

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Appeal No. 178/2022**

Noor Saeed.....Appellant

**VERSUS**

Chief Secretary and others.....Respondents

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**PARA WISE COMMENTS ON BEHALF OF COMMISSIONER KOHAT  
DIVISION, KOHAT (RESPONDENT NO. 03) & DEPUTY COMMISSIONER  
HANGU (RESPONDENT NO. 04)**

Respectfully Shewith:

**PRELIMINARY OBJECTIONS:**

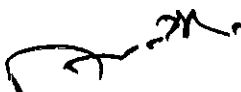
- i. That the appellant has got no locus standi.
- ii. That the appellant has no cause of action.
- iii. That the appeal is not maintainable in its present form.
- iv. That the appeal is barred by law.


**FACTS:**

1. Correct to the extent that the Appellant was appointed as office Assistant on 28.02.2004.
2. Pertains to the record of office of Respondant No.02.
3. Correct to the extent that ACR, Synopsis and Non-Involvement Certificates in r/o the appellant were sent to the office of Respondent No. 02 vide letter No. 1573/ Etab/DC (H) dated 28.05.2021 (Annexure-A).
4. Willingness of the Appellant for promotion to the post of Tehsildar was communicated to the office of Respondent No. 02 vide letter No. 824/Etab/DC (H) dated 03.09.2021 (Annexure-B).
5. Willingness as such was sent onward to the office of Respondent No. 02 vide letter No.2289/EA/Cmr-Kt dated 06.09.2021 (Annexure-C).
6. Pertains to record of the office of Respondent No. 02.
7. Pertains to record of the office of Respondent No. 02.
8. Pertains to the office of Respondent No.02.
9. The answering Respondents conveyed willingness of the Appellant to the office of Respondent No. 02.vide letter No.981/Etab/DC(H) dated 17-9-2021 & No.2533/EA/Cmr-Kt dated 17-9-2021.(Annexure D&E)
10. Pertains to record of the office of Respondent No. 02.
11. Pertains to record of the office of Respondent No.01.
12. Incorrect. As replied above.

**Grounds**

- A. Incorrect. The appellant was treated according to law.
- B. Incorrect. As replied above.
- C. Relates to the office of Respondent No. 02.
- D. Comments as per preceding para C.
- E. Correct to the extent that the appellant and other official Mr. Azmat Ullah (Office Assistant BPS-16) had also submitted their willingness for promotion to the posts of superintendents vide willingness letters as Annexures F.G.H.
- F. Incorrect. As replied in above paras.
- G. As replied above.
- H. Correct to the extent that the appellant had submitted his willingness for promotion to the post of Tehsildar however, an official cannot be promoted to the post on his choice.
- I. Correct. The appellant as Office Assistant had unblemished service record.
- J. The respondents also seek permission to raise additional grounds at the time of arguments. It is requested that the appeal may be dismissed with cost.

  
**Respondent No. 03**  
Commissioner  
Kohat Division, Kohat  
COMMISSIONER  
KOHAT DIVISION KOHAT

  
**Respondent No. 04**  
Deputy Commissioner  
Hangu  
DEPUTY COMMISSIONER  
HANGU

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

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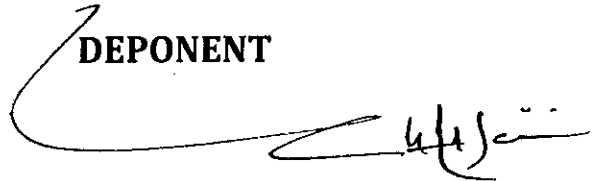
**Versus**

Chief Secretary and others.....Respondents

**AFFIDAVIT**

I Zulfiqar Khan Assistant to Commissioner (Revenue), Kohat Division Kohat, do hereby solemnly affirms and declare that Para-wise Comments be submitted by Respondent No. 03 & 04 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

**DEPONENT**



Zulfiqar Khan Assistant to  
Commissioner (Revenue)  
CNIC No. 17301-14096951

# Annexure- A



DEPUTY COMMISSIONER

Tel: 0925/621175-621466-622

Fax: 0925/620050, Email: dc.h

No. 1573

Dated: 22/05/2021

U  
M  
D

PT 4/4

To

The Assistant Secretary (Estt.),  
Government of Khyber Pakhtunkhwa,  
Board of Revenue, Revenue & Estt. Department,  
Peshawar

Subject: **ANNUAL CONFIDENTIAL REPORTS**

I am to refer to your office letter No. Estt./ACR/Minist:Staff/.....-81 dated 02.02.2021 followed by letter No. Estt./ACR/Minist:Staff/NT/8475 dated 06.04.2021, the ACRs (in original) of the entire service alongwith 06 copies each of synopsis together with Non-Involvement Certificates in respect of the following officials are sent herewith through special messenger as desired, please:

S#	Name	Designation with BPS	Place of Posting	Period of ACRs	Remarks
1	Fahim Akhtar	Assistant BPS-16	DC Office Hangu	Entire service 2004-2020	
2	Umar Siddique	-do-	-do-	Entire service 2004-2020	
3	Naseem Abbas	-do-	-do-	Entire service 2004-2020 excluding 2010 & 2011	The official was on leave in year 2010 & 2011
4	Noor Saeed	-do-	-do-	Entire service 2004-2020	
5	Azmat Ullah Khan	-do-	-do-	Entire service 2004-2020	

  
Deputy Commissioner  
Hangu

Endst: No. & Even dated

Copy to:

1. The Senior Member Board of Revenue (SMBR), Khyber Pakhtunkhwa, Peshawar.
2. The Commissioner, Kohat Division, Kohat.
3. The officials concerned.

  
Deputy Commissioner  
Hangu

# Annexure - B



ZMS  
through fax

DEPARTMENT OF REVENUE  
Teli: 0925 / 621173 - 621466 - 622366 - 623264  
Fax: 0925 / 620050, Email:  
No. 824 / /Estab/DC(II)  
Dated: 03/09/2021

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To

The Commissioner  
Kohat Division, Kohat.

Subject: PROVISION OF WILLINGNESS / UNWILLINGNESS

In Continuation of this office letter No. 1227/Estab/DC(F) dated 21.04.2021 on the subject noted above. The following partial modification may please be communicated to the quarter concerned for consideration in the forthcoming Departmental Promotion Committee (DPC) meeting.

S#	Name of Assistant (BPS-16)	1 <sup>st</sup> Priority	2 <sup>nd</sup> Priority
1	Umar Saddique	Tehsildar	Superintendent
2	Noor Saeed	Tehsildar	Tehsildar
3	Azmatullah Khan	Tehsildar ✓	Superintendent ✓

Deputy Commissioner  
Hangu

Endst: No. & Even dated

Copy to:

The Assistant Secretary (Estt), Board of Revenue, Revenue & Estate Department  
Khyber Pakhtunkhwa, Peshawar for information and necessary action.

Deputy Commissioner  
Hangu

AL

# Annexure - C



OFFICE  
COMMISSIONER  
K0



50  
P-6  
Ph: 0922-9240001-3  
0922-9260132  
Fax: 0922-9260103  
0922-9260183

Commissioner Kohat Division, Kohat ✉ commissionerkht ✉ commissionerkhtv@gmail.com  
No. 2229 /EA/Cmr-K0 Dated Kohat Sep 6/2021

To

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

**SUBJECT: PROMOTION OF SENIOR SCALE STENOGRAPHER (DPS-16) TO THE POST OF PRIVATE SECRETARY (DPS-17) AND ASSISTANT (DPS-16) TO THE POST OF SUPERINTENDENT (DPS-17)**

Memo:

I am directed to refer to this office memo No. 2142/EA/Cmr-K0 dated: 23-08-2021, on the above noted subject and to say that Deputy Commissioner, Hangu vide his letter No. 824/Estab/DC(H) dated: 03-09-2021 has conveyed willingness in respect of the following officials in order of their priorities, as noted against each, being eligible for promotion to Tehsildar as well as Superintendent at the same time, for consideration, please:

S.No.	Name of Assistant (DPS-16)	1 <sup>st</sup> Priority	2 <sup>nd</sup> Priority
1.	Umar Saddique	Tehsildar	Superintendent
2.	Noor Sited	Tehsildar	Tehsildar
3.	Azmatullah Khan	Tehsildar	Superintendent

Secretary to Commissioner,  
Kohat Division, Kohat.

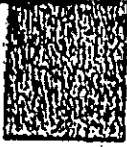
Encls: No. & Date Even

- Copy forwarded to the:
1. Deputy Commissioner, Hangu.
  2. PS to Commissioner, Kohat Division, Kohat.

Secretary to Commissioner,  
Kohat Division, Kohat.



Annexure - D



Deputy Commissioner  
Teli: 0925 / 621175 - 621466 - 622366 - 623968  
Fax: 0925 / 610050, Email: /Estab/DC(H)  
No. 981 /  
Date: 17/09/2021

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D.

**MOST IMMEDIATE / BY FAX**

To

The Commissioner  
Kohat Division, Kohat.

Subject:

**APPLICATION OF MR. NOOR SAIED AND MR. AZMATULLAH KHAN ASSISTANTS**

Kindly refer to your office letter No. 2512/EA/Cmr-Kt dated 16.09.2021 on the subject noted above and to submit that the requisite willingness in respect of following officials /Assistants of the office of undersigned has already been communicated to your good office and the Board of Revenue vide this office letter No.824/Estab/DC(H) dated 03.09.2021 and also been communicated by your office to the Board of Revenue vide letter No.2289/EA/Cmr-Kt dated 06.09.2021 (copies attached).

1. Mr. Noor Saeed

2. Mr. Azmatullah Khan

It is therefore, requested that they may please be considered for promotion to the post of Tehsildar as per their interest, please.

Deputy Commissioner  
Hangu

**Endst: Even No. & date:**  
**Copy forwarded to:**

1. The Senior Member Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa w/r to letter No. Estt:/DPC/Tehsildar/2021/24516 dated 15.09.2021.
2. The Assistant Secretary (Estt), Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa w/r to his letter No. Estt:/DPC/Tehsildar /2021/24516 dated 15.09.2021.

Deputy Commissioner  
Hangu





# Annexure - E

OFFICE OF THE  
MISSIONER KOHAT DIVISION  
KOHAT

Ph: 0922-9260001-3

0922-9260232

Fax: 0922-9260103  
0922-9260383

P-8

Commissioner Kohat Division, Kohat ✉ commissionerkhi ✉ commissionerkhi@gmail.com

No. 2533/E/Cmr-Ki

Dated Kohat Sep. 17 2021

To:

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

**SUBJECT: APPLICATION OF MR. NOOR SAEED AND MR. AZMATULLAH KHAN ASSISTANTS.**

Memo:

I am directed to refer to your letter, No. Estt:/DPC/Tehsildar/2021/24516 dated: 15-09-2021, on the above noted subject and to say that Deputy Commissioner, Hangu vide his letter No. 981/Estab/DC(H) dated: 17-09-2021 has intimated that willingness in respect of Mr. Noor Saeed and Mr. Azmatullah Khan, Assistants has already been communicated to Board of Revenue, Khyber Pakhtunkhwa vide his letter No. 8241/Estab/DC(H) dated: 03-09-2021 (copy enclosed).

I am further directed to say that this office has also communicated the requisite willingness in respect of the aforesaid Assistants to Board of Revenue, Khyber Pakhtunkhwa vide this office memo: No. 2289/E/Cmr-Ki dated: 06-09-2021 (copy enclosed). It is therefore, requested that their case may be considered for promotion to the post of Tehsildar, in light of their willingness, communicated vide above mentioned letters, please.

Secretary to Commissioner  
Kohat Division, Kohat.

Endst/ No. & Date Even

Copy forwarded to the:

1. Deputy Commissioner, Hangu.
2. PS to Commissioner, Kohat Division, Kohat.

Secretary to Commissioner  
Kohat Division, Kohat.

**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. 91 /EA/Cmr-Kt

Dated Kohat Jan 10 /2023

**AUTHORITY LETTER**

Assistant to Commissioner (Revenue), Kohat Division is hereby authorized and directed to attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar on 10-01-2023 and submit Para-wise comments on behalf of Respondents No. 3 & 4, in Appeal No. 178 of 2022 titled as "Noor Saeed Versus Chief Secretary Peshawar etc".

-Sd-


**COMMISSIONER, KOHAT DIVISION,  
KOHAT.**

*Endst: No. & Date Even*

**Copy forwarded to the:**

1. Deputy Commissioner, Hangu.
2. Assistant to Commissioner (Revenue), Kohat Division, Kohat.
3. P.S to Commissioner, Kohat Division, Kohat.

*for*

  
Secretary to Commissioner,  
Kohat Division, Kohat.