-R2)**
- iii. That R No.8 is been given tasks by his superior officers after he took charge as settlement Tehsildar Nowshera and made tours, given other duties during Moharram Sharif. **(Copies attached as Annexure-R3 to R3(4)).**
9. Incorrect, the representation has not been made to competent authority but to chief Minister, which is not permissible under the law, more so in the representation no legal ground has been raised but only notification whereby Tehsildar cannot be posted at the place of his Domicile, is mentioned in this behalf it is to be clarified that settlement Nowshera is a project and the notification is not applicable as permanent Tehsildar (Mr. Muhammad Bilal) is posted and is serving at Nowshera. **(Copy is attached as Anenxure-R4)**

4

10. Needs no reply.

Reply on grounds:

- A. That the order is a legal order, issued in public interest.
- B. That the law has been followed, which provides that the Civil Servant is liable to serve anywhere in Pakistan.
- C. That transfer order is not against the policy but in public interest.
- D. Incorrect, the law provides for posting suitable official in the interest of general public.
- E. Incorrect and misleading as notification dated 09/01/2019 is not applicable on settlement operation which is a project and most of the officials of settlement Nowshera are contract/fixed pay Patwaris and retired Girdawars whereas permanent Tehsildar Nowshera (Bilal) is serving at Nowshera which is a proof that notification is not meant for settlement Nowshera. **(Copy is attached as Annexure-R5)**
- F. It is the discretion of the authority to post proper official at proper place, completion of tenure is

not an absolute rule but the authority has to uphold the public interest.


- G. That transfer order is not violative of the circular as the compelling reasons are the bad behavior, problematic nature, disobedience of the superiors and ill treatment of the juniors, by the appellant, in this regard the staff of settlement Tehsildar has already protested the posting of appellant. **(Copies are attached as Annexure-R6 to R6(1)).**
- H. Incorrect, the appellant has not preferred the instant appeal according to settled law, he has made representation to incompetent person (CM) more so in the representation no legal ground has been agitated even pre mature transfer has not been agitated but only notification has been mentioned which is not applicable to the present case.
- I. Incorrect, no transfer order prior to the instant order has been challenged which shows that it was according to his choice, besides he remained posted as settlement Tehsildar Nowshera in 2019 so pressing for posting at Nowshera as Settlement Tehsildar is unjustified in the circumstances.

6


J. As cited above the appellant has never challenged transfer orders prior to the instant one which shows, it was his choice. The Respondent No.8 has no political links with any politician, he was posted according to his good service record and efficiency, not on political pressure.

K. Needs no reply.

It is, therefore, most humbly prayed that on acceptance of this written reply, the appeal in hand being devoid of force be dismissed with costs.


Respondent No.8

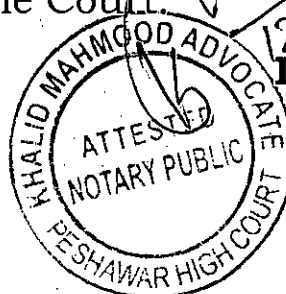
Through


Mohammad Shabir
Advocate High Court,
Peshawar

Date: 12/08/2021

AFFIDAVIT

I, **Gohar Ali (Respondent No.8)**, do hereby solemnly affirm and declare on oath that the contents of the **Written Statement** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

7

BEFORE THE COURT OF CIVIL JUDGE, PESHAWAR

In Service Appeal No. 7123-P/2021

Muhammad DawoodVs.....Govt. of KPK, through
Chief Secretary, KPK
and others

REPLY OF APPLICATION FOR
SUSPENSION OF ORDER DATED
16/07/2021

Respectfully Sheweth:

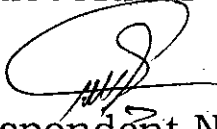
1. Needs no reply.
2. Incorrect, the appellant has no case at all, the notification on which the appellant relies is not applicable to settlement operation and permanent Tehsildar Revenue (Mr. Mohammad Bilal) posted at Nowshera.
3. No balance of connivance lies in favour of the appellant.
4. No law, rule, circular has been violated infact, appellant has not presented representation to

8


competent authority in accordance with law and misguided the Hon'ble Tribunal and got order from Hon'ble Tribunal on 02/08/2021.

5. That the order has already been implemented as Respondent No.8 has relinquished the charge at Safi Mohmand and assumed the charge at Nowshera and since then has been given different tasks by the superiors. (Copies of which are attached with reply to main appeal)

It is, therefore, most humbly prayed that on acceptance of this written reply, the application in hand being devoid of force be dismissed with costs.


Respondent No.8

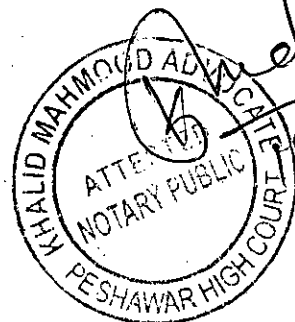
Through


Mohammad Shabir
Advocate High Court,
Peshawar

Date: 12/08/2021

AFFIDAVIT

I, **Gohar Ali (Respondent No.8)**, do hereby solemnly affirm and declare on oath that the contents of the **Written Reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

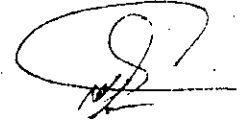



DEPONENT

R 9

CHARGE RELINQUISH REPORT.

In compliance of Govt: of Khyber Pakhtunkhwa, Board of Revenue Revenue & Estate Department Peshawar, and office order No. LR V/Settlement/P&T/1757-65 dated 16/07/2021, I Mr. Gohar Ali Tehsildar Safi is hereby relinquish the charge of Tehsildar Safi today on 19/07/2021, (F.N)



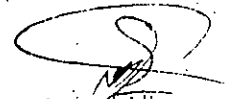
Gohar Ali,
Tehsildar Safi.

No 459-67 /Tehsildar Safi.

Dated 19/7 /2021.

Cc.:

1. Commissioner Peshawar Division Peshawar.
2. Member-II, Board of Revenue, Khyber Pakhtunkhwa.
3. Deputy Commissioner Mohmand Tribal District.
4. Deputy Commissioner Nawshehra.
5. Settlement Officer Nawshehra.
6. District Accounts Officers Mohmand.
7. District Accounts Officers Nawshehra.
8. Private Secretary to Senior Member Board of Revenue, Khyber Pakhtunkhwa.
9. Assistant Commissioner upper Mohmand for information.



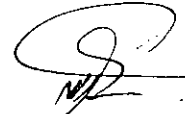
Gohar Ali,
Tehsildar Safi.

R 1

10

CHARGE ASSUMPTION REPORT.

In Pursuance of the Govt. of KhyberPakhtunkhwa Peshawar Office Order No.LR-V/Settlement /P&T/1757-65 dated 16-07-2021. I Mr. Gohar Ali, hereby assume the charge of the post of settlement Tehsildar Nowshera today on 19-07-2021(A/N).



Gohar Ali,
(Settlement Tehsildar)

Even No & Date

Copy forwarded to the:-

- 1) Member -III Board of Revenue, khyber pakhtunkhawa Peshawar.
- 2) Ps to Director land record, khyber pakhtunkhawa Peshawar.
1. Deputy Commissioner Mohmand & Nowshera.
2. Settlement officer Nowshera.
3. District Accounts concerned.
4. Official Concerned.



Gohar Ali,
(Settlement Tehsildar)



R² 11

**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

OFFICE ORDER

No: 6/7/EA/2019/1/
Dated: 27.05.2019

The following posting / transfer of Naib Tehsildars are hereby ordered with immediate effect in the public interest:

S.#	Name of Officials	From	To
1.	Mr. Abdul Jabbar Naib Tehsildar (BPS-14)	Naib Tehsildar Ambar District Mohmand	Naib Tehsildar Ekkaghund District Mohmand
2.	Mr. Gohar Ali Khan Naib Tehsildar (BPS-14)	Naib Tehsildar Ekkaghund District Mohmand (OPS)	Naib Tehsildar Ambar District Mohmand (OPS)

-Sd-

**COMMISSIONER
PESHAWAR DIVISION PESHAWAR**

No: 6/7/EA/2019/1/

7134-39

Copy forwarded to:

1. Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa.
3. Deputy Commissioner Mohmand.
4. PS to ACS Merged Areas Secretariat.
5. PS to Commissioner Peshawar Division.
6. Officials concerned for compliance.

**ASSISTANT TO COMMISSIONER (Rev/GA)
PESHAWAR DIVISION PESHAWAR**



R³

Office of the
Deputy Commissioner
Nowshera

12

(Office Phone#0923-9220098-9220099, Fax#0923-9220159)

Facebook.com/DCNowshera Twitter.com/DCNowshera Email: dconsrpk@gmail.com

19th July, 2021

OFFICE ORDER

No. 8870 /PS/DC/NSR/2021. Pursuant to the directions received from National Command & Operation Center (NCOC) through Home & Tribal Affairs Department Government of Khyber Pakhtunkhwa, that only vaccinated people will be allowed to visit tourists/picnic spots, public parks and religious sites, the undersigned has been pleased to assigned duty of the following officers/officials alongwith EPI team leaders to ensure that only covid vaccinated people/visitors are being allowed to enter/visit to tourists/picnic spots, public parks and religious sites in District Nowshera during Eid ul Adha (02nd and 03rd Day). Officers will assist the Mobile Vaccination Counters (MVCs) established in the following points to vaccinate the visitors for COVID-19 vaccination.

All TMOs will be Focal Person of their respective Tehsils to coordinate with Officer on duty for necessary arrangements at the following sites.

District Police Officer Nowshera shall deploy 01 Police personal with each team to ensure implementation of NCOC directions and to avoid untoward incident.

S.NO	NAME OF POINT/SITE	OFFICERS/OFFICIALS ON DUTY/TEAM LEADER	DATE OF DUTY
1.	Disney Water Park Hakimabad Nowshera	Mr. Furqan Ashraf Assistant Commissioner Nowshera	22 nd July 2021
		Mr. Gohar Ali Settlement Tehsildar Nowshera. Mr. Zahid Hussain Settlement Naib Tehsildar-II	23 rd July 2021
		Mr. Saqib (EPI team leader) Cell No. 03115258842	22 nd & 23 rd July 2021
		Hashmat Ali (Manager) Disney Water Park Cell No. 03152655457	
2.	Jinnah Park Nowshera Cantt	Ms. Qurrat ul Ain Wazir Additional Deputy Commissioner (F&P) Nowshera	22 nd & 23 rd July 2021
		Hidayat (Team leader) SMD JAMAC Cell No. 03009082797	
		Amir Ali Focal Person Cantonment Board Nowshera Cantt Cell No. 03215750321	22 nd & 23 rd July 2021
3.	Masoleum of Ziarat Kaka Sahib	Mr. Muhammad Umar AAC-I Nowshera	22 nd July 2021
		Mr. Qalat Khan Wazif AAC-II Nowshera	23 rd July 2021
		Farooq FSV (EPI team leader) Cell No. 039009085 0343-47	22 nd & 23 rd July 2021
4.	Entry of Kund Park Khairabad	Mr. Muhammad Ayub AAC Revenue Nowshera	23 rd July 2021
		Mr. Saeed Ullah Naib Tehsildar Khairabad Mr. Tufail Khan Girdawar Circle Khairabad	22 nd July 2021
		Abdul Hassan (EPI team leader) Cell No. 03219750743	22 nd & 23 rd July 2021

R₃(1)

(13)

5.	Small Dam Jalozei	Mr. Muhammad Shafiq AAC Pabbi	22 nd & 23 rd July 2021
		Mr. Ayub DSV (EPI team leader) Cell No. 03115258842)	

Note:-

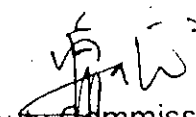
The above officers shall ensure their presence and will submit daily progress report to Additional Deputy Commissioner (G)/(Focal Person) Nowshera at the end of the day and coordinate with DSP-HQ Nowshera Mr. Saif Ali Khan Cell No. 03109484322/03339101199 for Police Security.


Deputy Commissioner
Nowshera

Even No. & date.

Copy forwarded to the:

- 1- Secretary to Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department.
- 2- Secretary to Government of Khyber Pakhtunkhwa Health Department.
- 3- Commissioner Peshawar Division, Peshawar.
- 4- District Police Officer Nowshera with the request to deploy police squad to establish Naka points in all sites to ensure the implementations of the orders in letter in spirit and security of MVCs teams.
- 5- Additional Deputy Commissioner (G)/Focal Person, Nowshera.
- 6- Additional Deputy Commissioner (F&P), Nowshera.
- 7- All Assistant Commissioners/Additional Assistant Commissioners in District Nowshera.
- 8- Cantonment Executive Officer Nowshera for necessary action at their end.
- 9- District Health Officers Nowshera with the directions to establish at least 0f counters in each sites.
- 10- Dr. Hashim (Cell No. 03339069990) EPI Coordinator Nowshera for necessary action.
- 11- All Tehsildars, Naib Tehsildars, Girdawar Circles and Patwari concerned for compliance.
- 12- Settlement Officer Nowshera.
- 13- Mr. Jansher Khan Tarak (Cell No. 03369122046) PRO to Deputy Commissioner Nowshera for awareness in general public through social media and uploading daily action on official platforms.
- 14- Mr. Hashmat Ali Manager Disney Water Park Hakimabad for necessary action and coordination with EPI teams.


Deputy Commissioner
Nowshera

R^N 3 (1)



Office of the
Deputy Commissioner
Nowshera

(Office Phone#0923-9220098-9220099, Fax#0923-9220159)

Facebook.com/DCNowshera Twitter.com/DCNowshera Email: dconsrpk@gmail.com

09 August, 2021

OFFICE ORDER

Subject: **MUHARRAM – UL – HARAM 2021.**

No. 9449-61 /PS/DC/NSR/2021. The undersigned is pleased to direct the following Assistant Commissioners / Additional Assistant Commissioners/ field revenue staff to observe Majalis and Processions of Muharram and coordinate with the district police and elders of Ahle- Sunnah wal Jumat, Ahle Thashhee and President Bazaar Union in order to maintain peace and tranquility during the Muharram – 2021 in District Nowshera.

Note:-
Additional Deputy Commissioner General and Assistant Commissioner Nowshera will be the overall Focal Person of the subject task and all Assistant Commissioners and Additional Assistant Commissioners (concerned) will submit processions & Majalis (In and Out) details (videos and pictures) to Mr. Laiq Zada through **Whatsapp No. 03178507597** and **03219765793** for onward submission on web portal of H&TAs Department Khyber Pakhtunkhwa.

S#	Name Designation of officer / official	Name of Imam-e-Bargah	Schedule of Majalis		
			Duration		Timing
			From	To	
1.	Mr. Muhammad Ayub AAC Revenue Nowshera 03360937008	Markazi Imam e Bargah Anjuman e Hussainia Main Bazar Nowshera Cantt	1 st Muharram	10 th Muharram	As per schedule attached
	Bilal Khan Revenue Tehsildar Nowshera, 03339271046				
	Mr. Sardar Ali Patwari Halqa Dheri Katti Khel 03139980779				
2.	Qalat Khan Wazir AAC-II Nowshera 0300-5894931	Anjuman e Darul-anwarul- Hussainia Khattak Building Imam e Bargah Anjuman e Hussainia Main Bazar Nowshera	1 st Muharram	10 th Muharram	As per schedule attached
	Mr. Gohar Ali Settlement Tehsildar Nowshera 0300-584557				
	Mr. Rashid Ali, Patwari Nowshera Khurd 0314-9110110				
3.	Mr. Shafiq Afridi AAC Pabbi 03325774488	Imam e Bargah Risalpur.	1 st Muharram	10 th Muharram	As per schedule attached
	Mr. Zahid Hussain, Settlement Naib Tehsildar Nowshera 0312-5837991				
	Mr. Shabir Hussain Patwari Halqa Rashakai 03018883048				


15

R 3 (9)

5.	Small Dam Jalozai	Mr. Muhammad Shafiq AAC Pabbi	22 nd & 23 rd July 2021
		Mr. Ayub DSV (EPI team leader) Cell No. 03115258842	

Note:-

The above officers shall ensure their presence and will submit daily progress report to Additional Deputy Commissioner (G)/(Focal Person) Nowshera at the end of the day and coordinate with DSP-HQ Nowshera Mr. Saif Ali Khan Cell No. 03109484322/03339101199 for Police Security.


Deputy Commissioner
Nowshera

Even No. & date.

Copy forwarded to the:

- 1- Secretary to Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department.
- 2- Secretary to Government of Khyber Pakhtunkhwa Health Department.
- 3- Commissioner Peshawar Division, Peshawar.
- 4- District Police Officer Nowshera with the request to deploy police squad to establish Naka points in all sites to ensure the implementations of the orders in letter in spirit and security of MVCs teams.
- 5- Additional Deputy Commissioner (G)/Focal Person, Nowshera.
- 6- Additional Deputy Commissioner (F&P), Nowshera.
- 7- All Assistant Commissioners/Additional Assistant Commissioners in District Nowshera.
- 8- Cantonment Executive Officer Nowshera for necessary action at their end.
- 9- District Health Officers Nowshera with the directions to establish at least Of counters in each sites.
- 10- Dr. Hashim (Cell No. 03339069990) EPI Coordinator Nowshera for necessary action.
- 11- All Tehsildars, Naib Tehsildars, Girdawar Circles and Patwari concerned for compliance.
- 12- Settlement Officer Nowshera.
- 13- Mr. Jansher Khan Tarak (Cell No. 03369122046) PRO to Deputy Commissioner Nowshera for awareness in general public through social media and uploading daily action on official platforms.
- 14- Mr. Hashmat Ali Manager Disney Water Park Hakimabad for necessary action and coordination with EPI teams.


Deputy Commissioner
Nowshera



**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

No: 6/7/EA/2021/1/
Dated 07.04.2021

OFFICE ORDER

The following posting / transfer of Tehsildars / Naib Tehsildars in Peshawar Division are hereby ordered with immediate effect:-

S.#	Name of Officials	From	To
1	Ms. Lubna Haleem Naib Tehsildar	Waiting for posting	Naib Tehsildar PDA Peshawar
2	Mr. Ajmal Shah Kanungo	Naib Tehsildar PDA Peshawar (OPS)	Canal Naib Tehsildar Irrigation Shabqadar (OPS) against the vacant post.
3	Mr. Danish Khan Naib Tehsildar	Waiting for posting	Naib Tehsildar Hassan Khel Peshawar
4	Mr. Warid Khan Naib Tehsildar	Naib Tehsildar Hassan Khel Peshawar	Naib Tehsildar Bara District Khyber against the vacant post relieving Syed Asif Ali Shah (Naib Tehsildar) of the additional charge.
5	Mr. Muhammad Bilal Naib Tehsildar	Waiting for posting	Tehsildar Nowshera (OPS)
6	Mian Saddique Ali Shah Kanungo	Tehsildar Nowshera (OPS)	Canal Naib Tehsildar Irrigation Peshawar
7	Mr. Farman Ali Kanungo	Canal Naib Tehsildar Irrigation Peshawar (OPS)	Naib Tehsildar Land Acquisition Charsadda (OPS) against the vacant post.

-Sd-

**COMMISSIONER
PESHAWAR DIVISION PESHAWAR**

No: 6/7/EA/2021/1/

4132-40

Copy forwarded to:

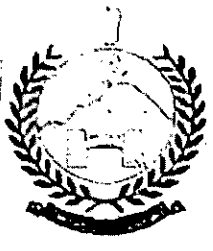
1. Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa.
3. All Deputy Commissioners in Peshawar Division.
4. PS to Commissioner Peshawar Division.
5. Officials concerned for compliance.

**ASSISTANT TO COMMISSIONER (Rev/GA)
PESHAWAR DIVISION PESHAWAR**

Regulov Tehsildar
Posted at Nowshera.

17

R^N
S



OFFICE OF THE
ASSISTANT COMMISSIONER,
NOWSHERA

(Office Phone# 0923-9220104, Fax # 0923-9220220)
Email: acnowshera13@gmail.com

No. 1919 /AC/R/NSP
8th August, 2021

To
The Deputy Commissioner,
Nowshera.

SUBJECT: - INCIDENT REPORT.
Memo:

It is brought to your kind notice that on 16/07/2021, the Director Land Records, Govt. of Khyber Pakhtunkhwa, Revenue & Estate Department vide Notification No LR-V/Settlement/P&T/1757-65, issued transfer order of Muhammad Dawood Settlement Tehsildar Nowshera to Tehsildar Safi, Mohmand and Mr. Gohar Ali was replaced as Settlement Tehsildar Nowshera.

In compliance of the above order, Mr. Gohar Ali assumed the charge of the post of Settlement Tehsildar Nowshera on 19-07-2021. Muhammad Dawood Tehsildar challenged the said transfer order in the Service Tribunal Khyber Pakhtunkhwa Peshawar vide Appeal No. 7123/2021, dated 02-08-2021 and the Chairman subsequently suspended the impugn order till 03-09-2021.

On 03-08-2021, Muhammad Dawood Tehsildar came to the office of Settlement Tehsildar Nowshera. Upon the arrival of Muhammad Dawood Tehsildar, all the Settlement revenue staff gathered and protested against the posting of the said Tehsildar and refused to work till the repatriation of Tehsildar Muhammad Dawood.

The undersigned personally visited the venue and found all the revenue staff having locked their offices.

The incident report is submitted for your kind perusal and further guidance, please.

Assistant Commissioner,
Nowshera

18

R 500



Office of the
Deputy Commissioner
Nowshera

(Office Phone#0923-9220098-9220099, Fax#0923-9220159)

Facebook.com/DCNowshera Twitter.com/DCNowshera Email: dcnsrpk@gmail.com

No. 9471-73 /PS/DC/NSR/2021
07 August, 2021

To

The Director Land Records,
Board of Revenue, Revenue & Estate Department,
Khyber Pakhtunkhwa.

Subject: - INCIDENT REPORT

Please refer to the subject noted above and to state that Assistant Commissioner Nowshera reported vide letter No. 1919/AC/R/NSR dated 06-08-2021 that on 03-08-2021 he visited the Settlement Office Nowshera, wherein he found that all the revenue staff locked their offices, gathered and protested against the posting of Mr. Dawood Khan Settlement Tehsildar Nowshera and intimated that all the revenue official will refuse to work till the repatriation of Muhammad Dawood Khan to his original posting station. It is pertinent to mention here that Mr. Dawood Khan was transferred and posted as Tehsil Safi District Mohmand vide order No. LR-V/Settlement/P&T/1757-65 and Mr. Gohar Ali was replaced as Settlement Tehsildar Nowshera, however the order was challenged by Muhammad Dawood Khan vide Appeal No. 7123/2021 dated 02-08-2021 before the Service Tribunal Khyber Pakhtunkhwa and the Chairman Service Tribunal Khyber Pakhtunkhwa subsequently suspended the said order till 03-09-2021.

The incident report furnished by Assistant Commissioner Nowshera is submitted for your perusal and guidance please.

[Signature]
Deputy Commissioner
Nowshera

Even No. & date.

Copy forwarded to the:

- 1- Assistant Commissioner Nowshera w/r to letter No. quoted above.
- 2- PS to Commissioner, Peshawar Division, Peshawar.

[Signature]
Deputy Commissioner
Nowshera

7220119

درخواستیں منظور ہیں۔

ترکی بندوبست اور ماضی تحصیل نو شہر میں مندرجہ ذیل نکالی کنٹریکٹ آسامیوں پر تعیناتی کرنی مطلوب ہے۔ خواہشمند اور مستعد ذیلی شراکاء پر درکار کرنے والے امیدواران درخواستیں 18.09.2013 تک زیر تخطی کو ارسال کریں۔ دیر سے آنے والی اور مکمل درخواستوں پر غور نہیں ہوگا۔

نمبر شمار	نام آسامی	تعلیمی قابلیت تجربہ	عمر کی حد
1	اسٹنٹ ڈی	بی اے بیچ کپور ڈپلومہ مستند ادارے سے	8-25
2	اکاؤنٹنٹ ڈی	بی اے بیچ کپور ڈپلومہ مستند ادارے سے	8-25
3	ڈی ایس ڈی	ایف اے مستند ادارے سے شاپٹ ہینڈ سیپ 80 الفاظ ہینگ سینڈ 35	3-25
4	کپور آفیسر	بی اے بی ایس سی (2) ڈی ایس سی	3-25
5	سرڈیکر ڈی ایس	ایف اے متعلقہ فیلڈ میں 3 سالہ تجربہ اور مظاہر شدہ ادارے سے ایک سال کا ڈپلومہ	18-28
6	جونیئر کاک	ایف اے کپور ڈپلومہ مستند ادارے سے	18-25
7	اسٹنٹ ڈی ایس ڈی	پنوار پاس مستند امیدوار	18-35
8	ہیڈ کوارٹر	ریٹائرڈ سٹنٹ پنواری	65
9	سٹنٹ کانسٹیبل	ریٹائرڈ پنوار یا بن بندوبست میں تجربہ کرنے والوں کو ترجیح دی جائیگی۔	عمر کی حد نہیں
10	ڈرائیور ڈی ایس	LTV لائسنس یافتہ، پانچ سالہ تجربہ بحیثیت ڈرائیور	18-40
11	جونیئر کاک	ڈی ایس سی پاس کو ترجیح دی جائیگی۔ مقامی سکوتی ہو	18-28
12	ڈی ایس ڈی	پنوار پاس امیدوار۔ مقامی سکوتی ہو	18-28
13	ڈی ایس ڈی	پڑھے لکھے نوجوان کو ترجیح دی جائیگی۔ مقامی سکوتی ہو	18-28
14	سوپر ڈی ایس	پڑھے لکھے نوجوان کو ترجیح دی جائیگی۔ مقامی سکوتی ہو	18-28
15	ٹائپسٹ	بی ایس ڈی	01

- (1) شراکاء
- (2) کنٹریکٹ میں مزید ایک سال توسیع کی جائے گی۔
- (3) غیر ترقی بخش کارکردگی کے بحال امیدواروں کا کنٹریکٹ بغیر کوئی وجہ بنائے منسوخ کر دیا جائیگا۔
- (4) ٹی ایس ڈی کیلئے آنے والی نوکری TANDA نہیں دیا جائیگا۔
- (5) امیدواروں کو جسٹس کے ساتھ ساتھ دوسری باتیں ہوں۔
- (6) ڈائریکٹر ایگزیکٹو ایف ایس ڈی کے ذریعے ایف ایس ڈی کے پاس سے۔

75
SMBR
19/2008

بجدرالت K.P.K. Service Tribunal

Peshawar

2 پنجاب

محمد اود بنام حکومت و غیرہ

موزعہ
مقدمہ
دعویٰ
چرم

Reply on behalf of Respondent no. 8.

باعث خیر آنکھ In Service Appeal 7123-P/24

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

آن مقام لشاور کیلئے ارباب سہ لکھ صاحبزادہ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب مہسوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ از غرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور مشغولی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہر جائز التوائے مقدمہ کے سبب ہے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

صاحبزادہ
انڈیا

رسالت نامہ 8۔ کو برعلی صلہ تا ج فر

Accepted
A.H.

Muhammad Shabir
Muhammad Shabir
Muhammad Shabir

رقوم 12

بمقام

لشاور

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No 7123/2021

Muhammad Dawood

VERSUS

Govt Of KP etc.

REJOINDER TO THE COMMENTS OF RESPONDENT NO 8

ON FACTS:

- 1- Para No 1, needs no rejoinder.
- 2- Para No 2, needs no rejoinder.
- 3- In rejoinder to the comments of respondents no 8, it is submitted that para No 3 of the appeal is correct whereas comments are incorrect, malafide, based on ill will and personal grudges. It is also important to mention here that ACR for the period 2020/2021 has been counter signed by the respondent No 5, which is sufficient to falsify the allegations leveled against the appellant (Copy of ACR is Annexure R/7).
- 4- Not denied by the respondent, moreover rest of the contention of respondents No 8 on Para No 4 is incorrect, hence denied.
- 5- Comments of the respondents on Para No: 5 are incorrect and on baseless allegations, hence denied. Whereas Para No 5 of the appeal is correct. Moreover appellant make rolling stone by the respondent which is against the law and rules. Therefore the appellant challenge the same.
- 6- Not denied therefore needs no rejoinder.
- 7- Not denied therefore needs no rejoinder.
- 8- In rejoinder to para No 8 it is submitted that it is submitted that the respondent No 8 was subordinate of the appellant as Settlement Naib Tehsildar Circle -III on 07.05.2021. The respondent No8 was

appointed on acting charge basis as tehsildar(Annexure R/ 8-1).Then vide notification Dated 20.05.2021 his services were placed at the disposal of Commissioner Peshawar Division from Settlement Nowshera (Annexure R/8-2).Subsequently Vide Office order dated 04.06.2021 he was posted as Tehsildar Safi Momand Annexure R/8-3) .Vide office order dated 16.07.2021 the respondent No:8 was transferred and posted as Settlement tehsildar at his Domiciled district i.e District Nowshera. Therefore this entire practice was played on political influence in a short span of time.

9- Incorrect, hence denied. The appellant because of his pre mature ,illegal, against Notification etc, of the respondent No 3 and as per posting transfer rules, policy preferred appeal. The respondents just to cause illegal dent in the case of the appellant are denying appeal of the appellant. Moreover if the appeal was file to wrong authority, so according to the rules the same may be forwarded to the competent authority for disposal. **The appellant even after the order dated 02/08/2021 filed appeal to the respondent No 3 through respondent No 5 by way of appeal (Annexure R/1).** The appellant was then directed to withdraw his appeal then he will be posted in District Peshawar. As such the comments of the respondents No 8 are based on malafide intention, against facts and illegal. The facts mentioned in para No 9 of the appeal are very much correct.

1.0. Not denied therefore needs no rejoinder.

GROUND:

A-D Comments on grounds No "A" to "D" are incorrect, while that of the appeal are true and correct.

E. Comments on ground No "E" are incorrect and wrong interpretation of law, i.e Sections 40,41 of the LR Act 1967. The revenue officer is responsible for attestation of mutation, recovery of any sort of dues, Land Tax, A.I.T, Local rate and recovery of draft paras. Therefore, Notification date 09.01.2020 is fully attracted to the case of the appellant and respondents No. 8. Similarly in minutes of follow up meeting dated 28/09/2021 the respondent No 3 also admitted the stance of the petitioner.(Copy of the LR. Act 1967 along with letters are **Annexure R/8 To R/15 and minutes of meeting dated**

28/09/2021 is also Annexure R/16). Detailed reply given in preceding rejoinder Paras.

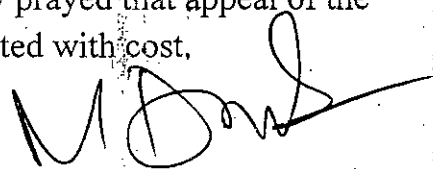
F-G. Comments on ground No "F" & "G" are incorrect while that of the appeal are correct. Moreover, comments are incorrect, malafide, based on ill will and personal grudges. It is also important to mention here that ACR for the period 2020/2021 has been counter signed by the respondent No 5, which is sufficient to falsify the allegations leveled against the appellant.

H. Comments of the respondents No 8 on ground "H" incorrect while that of the appeal are correct. Moreover, if appeal is made to wrong authority then it is the duty of the said authority under the relevant rules to forward the same to the concerned authority.

I&J. Comments of the respondents No 8 on ground No "I" & "J" are incorrect whereas appeal are true and correct.

K. Comments of respondents No 8 on ground "Incorrect, hence denied. Detailed reply given in preceding paras/grounds.

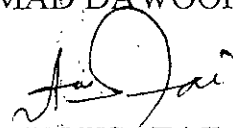
It is, therefore, most humbly prayed that appeal of the appellant may graciously be accepted with cost,



APPELLANT

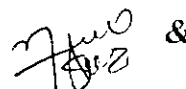
MUHAMMAD DAWOOD

THROUGH



M. ASIF YOUSAFZAI

ADVOCATE SUPREME COURT



SYED NOMAN ALI BUKHARI

ADVOCATE HIGH COURT.

NOTIFICATION

R-8/1

No. Estt: I/DPC/Tehsildar/2021/_____ Consequent upon the recommendation of Departmental Promotion Committee meeting dated 27.04.2021, 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 with immediate effect:-

S#	Name of official
1.	Mr. Maqbool-Ur-Rehman, (District Kanungo)
2.	Mr. Riaz-Ul-Haq, (Naib Tehsildar)
3.	Mr. Sajid Saleem, (Naib Tehsildar)
4.	Mr. Gohar Ali, (Naib Tehsildar)
5.	Mr. Hazrat Hussain, (Naib Tehsildar)
6.	Mr. Sadiq Akbar, (Naib Tehsildar)
7.	Mr. Murad Ali, (Naib Tehsildar)
8.	Mr. Hakim Khan, (Naib Tehsildar)
9.	Mr. Gohar Zaman, (Naib Tehsildar)
10.	Mr. Sikandar Zaman, (District Revenue Accountant)
11.	Mr. Muhammad Tariq, (District Revenue Accountant)
12.	Mr. Muhammad Jamal, (Naib Tehsildar)
13.	Mr. Hafeez-Ud-Din, (Naib Tehsildar)
14.	Mr. Gul Rehman, (District Kanungo)
15.	Mr. Muhammad Fayyaz, (District Kanungo)

By order of
Senior Member

No. Estt: I/DPC/Tehsildar/2021/11660-65
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.

[Signature]
Assistant Secretary (Estt.)



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

091-9213989

Dated Peshawar the 20/05/2021

091-9214208

R-8/2

NOTIFICATION

No. Estt:I/DPC/Tehsildar/2021/_____ Consequent upon the approval of the Departmental Promotion Committee, notified vide this Department Notification No. Estt:I/DPC/Tehsildar/2021/11660-65 dated 07.05.2021, the Competent Authority is pleased to order the following posting/transfer with immediate effect in best public interest:-

S#	Name of Official	From	To
1.	Mr. Maqbool-Ur-Rehman, Tehsildar (ACB)	Tehsildar Darband (OPS)	Retained on the same post
2.	Mr. Riaz-Ul-Haq, Tehsildar (ACB)	Settlement NT Dargai	Services placed at the disposal of Commissioner Malakand Division
3.	Mr. Sajid Saleem, Tehsildar (ACB)	Tehsildar Paharpur (OPS)	Retained on the same post
4.	Mr. Gohar Ali, Tehsildar (ACB)	Settlement NT Nowshera	Services placed at the disposal of Commissioner Peshawar Division
5.	Mr. Hazrat Hussain, Tehsildar (ACB)	Tehsildar Chakdara (OPS)	Retained on the same post
6.	Mr. Sadiq Akbar, Tehsildar (ACB)	Tehsildar CPEC City Nowshera	Retained on the same post
7.	Mr. Murad Ali, Tehsildar (ACB)	NT Betani	Service placed at the disposal of Commissioner Bannu Division
8.	Mr. Hakim Khan, Tehsildar (ACB)	NT Consolidation D.I.Khan	Services placed at the disposal of Commissioner D.I.Khan Division
9.	Mr. Gohar Zaman, Tehsildar (ACB)	NT Tank	Services placed at the disposal of Commissioner D.I.Khan Division
10.	Mr. Sikandar Zaman, Tehsildar (ACB)	NT Shahpur	Services placed at the disposal of Commissioner Malakand Division
11.	Mr. Muhammad Tariq, Tehsildar (ACB)	DRA Karak	Services placed at the disposal of Commissioner Kohat Division
12.	Mr. Muhammad Jamal, Tehsildar (ACB)	Tehsildar Bakka Khel (OPS)	Services placed at the disposal of Commissioner Bannu Division
13.	Mr. Hafeez-Ud-Din, Tehsildar (ACB)	Tehsildar Darra Adam Khel (OPS)	Retained on the same post
14.	Mr. Gul Rehman, Tehsildar (ACB)	Tehsildar Pattan (OPS)	Services placed at the disposal of Commissioner Hazara Division
15.	Mr. Muhammad Fayyaz, Tehsildar (ACB)	Tehsildar Lora (OPS)	Retained on the same post

By order of
Senior Member

No. Estt:I/DPC/Tehsildar/2021/12792-97

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:)

R-8/3

**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

No: 6/7/EA/2021/I/
Dated 04.06.2021

OFFICE ORDER

The following posting / transfer of Tehsildars / Naib Tehsildars in Peshawar Division are hereby ordered with immediate effect:-

S.#	Name of Officials	From	To
1	Mr. Gohar Ali Tehsildar	Waiting for posting	Tehsildar Safi District Mohmand against the vacant post
2	Mr. Jehangir Khan Kanungo	Naib Tehsildar Ekkaghund (OPS)	District Revenue Accountant Nowshera (OPS)
3	Mr. Inamullah Kanungo	District Revenue Accountant Nowshera	District Kanungo Nowshera (OPS)
4	Mr. Tehseen Ullah Naib Tehsildar	Waiting for posting	Naib Tehsildar Bazaar Zakha Khel against the vacant post.
5	Mr. Zar Ali Kanungo	District Kanungo Nowshera	Naib Tehsildar Ekkaghund District Mohmand (OPS)

-Sd-

**COMMISSIONER
PESHAWAR DIVISION PESHAWAR**

No: 6/7/EA/2021/I/5877-83

Copy forwarded to:

1. Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa.
3. Deputy Commissioners Khyber, Nowshera & Mohmand.
4. PS to Commissioner Peshawar Division.
5. Officials concerned for compliance.

**ASSISTANT TO COMMISSIONER (Rev/GA)
PESHAWAR DIVISION PESHAWAR**

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Service Appeal No: 7123/2021

Muhammad Dawood

Versus

Govt Of Kpk Etc

Rejoinder on behalf of the appellant to the comments of
respondants No 1 To 7

RESPECTFULLY SHEWETH:

REJOINDER TO PRELIMINARY OBJECTIONS:

1. Impugned order passed by the respondents No3 &5 is highly illegal, pre-mature, against the posting, transfer policy 2009 and verdicts passed by the higher, superior courts of the country, therefore the appellant has got cause of action to file the present appeal.
2. The present appeal is very much maintainable per rules, transfer posting policy. Detail reply given in preceding objection.
3. Incorrect, malafide, misleading. The appellant keeping in view the relevant law, rules and policy etc came to this Hon'ble tribunal with clean hands and nothing concealed from this Hon'ble tribunal.
4. Incorrect, hence denied.

ON FACTS:

- 1- Para No 1, needs no rejoinder.
- 2- Para No 2, needs no rejoinder.
- 3- In rejoinder to the comments of respondents No1 to 7, it is submitted that the appellant was appointed and promoted by the respondents No2, 3, 5&7 after fulfilling the codel formalities in accordance with law. Rest of the comments is based on mud throwing, character assassination and defending their illegal, unwarranted, malafide etc

order. No inquiries of the alleged complaints were conducted and all posting transfer orders of the appellant carries the word "Public Interest". As far as Annexure "A" is concerned the appellant was neither appointing authority nor has ever demanded any illegal gratification. Moreover no inquiry whatsoever was conducted in this regard to prove the telephonic allegations against the appellant. So far Annexure "B" is concerned, inquiry officer was appointed but the so called complainant did not appear. Allegations with regard to Annexure "D" are also incorrect and malafide, hence denied. The appellant after getting suspension order dated 02-08-2021 from this Hon'ble Tribunal reported and conveyed the same to the Deputy Commissioner Nowshera and respondent No 5. The Respondent No 8 and his son namely Rashid Ali (Patwari settlement Nowshera), his other relative Patwari Settlement Nowshera and their near relatives from the locality conniving, misbehaved with the appellant made cue and cry against the appellant and threatened for dire consequences, if the appellant did not withdraw the instant appeal. Assistant Commissioner Nowshera (Furqan Ashraf) on the dictation of respondent No 8 locked the office of the appellant and stopped the appellant from official duty. The appellant reported the matter to the respondent No 5 on 04/08/2021 (Annexure R/1). Similarly the allegations contained in the Annexure "C" are also based on malafide, ill will, against facts and record, hence denied .A Notification was issued by the respondent No 3 &5 whereby settlement Nowshera was divided into 3 circles (**Annexure R/2**).The appellant was placed in circle 1 comprising 23 Mozas. Settlement Naib Tehsildar -II was assigned 18 Mozas. **Settlement Naib Tehsildar-III/respondent No 8 was assigned 19 Mozas.** The reason for Poor performance of the appellant in 3 mozas out of 23 was because of lack of staff/patwaris. It is important to mention here that one Patwari was arrested by Anti Corruption while the other one was dismissed from service. The appellant timely reported the shortage of Patwaris in his mozas to the competent authority vide (R/3 To R/6).The respondents assigned poor performance of others to the appellant which is evident from(**Annexure R/2**).As such para No 3 of the appeal is correct whereas comments are incorrect, malafide ,based on ill will and personal grudges. It is also important to mention here that ACR for the period 2020/2021 has been counter signed by the respondent No 5,which is sufficient to falsify the allegations leveled against the appellant (**Copy of ACR is Annexure R/7**).

- 4- Comments of respondents No 1 to 7 on Para No 4 are also incorrect, hence denied. In rejoinder to comments it is submitted that the appellant was suffering from Dengue Virus at Malakand even could not move for about 3 months that s' why requested for his transfer on any post in Peshawar Division and not post of his choice. Therefore para No 4 of the appeal is correct.
- 5- Comments of the respondents on Para No: 5 are incorrect and on baseless allegations, hence denied. Whereas Para No 5 of the appeal is correct.
- 6- Comments of respondents No1 to 7 are incorrect while contents of the appeal are true and correct.
- 7- Not denied therefore needs no rejoinder:
- 8- Comments of the respondents No 1 to 7, on Para No 8 are incorrect, malafide, hence denied. The appellant was transferred and posted from karak to Nowshera on vacant post by the competent authority and not on choice or Political influence. The appellant was transferred and posted from Nowshera to Momand vide impugned order on political approach of the respondent No 8. And also make the appellant as rolling stone.
- 9- Incorrect, hence denied. The appellant because of his pre mature ,illegal, against Notification etc, of the respondent No 3 and as per posting transfer rules, policy preferred appeal. The respondents just to cause illegal dent in the case of the appellant are denying appeal of the appellant. Moreover if the appeal was file to wrong authority , so according to the rules the same may be forwarded to the competent authority for disposal. **The appellant even after the order dated 02/08/2021 filed appeal to the respondent No 3 through respondent No 5 by way of appeal (Annexure R/1).** The appellant was then directed to withdraw his appeal then he will be posted in District Peshawar. As such the comments of the respondents No 1 to 7 are based on malafide intention, against facts and illegal. The facts mentioned in para No 9 of the appeal are very much correct.
10. Comments of the respondents No 1 to 7 are incorrect and against the law, rules and verdicts passed by the higher superior courts of the country.

GROUNDS:

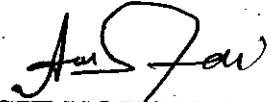
- A-D Comments on grounds No "A" to "D" are incorrect, while that of the appeal are true and correct.
- E. Comments on ground No "E" are incorrect and wrong interpretation of law ,i.e Sections 40,41 of the LR Act 1967. The revenue officer is responsible for attestation of mutation, recovery of any sort of dues, Land Tax, A.I.T, Local rate and recovery of draft paras. Therefore, Notification date 09.01.2020 is fully attracted to the case of the appellant and respondents No 8. Similarly in minutes of follow up meeting dated 28/09/2021 the respondent No 3 also admitted the stance of the petitioner.**(Copy of the LR. Act 1967 along with letters are Annexure R/8 To R/15 and minutes of meeting dated 28/09/2021 is also Annexure R/16).** Detailed reply given in preceding rejoinder Paras.
- F-G. Comments on ground No "F"&"G" are incorrect while that of the appeal are correct.
- H. Comments of the respondents No 1 To 7 on ground "H" incorrect while that of the appeal are correct. Moreover, if appeal is made to wrong authority then it is the duty of the said authority under the relevant rules to forward the same to the concerned authority.
- I&J. Comments of the respondents No 1 To 7 on ground No "I" & "J" are incorrect whereas appeal are true and correct.
- L. Comments of respondents No 1 to 7 on ground "K"incorrect, hence denied. Detailed reply given in preceding paras/grounds.

It is, therefore, most humbly prayed that appeal of the
appellant may graciously be accepted with cost.



APPELLANT
MUHAMMAD DAWOOD

THROUGH



M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT



SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT.

Incident
Date R/ 9/8/21
STN - 4/8/21

Anex. #3 R/I
کریڈٹ + ڈسٹریکٹ کنڈیکٹنگ اور کارڈ سہا کس فیئر فنڈ خواہ

ضد عیالی

گزارش کے ارسال کنندہ کے علاوہ نوٹسز جو 26/21 کو لفٹ نہی

باجہ سٹیل کوڈ پر آرڈر PET/1757 Settlement R/V/ جو 16/21 کو

سٹیل کے ساتھ نوٹسز سے کہلا رہا ہے، یہاں تک کہ سٹیل کے ساتھ نہی

صارف کے طور پر آرڈر سے صلح نہیں ہو سکی ہے۔

جس کا سٹیل کا ٹریڈنگ PRE-mature تھا اور اس میں خلاف ورزی کا سبب بنا

سال 2020 میں جو آرڈر آرڈر کے نوٹسز کے ساتھ کہلا رہا ہے ڈسٹریکٹ ڈسٹریکٹ

پر اس میں صلح میں لفٹ نہی ہوگا۔ جبکہ ٹوپر سٹیل کے ساتھ نوٹسز کے ساتھ

تعلق رکھتا ہے اور یہ نوٹسز میں نوٹسز آرڈر LR-V/Settlement PET/1757-65

جو 16/21 کو لفٹ نہی ہوگا۔ سٹیل کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ

فیئر فنڈ کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ آرڈر 7/23/21

کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ آرڈر 9/8/21 کو سٹیل کے ساتھ

سٹیل کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ آرڈر 3/8/21 کو سٹیل کے ساتھ

آگاہ تھا۔ اس دوران ٹوپر سٹیل کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ

کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ

رکھتا ہے کہ وہ سٹیل کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ آرڈر کے ساتھ

کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ

کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ آرڈر کے ساتھ نوٹسز کے ساتھ

خود کا معاملہ جو سندھ کے گورنر کا ہے اور اس کو سٹاپ کیا، الزامات کا ایک نمونہ ہے
اور عدالت حضور نے مذکورہ حکم کو سuspend کر دیا ہے۔ لیکن ٹیورن
اور گورنر کی کٹنگ نہ مانتا تھا۔ اور جی جی کاغذ سے ڈو کر رہا تھا۔
اور اس کا وہ کاغذ نہ کرنا دیتا۔ جس کا معائنہ صرف 50 روپے کو
مسلوب ہے۔

Under Transfer

لنڈن میں اس کے گورنر کی کٹنگ (انڈیا ایجنٹ) کے قلعہ چکلا نے کہا
کہ نہ سزا ہے جائے اور ساتویں گورنر کے پاس نوٹس ہے اور حکم دے
ایجنٹ ٹیورن کے قلعہ میں گاڈا کی جائے کیونکہ عدالتی احکامات نہ مانتے
تھے اور ایجنٹوں کے معائنہ کرنے سے باز آتے تھے۔
پھر سٹاپ سے مذکورہ حکم بھی منع کیا گیا اور اس کا حکم عدالت نے دیا
(جج عدالت حضور نے دیا ہے)

السلام

4/8/21

محمد داؤد

گورنر کے پاس

Anex. R/9



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTOR LAND RECORDS/CHIEF SETTLEMENT OFFICER
REVENUE & ESTATE DEPARTMENT

Phone No. 091-9210057

FAX No. 0919213989

Facebook ID: www.facebook.com/landrecord.kpk Twitter ID: @Landrecord.kpk

Email: landrecord.kpk@gmail.com

Peshawar dated the 8/04/2019.

NOTIFICATION

No. LR-V/Asstt: Settl: 4711/1

In order to Streamline and quicken completion and minimize the Settlement work, the Competent Authority is pleased to order the following Circle of Settlement Tehsildar/Naib Tehsildars in the Settlement Operation Nowshera with immediate effect in the interest of public :-

(Signature)

Circle-I/Settlement Tehsildar Circle-I	Circle-II/Settlement Naib Tehsildar-II	Circle-III/Settlement Naib Tehsildar-III
1. Nowshera cantt	1. Risalpur	1. Lakari
2. Sarwar Khel	2. Mula Kale	2. Rak Lakari
3. Duran	3. Spin Kani	3. Khaisri
4. Rak Duran	4. Spin Kani Khurd	4. Rak Khaisri
5. Sebran	5. Rak Sarkar Khesghi	5. Spin Kani Kalan
6. Rak Manai	6. Banda Chel	6. Sheikhi
7. Garhi Miyagan	7. Kutar Pan.	7. Palusi
8. Pitao	8. Turlandi	8. Rak Palusi
9. Manai	9. Behram Kale ✓	9. Sadu khel
10. Wala	10. Pir Sabaq. ✓	10. Rak Sadu khel
11. Bait-ul-Ghareeb ✓	11. Khesghi Payan. ✓	11. Kati khel.
12. Tar Khel.	12. Khesghi Bala ✓	12. Rak Kati khel.
13. Dokhla ✓	13. Manki Sharif. ✓	13. Asha khel
14. Ziarat Kaka Sahib ✓	14. Tungi Khattak ✓	14. Kana khel.
15. Shahab Khel. ✓	15. Mehraji.	15. Mera Kandar
16. Bad Rashi. ✓	16. Bahadur Khel.	16. Kandar
17. Deri Kati Khel. ✓	17. Zara Mena. ✓	17. Kalanger
18. Aman Ghar ✓	18. Nowshera Khurd. ✓	18. Rashakai.
19. Pir Piai ✓		19. Bara Banda.
20. Aaza Khel Payan. ✓		
21. Aaza Khel Bana. ✓		
22. Nowshera Kalan-I ✓		
23. Nowshera Kalan-II ✓		

Approved by
Competent Authority

Endst. No. LR-V/Asstt: Settl:

Copy forwarded

- 1) Commissioner, Peshawar
- 2) Deputy Commissioner

2/1

Peshawar.



Office of the
Deputy Commissioner
Nowshera

(Office Phone: 0912-9220000-9220000, Fax: 0912-9220100)

Facebook.com/DCNowshera Twitter.com/DCNowshera Email: dcnowshera@gov.punjab.gov.pk

Alex ~~1/5~~
R/2

17th June, 2021

ORDER

No 4682-87 /EA/DC/NSR/2021 WHEREAS, Mr. Muhammad Araf s/o Muhammad Razaq r/o Rashakai Tehsil & District Nowshera filed a complaint against Ex-Patwari Halqa Rashakai wherein, the contents provided by the complainant against ex-Patwari Halqa Rashakai prima facie showed fraud, mala fide intentions of denying the rightful ownership, extending favor to irrelevant individuals by taking bribe. The undersigned forwarded the complaint for inquiry/probe under sub-section (b) & (c) of Section 3 of Efficiency & Disciplinary Rules, 2011.

AND WHEREAS, Assistant Commissioner Pabbi was appointed as Inquiry Officer vide this office order No. 906-908/DK/DC/NSR/2020 dated 08-12-2020 under sub-section (a) Section 11 of the ibid rules to conduct probe, dig out the reality and fix the responsibility to provide remedy to the aggrieved person i.e. the complainant.

AND WHEREAS, Assistant Commissioner Nowshera/Inquiry Officer submitted inquiry report vide letter No. 547A/02/AC/PABBI dated 27-05-2021, wherein inquiry officer fixed the leveled allegations on Mr. Tehseen Ullah ex-Patwari Halqa Rashakai and stated that the allegations against the accused ex-Patwari Halqa Rashakai Tehsil Nowshera has been proved during the proceedings and recommended that the accused be dismissed specified in Section 04 sub section b (iv) of the rules ibid.

AND WHEREAS, after ascertaining the facts and proof of guilt through inquiry officer Mr. Tehseen Ullah the accused ex-Patwari Halqa Rashakai Tehsil Nowshera District Nowshera was proceeded under Khyber Pakhtunkhwa Efficiency & Disciplinary Rules and a show cause notice under Section 14 sub-section 4(a), (b), (c) and (d) was served vide letter No. 172/DK/DC/NSR/2021 dated 04-06-2021.

AND WHEREAS, the accused official submitted his reply to the show cause notice on dated 11-06-2021. Upon which a chance of personal hearing was afforded to him on 17-06-2021 and the accused official was heard in person, wherein he could not put any defense against the allegations except some lame & frivolous excuses.

NOW THEREFORE, considering the recommendations of the inquiry officer, statement of the accused official on personal hearing and other circumstances, I, **MIR REZA OZGEN DEPUTY COMMISSIONER NOWSHERA**, in the capacity as Competent Authority and in exercise of the powers conferred under Rule, 14(5)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 imposed major penalty of Dismissal from service specified in section 4(b)(iv) of the ibid rules upon Mr. Tehseen Ullah Patwari with immediate effect.

Mir Reza Ozgen
MIR REZA OZGEN
Deputy Commissioner
Nowshera

Even No & date

Copy forwarded to:

1. Additional Deputy Commissioner (G), Nowshera.
2. Settlement Officer, Nowshera.
3. Assistant Commissioner, Nowshera.
4. Assistant Commissioner Pabbi/Inquiry Officer
5. Accounts Officer, DC Office Nowshera for necessary action
6. Mr. Tehseen Ullah ex-Patwari

Mir Reza Ozgen
Deputy Commissioner
Nowshera

از دفتر سبکدوشی گنبدار نوشهر
 در خصوص تعلیق امر گنبدار نوشهر
 در خصوص تعلیق امر گنبدار نوشهر

عنوان: Suspended of Posting Transfer order
 Dated 16/7/21.

موضوع: خبری به ارسال کو بلال علی صغری
 LRV/Settlement/PET/175/65

dated. 16/7/21

گنبدار نوشهر به گنبدار جوانی مقرر شده است
 لیکن سبکدوشی در این خصوص جاری نگذاشته است
 تا اینکه در این خصوص در این خصوص
 در این خصوص در این خصوص
 در این خصوص در این خصوص
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 در این خصوص در این خصوص

Handwritten signature and stamp

گنبدار نوشهر

Handwritten notes and stamps

خود تصدیق شدہ دستخط کے ساتھ

Alex اور ریاست مشتاق نیواری (معلق شدہ) کو وضع شدہ فیصلہ

~~Q/3~~

صبر عالی! عرفین جو کہ مشتاق نیواری (Suspend) کو صرف $5 \frac{4}{21}$ حکم ازلی کرکے
نہ ہتھیار لے سکیں $4,00,000$ (حالیہ طور پر) درجہ لیکچرار شہادت کے ساتھ ان کے ہاتھوں
گرفتار کر کے جو کہ FIR بنا کر قانونی کرکے صرف $5 \frac{4}{21}$ کو
گرفتار کیا گیا۔

بہتر اور اراطر 2021/NSR/SF/75-370 صرف $6 \frac{4}{2021}$ کو وضع شدہ فیصلہ
سال کا خارج ملکہ نیواری حسین اللہ کو امانی خارج دینے کا حکم
کے ہیں۔ "A"

یہ کہ تادم اراطر 16-13 صرف 12/4/21 کو مشتاق نیواری کو Suspend
کر دیا گیا۔ اور ان کو نیواری جو کہ صدر AC کے ہیں کہ ہیں۔ "B"
ضابطہ عالی!

① یہ کہ صرف $5 \frac{4}{21}$ سے لیکر $27 \frac{4}{21}$ تک نہیں خارج ہوئے
حسین اللہ نیواری کو کہ ہے اور نہیں الی تک حال ہے۔
اور سینئر زوری / مدعا سے غیر قانونی طور پر مذکورہ حکم کی
خارج اپنے پاس رکھا ہے۔ R

② یہ کہ نیواری کے اجلاس نام (معلق شدہ) کے ہیں اور ان کے انتظامات
سے نوٹس 2020 سے لیکر اب تک سینکڑوں انتظامات
شہادت ہے جو کہ غیر قانونی ہے اور بغیر کسی شہادت
انتظامات اپنے پاس رکھے ہوئے ہیں۔

یہ کہ حکومت کی پالیسی کے تحت ایک ٹیکس جو سال تک رہتا
 ہوتا ہے۔ جو ایک ٹیکس کے تحت اس کے لئے جو کہ دو سال
 تک ایک ٹیکس کے تحت ہے۔ جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔
 جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔
 جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔

جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔
 جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔
 جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔
 جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔ جو کہ اس کے لئے ہے۔

27/4/2011

محمد رفیق

کامیاب اور کامیابی
 مع جذبہ و شہسوارانہ
 (2) کامیاب اور کامیابی
 (3) P.S. تو S.M.B.R. K.P.K.



Office of the
SETTLEMENT TEHSILDAR,
NOWSHERA.

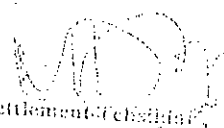
No. 1111/ST/NSW/2021
06/04/2021

Alia.

R/4

OFFICE ORDER.

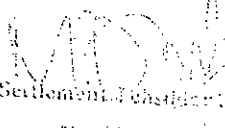
Mr. Mushtaq parwari Halqa Aza khel Bala has been arrested in case FIR No-01-
(U/C (S)2 PC ACT 161 P.P.C dated 05-04-2021 in P.S. Anti corruption Nowshera.
Therefore, the charge of the post of halqa parwari Aza khel Bala is hereby interested
(additional) to Mr. Tafseer uliah Parwari Halqa Pirpia forwala in the public interest.

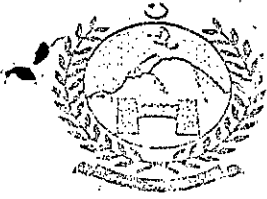

Settlement Officer
Nowshera.

Even No. & Date

Copy forwarded for information:

- 1) Ps to Director land record, Government of Khyber Pakhtunkhwa.
- 2) Ps to Deputy Commissioner Nowshera.
- 3) Settlement Naib, Tehsildar circle II&III.
- 4) Girdawar Circle Nowshera.
- 5) Official concerned


Settlement Officer
Nowshera.



Office of the
**DEPUTY COMMISSIONER
NOWSHERA.**

(Office Phone#0923-9220161, Fax#0923-9220161,
Email: dconsrpk@yahoo.com)

Dated 12/04/2021

Anek

~~P/S~~

P/S

OFFICE ORDER

No. 12-16 /DK/DC/NSR/2021. In pursuance to Circle Officer Anti-Corruption, Nowshera dated 06-04-2021, Mr. Mushtaq Khan (Patwari) Talqa Aza Khel Bala, Tehsil & District Nowshera is hereby suspended from service with immediate effect due to the demanding illegal gratification of Rs. 40,000/- from Amir Ullah S/O Pooch Ullah R/O Aza Khel Bala, Tehsil & District Nowshera. The Circle Officer, Anti-Corruption Thana, Nowshera has registered FIR No. 01 under section, PPC 161/5(2) FC ACT, dated 05-04-2021 against the above Patwari. The undersigned is pleased to appoint Assistant Commissioner, Pabbi as Inquiry Officer to probe into the matter and submit the report along with recommendations for further appropriate action within thirty (30) days.

[Signature]
Deputy Commissioner
Nowshera

Even No. & Date.

Copy forwarded for information/necessary action to the:

1. Additional Deputy Commissioner (C), Nowshera.
2. Assistant Commissioner, Pabbi (Inquiry Officer).
3. Circle Officer, Anticorruption Thana, Nowshera.
4. Tehsildar, *Wazir Khan*
5. Official concerned.

[Signature]
Deputy Commissioner
Nowshera

Amir Ullah
Patwari
12/4/21

از دفتر سندھ کی تعلیم در نوشتہ:

~~10~~ Aneel

عنوان: وصال کی سرور میں مستحق ہو کر (Suspend)

سندھ دفتر صحت - ڈی پی کٹر جی. نوشتہ:

A/6

صدا عالی!

۱۔ عنوان بالترتیب ہے کہ مستحق ہو کر (Suspend) کو صرف $05 \frac{4}{21}$

کو حکم زنی کر دینے کے صلے میں $40,000$ (چالیس ہزار) روپیہ بطور انعام، انگوٹیاں

شرفدار کا تھا۔ جو کہ F.I.R. نمبر 1 تقاضا زنی کر دینے کو صرف $05 \frac{4}{21}$ درج

۲۔ یہ کہ بوجہ خالی پوسٹ حوالہ اضافی نام کا خارج ہوا اور $370-75/TS/NSR/21$

صرف $06 \frac{4}{21}$ کو حسین اللہ شہزاد کو اضافی خارج کرنے کا حکم کیا گیا۔ "A"

۳۔ یہ کہ صرف $12/4/21$ کو ہزاروں روپیہ $16-13$ ضرب ڈی پی کٹر جی کے مستحق ہو کر کو Suspend کیا گیا۔ "B"

۴۔ یہ کہ صرف $27 \frac{4}{21}$ کو حسین اللہ شہزاد نے اپنی کہ مستحق ہو کر (Suspend)

حوالہ اضافی نام کا خارج ہوا اور $429-35/NSR/21$ کو صرف $28 \frac{4}{21}$ کو حوالہ اضافی نام کا خارج کرنے کا حکم کیا گیا۔ "D"

۵۔ یہ کہ صرف $3 \frac{5}{21}$ کو آج کے مستحق ہو کر (Suspend) کو زبانی حکم کیا گیا کہ حوالہ اضافی نام کا خارج کر دیا گیا۔

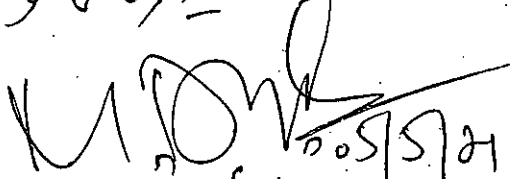
۶۔ یہ کہ صرف $3 \frac{5}{21}$ کو آج کے مستحق ہو کر (Suspend) کو زبانی حکم کیا گیا کہ حوالہ اضافی نام کا خارج کر دیا گیا۔

اور عینہ زنگار - صدر نمبر 125 - انتقالی نوٹ کار - اور نام و مقامی
موقعہ رضیہ فیصلہ شدہ سٹانڈ سوسائٹی کے ساتھ اور نوٹ کار میں
صور میں ہے۔

صاف علی! سٹانڈ سوسائٹی کے ذریعہ سٹانڈ سوسائٹی سے اور
صارفہ کے حوالہ نہیں کرتا۔ اور میں مندرجہ حکم نامہ کی
عملی نفاذ کرتا رہتا ہے۔ جو کہ سٹانڈ سوسائٹی پر بہت بُرا
اثر پڑتا ہے۔ اور قانون کی روگردانی کرتا ہے۔

سٹانڈ سوسائٹی (Suspend) کے ساتھ صدر نمبر 123، 124، 125 میں نوٹ کار
تہا حال سٹانڈ سوسائٹی منتقلی ہے۔ جو کہ قانوناً مجرم ہے اور عینہ زنگار
کو میں تعلق ہے۔ سٹانڈ سوسائٹی نے موقعہ رضیہ فیصلہ شدہ سٹانڈ
میں جو کہ سٹانڈ سوسائٹی کے خلاف ہے۔ کیونکہ اس میں زیادہ عینہ
رہے ہیں اور سٹانڈ سوسائٹی کے خلاف ہے۔

نہا اثر عینہ زنگار کے ساتھ سٹانڈ سوسائٹی (Suspend) کے خلاف قانونی
کارروائی کرے۔ اور سٹانڈ سوسائٹی سے فوری طور پر عدالتوں میں جاری
D.C. کی آفیس کر ایس سٹانڈ سوسائٹی کے لیے عینہ زنگار کو کوئی اثر نہیں ہے۔


10/5/2020
عینہ زنگار سوسائٹی

صدر نمبر 50

Anex.

~~R/9~~

R/6
صفحات عالی

من شوار حلقہ کو پیر بیان کو پیر پیر اردو فرم 75-370 مورم 6/4/021

کو مونسو حلقہ افاضیل مارا جا جا جا۔ تھان 6/4/021 سے لیکر


مورم 27/04/021 تک مذکورہ شوار حلقہ افاضیل پر اشتاق (محظ شدہ)

نے ابھی تک جا جا جا حوالہ نہیں کیا گیا۔ اور سینہ زوری اور غیر قانونی

طریقہ پر شوار حلقہ افاضیل پر جا جا جا رہنے دیا گیا ہے

کہذا رائے خلاف قانونی کارروائی کی ہے۔

الو


27/04/021

APPENDIX 'E'

3.1 (I)

RESTRICTED

Performance Evaluation
Report Form for the Officers BS-16

GOVERNMENT OF KHYBER PAKHTUNKHWA

Revenue & Estate KPK
(DEPARTMENT)

TEHSILDAR
(Name of Service)

Annual

SPECIAL

REPORT FOR THE PERIOD 1-1-2019 TO 30-9-2019

PART-I

1. Name (in block letters) M. DAUD KHAN 1(a) Father's Name HAJI AJMAL KHAN
2. Designation TEHSILDAR
3. Academic qualifications B.A.
4. Date of birth 12-04-1968
5. Total Service 20 years
6. Knowledge of language Urdu - Pushto - English
7. Special training —

Post held during the period

Post	Period	Pay
<u>Settlement Tehsildar Nowshera.</u>	<u>01-01-2019 TO 30-9-2019</u>	<u>32590/28M</u>

Appendix 'E' (PER Form for BS-16)

PART-II

The ratings should be recorded by initiating the appropriate column or box. The rating denoted by the alphabets as follows:-

'A1' = Very Good, 'A' = Good, 'B' = Average, 'C' = Below Average, 'D' = Poor

Alertness		A1	A	B	C	D	Remarks
1.	Intelligence and mental alertness.		3				
2.	Judgment and sense of proportion.		3				
3.	Initiative and drive.		3				
4.	Power of expression:-						
	(a) Writing	3					
	(b) Speech	3					
5.	Ability to plan, organize and supervise work.		3				
6.	Quality and output of work.	3					
7.	Perseverance and devotion to duty.	3					
8.	Capacity to guide and train subordinates.	3					
9.	Cooperation and tact.	3					
10.	Integrity:-						
	(a) Intellectual		3				
	(b) Moral		3				
11.	Sense of responsibility:-						
	(a) General		3				
	(b) In financial mater		3				
12.	Personality		3				
13.	Behavior with public.	Is modest helpful?		Is inclined to be arrogant?			
14.	Standard of living.	Lives within known means of income.		Reported to be living beyond known means of income.			
15.	Observance of security measures.	Takes reasonably good care.		Inclined to be negligent.			
16.	Punctuality	Punctual		Unpunctual			
17.	Touring	Adequate and systematic.		Inadequate or unsystematic.			

Comprising him with other officers of the same grade, give your general assessment of the officer by initiating in the appropriate column below:-

Very Good	Good	Average	Below Average	Poor	Remarks on special aptitude, if any, e.g., for Secretariat, Executive, Judicial, Developmental or diplomatic work.
					Hard working & better if posted in field

FITNESS FOR PROMOTION

(Initiate the appropriate box below)

- Recommended for accelerated promotion.
- Fit for promotion.
- Recently promoted, assessment for further promotion premature.
- Not yet fit for promotion, out likely to become fit in course of time.
- Unfit for further promotion, has reached his ceiling.

Pen Picture

Reporting Officer's Signature *M. Jorba*
 Name (in block-letters) MUHAMMAD JORBA
 Designation Settlement Officer

Dated 14/12 20 20

PART-IV

Remarks of the Countersigning Officer

I consider that the assessment made by the Reporting Officer is very good/reasonably good/strict/lenient/biased. The remarks underlined in red ink should be communicated in writing. I have the following remarks to add:-

Countersigning Officer's Signature *M. Khalid Zaman*
 Name (in block-letters) M. KHALID ZAMAN
 Designation DLR **DIRECTOR**
LAND RECORDS RHYBER
PANIPAT

Dated 15/01/2021

The name and designation of the Reporting/Countersigning Officer should be typed, written in Block Letters or rubber stamped below the signature.

Anex. R/4 R/8

**LAND REVENUE
ACT, 1967**

**قانون
مقامہ زمین**

منصوبہ بک ہاؤس

پبلی ریزروڈ (انارکلی) لاہور

سال کے بعد تیار ہوتا ہے۔ اسے جمعندی چھ ماہ سال سے موسوم کیا گیا اور اب اسے رجسٹر حقداران زمین کے نام سے پکارا جاتا ہے۔

40. Making of special revision of record-of-rights :

(1) When it appears to the Board of Revenue that a record-of-rights for an estate does not exist, or that the existing record-of-rights for an estate requires special revision, the Board of Revenue may, by notification, direct that a record-of-rights be made, or that record-of-rights be specially revised, as the case may be.

(2) A notification under sub-section (1) may direct that record-of-rights shall be made or specially revised for all or any of the estates in any local area.

(3) A record-of-rights made or specially revised for an estate under this section shall be deemed to be the record-of-rights for that estate, but shall not affect any presumption in favour of Government which has already arisen from any previous record-of-rights.

وقفہ 40۔ مسل حقیقت کی تیار می یا اس کی خاص ترمیم | (1) جب بورڈ آف ریونیو کو یہ معلوم ہو کہ کسی محال کی اسل

حقیقت موجود نہیں ہے یا کسی محال کی اسل حقیقت موجودہ کی ترمیم خاص کی ضرورت ہے تو بورڈ آف ریونیو مجاز ہوگا کہ بذریعہ نوٹیفیکیشن کے خواہ یہ ہدایت کرے کہ اسل حقیقت تیار کی جائے یا یہ کہ اسل حقیقت کی خاص ترمیم کی جائے۔ ایسی صورت ہو

2۔ ضمنی وقفہ (1) کے تحت اشتہار سے ہدایت ہو سکتی ہے کہ کسی مقامی علاقے میں جملہ محالوں یا کسی محال کی اسل حقیقت تیار کی جائیں یا خاص طور پر ترمیم کی جائیں۔

3۔ جو اسل حقیقت کسی محال کے لیے برائے وقفہ ہذا تیار یا خاص طور پر ترمیم کی جائے اس محال کی اسل حقیقت تیار ہوگی۔ مگر اس کا کوئی اثر اس قیاس پر نہیں ہوگا جو بروٹے اسل سابقہ گورنمنٹ کے حق میں پیدا ہوا ہو۔

شرح

اسلہ دائمی اور وہ اسلہ میٹروپولیٹن طور پر از سر نو پیمائش کر کے تیار کی جائیں ہیں اہم فرق یہ ہے کہ اسلہ دائمی میں واجب العرض شامل ہوتی ہے جب کہ اسلہ میٹروپولیٹن میں یہ شامل نہیں ہوتی۔ جب بھی کسی ضلع کے عام۔ دربارہ بندہ رست کے احکام دینے ہوں تو قاعدہ یہ ہے کہ ایسے حکم کے

متعلق اشتہار جاری کیا جاتا ہے۔ اس دفعہ کی ضمنی دفعہ کے تحت جب کسی محال کے لیے کوئی نئی مسل حقیقت تیار کی جائے یا سابقہ مسل حقیقت کی ترمیم کی جائے تو وہ اس محال کا جدید ریکارڈ تصور ہوگی۔ لیکن اگر سابقہ ریکارڈ میں سرکار کے حقوق کے متعلق کوئی قیاسات موجود ہوں تو ان پر جدید ریکارڈ کے اندراجات میٹرنہ ہوں گے۔

41. Periodical records : (1) The Collector shall cause to be prepared by the Patwari of each estate periodically, as the Board of Revenue may direct, an edition of any record-of-rights amended in accordance with the provisions of this Chapter.

(2) Such edition of the record-of-rights shall be called the periodical record for the estate, and shall comprise the statements mentioned in clause (a) of sub-section (2) of Section 39, and such other documents, if any, as may be prescribed.

(3) For the preparation of periodical records, the Collector shall cause to be maintained by the Patwari of each estate a register of mutation in the prescribed form and other prescribed registers, if any.

(۱) لازم ہوگا کہ کلکٹر ہر محال کے پٹواری سے ان میعادوں پر جن کی بورڈ دفعہ ۲۱ - اسلٹ میعادوں کی آت و پیوستہ ہدایت کرے ایک جدید جلد مسل حقیقت جو اس باب کی

شرائط کے مطابق ترمیم شدہ ہوگی، تیار کروائے۔

2 مسل حقیقت کی ایسی جلد کو اس محال کی مسل میعادوں کہا جائے گا۔ اور ان نقشوں پر مشتمل ہوگی جو دفعہ 39 کی تحت دفعہ (2) کی ضمنی دانت میں مذکور ہیں اور ایسی دیگر دستاویزات اگر کوئی ہوں جو مقرر کی جائیں۔

3 مسل میعادوں کی تیاری کے لیے کلکٹر کو لازم ہوگا کہ ہر محال کے پٹواری کے ذریعے مقررہ نمونہ پر ایک رجسٹر منتقلات یا دیگر مقررہ کردہ رجسٹر، اگر کوئی ہوں تیار کروائے۔

ب

اس دفعہ کے مطابق ہر محال کے لیے ہر چار سال بعد ایک نیا رجسٹر منتقلات زمین حکم کلکٹر تیار کیا جاتا ہے۔ اس میں وہ کاغذات شامل ہوتے ہیں جن کی شرح دفعہ 39 کی ضمنی دفعہ (2) میں کی گئی ہے۔ سابقہ چار سالہ منتقلات زمین تیار ہونے کے بعد جس قدر تبدیلیاں ہو جیں، وہیں وہ رجسٹر سے ہوتی ہیں اور زمین کا استعمال رجسٹر داخل خارج میں درج ہو کر منظور ہو چکا ہو۔ اس کے متعلقہ کاغذات سابقہ منتقلات زمین میں شامل کر کے بعد یا اندراج سے چار سالہ میں قائم کر دیا جاتا ہے۔ گویا چار سالہ

سابقہ کا ترمیم شدہ ایڈیشن ہوتا ہے اور اس میں زمین سے متعلقین کے جدید ترین حقوق کا اندراج کیا جاتا ہے۔ نئے چار سالہ میں قبضہ کاشت کے اندراجات رجسٹر گروڈاوری کے آخری اندراج سے نقل کیے جاتے ہیں۔ نئے ایڈیشن میں 30 جون تک کے فیصلہ شدہ استعانات کا عمل درآمد کیا جاتا ہے اور اس لیے ریونیو افسران کو ہدایت کی گئی ہے کہ وہ اس محال میں زیادہ سے زیادہ دوسرے کر کے اس کے استعانات اور دیگر متعلقہ تنازعات کا فیصلہ جلد کریں جن کا جدید رجسٹر حقداران زمین اس چار سالہ میں تیار ہونا ہو۔ جدید رجسٹر حقداران زمین کی دو کاپیاں تیار کی جاتی ہیں۔

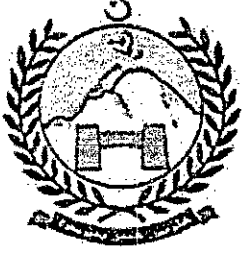
اس جدید رجسٹر حقداران زمین کی نالونگو سرکل سابقہ ریکارڈ سے اور متعلقہ استعانات سے پڑتال کرتا ہے۔ دونوں کاپیوں کا مقابلہ کرتا ہے۔ اہل ذمہ کے سامنے اندراجات پڑھ کر سناتا ہے اور جو بدلتا ہے (تخلیوں) برآمد ہوں وہ رجسٹر حقداران زمین کے آخری حال اوراتی میں لکھ دیتا ہے تاکہ پٹواری اس کی درستی کرے۔ رجسٹر حقداران زمین کی دونوں کاپیاں تیار کر کے دستخط و دفتر تفصیل میں داخل کر دی جاتی ہیں اور پھر ستمبر کے مہینہ میں گروڈاوری حلقہ اپنی نگرانی میں میٹرو گروڈاوری تفصیل پر اس کی درستی پٹواری سے کراتا ہے۔ ریونیو افسران موسم سرما کے دورہ میں متعلقہ محال میں جا کر ان جدید رجسٹر حقداران زمین کے اندراجات کا 25 یا 5 فی صد زمینداران کو سناتے ہیں اور سابقہ ریکارڈ سے موجودہ کا مقابلہ کرتے ہیں اور اعلیٰ کو رجسٹر کے آخری اوراق میں درج کرتے ہیں جن کی درستی گروڈاوری نالونگو اپنی نگرانی میں پٹواری سے کراتا ہے۔ اور جب ہر لحاظ سے دونوں کاپیاں رجسٹر حقداران زمین جدید درست طور پر تیار ہو جاتی ہیں تو ریونیو افسران اس امر کے لیے تعدیق کے سرٹیفکیٹ پر دستخط کرتا ہے۔

ان دونوں کاپیوں سے نقل والی کاپی پٹواری کے پاس پرانے استعمال تریکار رکھی جاتی ہے جبکہ دوسری کاپی جو اصل پرت کھلتی ہے۔ ربیعہ کی گروڈاوری کے بعد صدر کے ریکارڈ روم میں داخل کر دی جاتی ہے پھر چار سال گزرنے کے بعد یہ عمل اسی طرح دہرایا جاتا ہے۔

Procedure for Making Records

42. Making of that part of periodical records which relates to land-owners: (1) Any person acquiring by inheritance, purchase, mortgage, gift or otherwise, any right in an estate as a land-owner, or a tenant for a fixed term exceeding one year, shall, within three months from the date of such acquisition, report his acquisition of right to the Patwari of the estate, who shall—

(a) record such report in the Roznamcha to be maintained



Office of the
Additional Deputy Commissioner,
Nowshera.

(Office Phone#0923-9220101, Fax#0923-9220101)

No. 4358-67 /ADC/PA(Revenue)/NSR/2021.
09 June, 2021.

To


1. The Accounts Officer, Deputy Commissioner Office, Nowshera.
2. The Tehsildar, Pabbi.
3. The Settlement Tehsildar, Nowshera.
4. The Naib Settlement Tehsildar-II, Nowshera.
5. The Naib Settlement Tehsildar-III, Nowshera.
6. The District Kanungo, Nowshera.
7. The District Revenue Accountant(DRA), Nowshera.

Subject: - MEETING ON THE DRAFT PARAS NO. 01(2001-02) AND DRAFT PARAS NO. 2.1, 2.2 (2002-03).

Memo:

A meeting on the subject matter is hereby scheduled to be held on 10-06-2021 at 02:00 pm in the office of undersigned.

You are directed to attend the said meeting on the date, time and venue mentioned above, please.


Additional Deputy Commissioner(G),
Nowshera

Endst: Even No. & date.

Copy forwarded for information to:-

1. The Secretary-III, Board of Revenue, Revenue & Estate Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner, Nowshera.
3. The Budget & Accounts Officer (PAC), Revenue & Estate Department, Government of Khyber Pakhtunkhwa w/r his letter No. APS/2001-02 & 03/9300-04 dated 09-06-2021.


Additional Deputy Commissioner(G),
Nowshera.



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Office of the
Deputy Commissioner
Nowshera

(Office Phone #0923-9220098-9220099, Fax #0923-9220099)

Facebook.com/DCNowshera Twitter.com/DCNowshera Email: dcnowshera@kpk.gov.pk

No. 8721/25
13

R/10

To

- 1- Assistant Commissioner, Nowshera.
- 2- Settlement Officer, Nowshera.
- 3- Additional Assistant Commissioner (Revenue), Nowshera.
- 4- Settlement Tehsildar Nowshera.
- 5- Tehsildar Nowshera.
- 6- Settlement Naib Tehsildar II & III Nowshera.
- 7- District Kanungo, Nowshera.
- 8- Sub-Registrar, Nowshera.

Subject: -

REVENUE DARBAR / TEHSIL HAZRI.

Reference to the subject noted above.

As per directions of Chief Minister Khyber Pakhtunkhwa, Revenue Darbar / Tehsil Hazri will be held on 15-07-2021 at 11:00 AM at Community Hall of new Labor Colony Hakim Abad, Tehsil & District Nowshera.

You are directed to attend the same alongwith all Girdawars and Patwaris of Tehsil Nowshera with their revenue record. Settlement Tehsildar Nowshera is further directed to make necessary arrangement for Revenue Darbar / Tehsil Hazri.

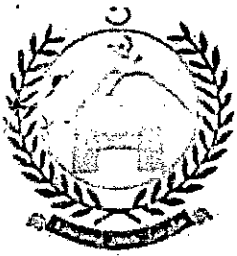
Deputy Commissioner,
Nowshera

Even No. & Date.

Copy forwarded for information to the:

- 1- Commissioner, Peshawar Division, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa.
- 3- PSO to Chief Secretary Government of Khyber Pakhtunkhwa.
- 4- Deputy Secretary (MA-II), Chief Minister's Secretariat Khyber Pakhtunkhwa, Peshawar.
- 5- Care Taker of Community Hall Labor Colony Hakim Abad, Nowshera.
- 6- PRO DC Office Nowshera for coordination and wide publicity.
- 7- President Press Club Nowshera for wide publicity.

Deputy Commissioner,
Nowshera



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Office of the
Additional Deputy Commissioner,
Nowshera

(Office Phone#0923-9220101, Fax#0923-9220101)

No. 5936-37/DRA/DC/NSR/2021

04 August, 2021

R/11

MINUTES OF THE MEETING HELD ON 04-08-2021 AT 10:00 AM IN THE OFFICE OF DEPUTY COMMISSIONER, NOWSHERA REGARDING RECOVERY OF ABYANA AS PER AUDIT PARA NO.2.1 & 2.2 IN DISTRICT NOWSHERA.

A meeting was held on 04-08-2021 at 10:00 AM under the chairmanship of Additional Deputy Commissioner (General) Nowshera in his office. The list of participants attached.

The meeting was started with the recitation from the Holy Quran. The Chair welcomed all the participants and opened the forum for discussion. The following agenda items were thoroughly discussed.

1. RECOVERY OF ABYANA AS PER AUDIT PARA NO.2.1&2.2.

Audit Para No	Total Amount/Target	Previous Amount	Recovery during the month of July	Total Recovery	Pending due to status quo	Balance
2.1&2.2	2340000	1848085	108913	1956998	125000	258002

The Settlement Tehsildar Nowshera and Settlement Naib Teshildar-II Nowshera were directed to clear the pending recovery before 15-08-2021.

The recovery amount Rs.125,000/- is pending due to status quo in the civil court and next hearing is on 10-09-2021.

Meeting ended with a vote of thanks from the chair.

[Handwritten signature]
Additional Deputy Commissioner (G)
Nowshera

Endst. Even No. & date.

Copy forwarded to:-

1. The Budget & Account Officer (PAC), Revenue & Estate Deptt Khyber Pakhtunkhwa, Peshawar
2. All the participants of the meeting / concerned for compliance.

[Handwritten signature]
Additional Deputy Commissioner (G)
Nowshera



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R/15

R/12

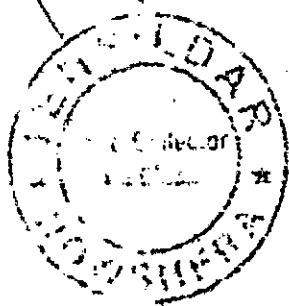
RECONCILIATION OF Land Tax/Local Rate/Usher Receipt From Tehsildar Nowshera

S/NO	Head OF A/C	Date	Challan No	Amount	Total
1	BO 1175	26/01/2018	29	30000	30000
2	BO 1175	29/01/2018	17	30000	30000
3	BO 1175	26/01/2018	26	18000	18000
4	BO 1175	26/01/2018	27	54000	54000
5	BO 1175	29/01/2018	18	11000	11000
6	BO 1175	26/01/2018	28	107000	107000
Total				250000	250000

Consolidate statement for dist. Nowshera
 already verified
 Receipt verified for Rs 250000/-
 for the m/o 1/2018.

ASST. TREASURY OFFICER
 NOWSHERA

MDW
 24/5/21



B/16

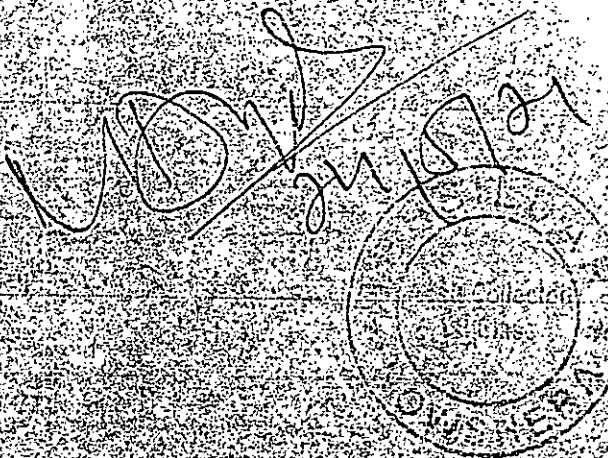
R/13

RECONCILIATION OF Land Tax/Load Rate/Usher Receipt From Tehsildar Nowshera

S/NO	Head OF A/C	Date	Challan No	Amount	Total
1	BO 1175	28/02/2018	24	13000	13000
2	BO 1175	14/02/2018	38	6000	6000
Total				19000	19000

Consolidated statement for verified
 No. At ready verified
 Receipt verified for 19000
 for the m/02/2018

ASST. TREASURY OFFICER
 NOWSHERA



R/17

R/14

RECONCILIATION OF Land Tax/Load Rate/Usher Receipt From Tetsidaz Kowshera

S. NO	Head OF A/C	Date	Challan No	Amount	Total
1	BO 1175	08/05/2018	35	5000	5000
2	BO 1175	31/05/2018	7	26000	26000
3	BO 1175	31/05/2018	8	49000	49000
4	BO 1175	31/05/2018	10	55000	55000
5	BO 1175	31/05/2018	9	10000	10000
6	BO 1175	31/05/2018	4	32000	32000
Total				177000	177000

Consolidated Statement for Dist. Govt. Office
 Verified
 Receipt verified for Rs 177000
 for the M/o 5/2018

[Signature]
 ASSISTANT TENDERS OFFICER

[Signature]
 10/11/18

R/18

R/15

RECONCILIATION OF Land Tax/Load Rate/Usher Receipt From Tehsildar Nowshera

S. No	Name OF A/C	Date	Challan No	Amount	Total
1	BO 1175	29/06/2018	58	52400	52400
2	BO 1175	29/06/2018	59	103500	103500
3	BO 1175	28/06/2018	67	10000	10000
4	BO 1175	28/06/2018	68	67000	67000
5	BO 1175	29/06/2018	5	37600	37600
Total				270500	270500

Consolidated Statement for Dist No 1
Receipt Verified for Rs 270500

for the m/o 6/2018.

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**MINUTES OF FOLLOW-UP MEETING ON NON-IMPLEMENTATION OF VOR
COMMITTEE DATED 13-07-2021**

The Follow-up meeting was held on 28-09-2021 at 11:00 AM under the Chairmanship of Member-III, Board of Revenue, to discuss Draft Paras. The following members participated in the meeting:-


<u>S. NO.</u>	<u>Name and Designation</u>
1.	Mr. Muhammad Bilal, Tehsildar Nowshera.
2.	Mr. Shakeel, Tehsildar Pabbi, Nowshera.
3.	Mr. Daud Khan, Tehsildar Settlement, Nowshera.

The meeting started with a welcome note. The forum was briefed about the agenda of the meeting.

DECISION

1. D.P No. 3.1 (2008-09) NON-REALIZATION OF MUTATION FEE DUE TO APPLICATION OF INCORRECT RATE Rs.1,380 (M) (R. Receipts).
2. DP No.2.1 (2003-04) NON-REALIZATION OF ARREARS OF WATER RATE (ABIANA) Rs. 58,306 MILLION (Revenue Receipts).
3. DP NO 2.2 (2003-04) NON-REALIZATION OF 10% SURCHARGE ON LATE PAYMENT OF ABIANA WORTH RS. 1,989 (M) (REVENUE RECEIPTS).
4. DP No. 2.1 (2002-03) NON-REALIZATION OF ARREAR OF WATER RATE (ABIANA) RS.56.660 MILLION. (Rev Recpt).
5. DP No.2.2 (2002-03) SHORT REALIZATION OF WATER RATE (ABIANA) RS.19.215 MILLION (REVENUE RECEIPTS)
6. DP NO. 2.3 (2002-03) NON-RECOVERY OF 10% SURCHARGE ON DELAYED PAYMENT OF ABIANA OF RS.0.684 MILLION. (REVENUE RECEIPTS).
7. D.P No. 2.2 (2002-03) OUTSTANDING GOVERNMENT DUES AMOUNTING TO Rs. 2,340 MILLION. (Audit Report regarding Expenditures).
8. D.P No. 2.11 (2002-03) UNAUTHORIZED POSSESSION OF GOVERNMENT LAND. (AUDIT REPORT REGARDING EXPENDITURES).

Tehsildar Nowshera, Muhammad Bilal and Settlement Tehsildar, Dawood Khan informed the Chairman that they have no record of audit paras. The Chairman directed the Revenue Officers to contact the Office of the Deputy Director Audit (Revenue Receipt). AG office for record and verify the recovered amount within a week. Also keep the PAC section informed of the latest position of DP 2.11 Saleh Khana Pabbi. In addition, the PAC section has sent a letter to the Deputy Director Audit for record.


Secretary-III
Board of Revenue
Khyber Pakhtunkhwa