

EP No: 389/2019

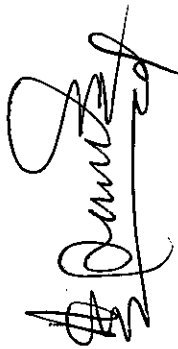
17.11.2021

Petitioner alongwith counsel and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

2. The petitioner through instant Execution Petition seeks implementation of the order dated 21.06.2019 of this Tribunal, whereby the respondents were directed to issue final seniority list of Tehsil Revenue Accountants (TRA). The copy of the order dated 21.06.2019 has been annexed with the execution petition. According to the said order, the appeal of the appellant/petitioner was disposed of seemingly at the stage of preliminary hearing because only presence of the appellant's counsel is marked with no mention about the attendance of the respondents. The official respondents were required to issue final seniority list of TRAs in accordance with law/rules within a period of 60 days from the receipt of copy of the order and the appeal was disposed of accordingly.

3. After entertainment of the Execution Petition in office, when it came before the Bench for hearing on 22.01.2020, direction was given to issue notices to the respondents for submission of implementation report. The report thereafter was submitted on 17.03.2021 as to lack of fitness of the incumbency of petitioner for seniority claimed by him. The implementation report was placed on file.

The petitioner in Para-I of the execution petition stated that he is serving as TRA Havelian w.e.f. 04.12.2010 and annexed the copy of the order of his appointment as Patwari with the execution petition. According to the copy of order annexure-A, the petitioner being newly appointed was adjusted as TRA Havelian in his own pay scale. The petitioner, may be under impression of his having got transfer as TRA Havelian to be posted as such as matter of right, filed the Service Appeal which was disposed of unilaterally without issuing notices to the respondents by a Single Bench. The said order having been passed on backup of the respondents is not binding upon them on one hand and on the other hand, in view of the implementation report submitted by the respondents, the petitioner has no locus-standi to seek any relief on the basis of order dated 21.06.2019 when the said order is not meant to declare status of his appointment as TRA. The respondents in their comments have not admitted the ground of petitioner as to his status revealed in Para-1 of the execution petition. They have given clarification about actual status of petitioner as Patwari in their comments and he was



shown to have been appointed as such vide order bearing No. 4991-3504, dated 30.11.2010. It is an admitted position on behalf of the respondents that he was posted as TRA in his own pay scale vide order dated 04.12.2010 but with the explanation that cadre of the post of Petitioner was not changed from Patwari to TRA as he was posted as such through transfer from the post of Patwari in his own pay scale and not through appointment by transfer to the post of TRA on regular basis. The petitioner seeks to get all benefits on the basis of order of this Tribunal, otherwise not executable under the facts and law, in negation of the factual position of his actual status brought forth through the comments of respondents. This execution petition being frivolous is dismissed. File be consigned to the record room.




Chairman
Camp Court, A/Abad

24.09.2021

Petitioner in person present. Mr. Riaz Ahmed Paindakhel,
Assistant Advocate General for the respondents present.

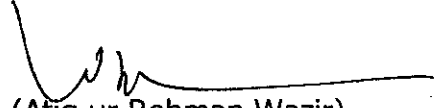
Petitioner requested for adjournment on the ground that
his counsel is ill and unable to attend the Tribunal today.
Adjourned. To come up for further proceedings before the S.B on
17.11.2021 at Camp Court Abbottabad.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT ABBOTTABAD

17.03.2021

Petitioner with counsel present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Gul Zeb Assistant for respondents present.

Representative of respondents submitted implementation report which is placed on file. Copy of the same is handed over to the learned counsel for the petitioner. To come up for consideration/further proceedings on 19/4/2021 before S.B at Camp Court Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

19.4.2021


Due to Covid-19, The case is adjourned to 20-9-2021 as before.


Reader

20.09.2021

Petitioner in person present. Mr. Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Petitioner requested for adjournment on the ground that his counsel is not available due to strike of lawyers. Adjourned. To come up on 24.09.2021 before S.B at Camp Court, Abbottabad.

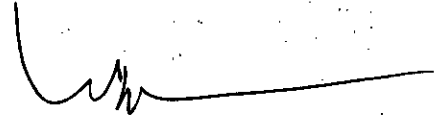

(ATIQ UR REHMAN WAZIR)
MEMBER (E)
CAMP COURT A/ABAD

17.02.2021

Petitioner with counsel present.

Muhammad Riaz Khan Paindakheil learned A.A.G for respondents present.

Learned A.A.G is required to contact the respondents and facilitate the submission of implementation report on 18.02.2021 before S.B at Camp Court, Abbottabad.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

18.02.2021

Petitioner with counsel present.

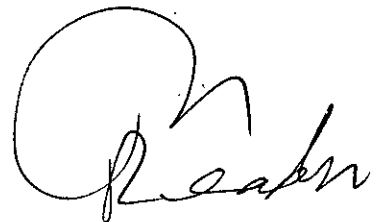
Noor Zaman Khattak learned District Attorney present.

Neither representative of respondents is present nor implementation report submitted, therefore, notice be issued to respondents for submission of implementation report. Last opportunity is granted. To come up for implementation report on 15.03.2021 before S.B at Camp Court, Abbottabad.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

*Due to COVID-19 case is
adjourned to 17-03-2021*



21.10.2020

Petitioner in person present.

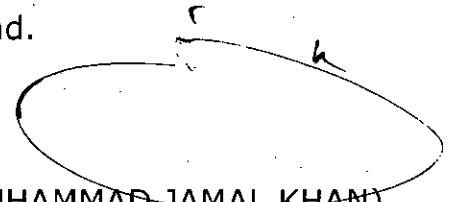
Notice be issued to respondents for submission of implementation report on 19.11.2020 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

19.11.2020

Petitioner is present in person. Mr. Usman Ghani, District Attorney for the respondents is also present. Petitioner seeks adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court, Abbottabad Bench. Adjourned to 15.02.2021 on which date file to come up for further proceedings before S.B at Camp Court, Abbottabad.




(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

15.02.2021

Learned counsel for the petitioner and Mr. Riaz Khan Paindakhel learned Assistant Advocate General for respondents present.

Learned AAG is required to contact the respondents and facilitate the submission of implementation report on 17.02.2021 before S.B at Camp Court, A/Abad.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

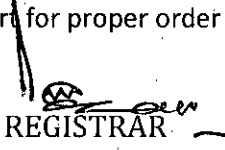
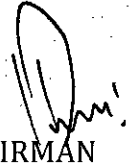
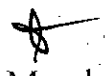
Reader

Due to summer vacation case to come up for the same on 12/1
10/20 at camp court abbottabad.


Reader

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 389/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.10.2019	<p>The execution petition of Mr. Yasir Khan received today by post through Mr. M.Arshad Khan Tanoli Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	22.01.2020	<p>This execution petition be put up before touring S. Bench at A.Abad on <u>22-1-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Petitioner in person present. Mr. Muhammad Jan, DDA for respondents present. Notice be issued to the respondents for submission of implementation report. To come up for further proceedings on 20.02.2020 before S.B at camp court Abbottabad.</p> <p style="text-align: right;"> Member Camp Court A/Abad</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL KPK, PESHAWAR

Execution Petition no. 389/2019

CM No. _____/2019

IN

Service Appeal No. 343-A/2019

Yasir Khan son of Liaqat Khan, TRA Havellian, District Abbottabad.

APPLICANT

VERSUS

Deputy Commissioner District Abbottabad.

...RESPONDENT

APPLICATION

INDEX

S. #	Description	Page Nos.	Annexures
1.	Application alongwith affidavit	1 to 4	
2.	Copy of appointed order of the petitioner as Patwari	5	"A"
3.	Copy of appointment order dated 28/04/2015 of Muhammad Hanif	6-7	"B"
4.	Copy of order dated 21-6-2019	8-9	"C"
5.	Copy of salary slip of the petitioner	10-20	"D"

Dated: 19/10 /2019

Through;

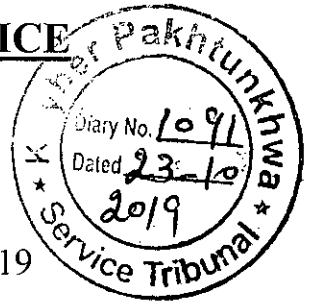
APPLICANT

(Muhammad Arshad Khan Tanoli)
Advocate High Court Abbottabad

19/10/2019

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

Execution Petition no. 389/2019



CM No. _____/2019

IN

Service Appeal No. 343-~~A~~/2019

Yasir Khan son of Liaqat Khan, TRA Havellian, District Abbottabad.

~~...~~
APPLICANT

VERSUS

Deputy Commissioner District Abbottabad.

...RESPONDENT

SERVICE APPEAL

APPLICATION FOR IMPLEMENTATION OF ORDER DATED 21/06/2019 OF THIS HONOURABLE TRIBUNAL WHEREIN THE RESPONDENT WAS DIRECTED TO ISSUE FINAL SENIORITY LIST OF TRAS I.E TEHSIL REVENUE ACCOUNTANTS.

Respectfully Sheweth;-

1. That the petitioner is serving as TRA Havelian w.e.f 04/12/2010. Copy of appointed order of the petitioner as Patwari is attached as Annexure "A".

2. That the respondent issued tentative seniority list of TRAs wherein one Muhammad Hanif Khan TRA/ Patwari who was appointed as TRA on 28/04/2015 has been shown senior to the petitioner. Copy of appointment order dated 28/04/2015 of Muhammad Hanif is attached as Annexure "B".

3. That the appellant/ petitioner appeal No. 343/2019 was disposed off by this Honourable Tribunal with the direction to the respondent to issue final seniority list of TRA in accordance with law within sixty days vide order dated 21.6.19. Copy of order dated 21.6.19 is attached as Annexure "C".

4. That following this, an inquiry was conducted by the Additional Assistant Commissioner-II Abbottabad wherein, the petitioner was shown appointed as TRA on 01/12/2010 of he further recommended that the petitioner is senior Muhammad Hanif TRA vide inquiry letter No. 196/AAC-II

dated 29/04/2019. Copy of inquiry report dated 29/04/2019 is attached as Annexure "C".

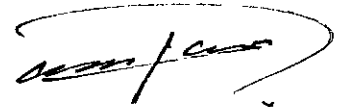
5. That the inquiry officer in his inquiry report further clarified that the petitioner was assigned duties of TRA and the petitioner did not receive Rs. 500 per month as stationary charges and Rs. 3100/- per month as Patwar Khana allowance since his appointment as TRA. In this regard salary slip of the petitioner is attached as Annexure "D".

6. That it is a sorrow state of affairs that whatever is mentioned is rules/ law is not being followed by the respondent. Hence, the lapses on the part of respondent has led to the miscarriage of justice and the petitions is forced to shuttle in the offices for the redressal of his grievance.

7. That beside, non implementation of order of this Honourable Tribunal amounts to

misconduct/ contempt of this Honourable
Tribunal.


It is prayed that respondents may graciously
be directed to issue final seniority list of TRAs as
per order dated 21/06/2019 failing which contempt
proceedings may be initiated against the
respondent to punish him.



...APPLICANT

Dated: 19/10 /2019

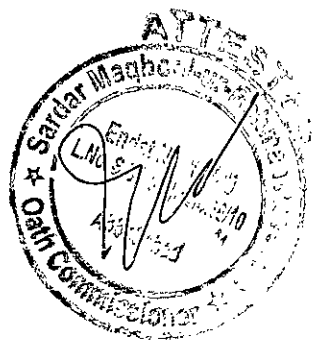
Through;



(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

AFFIDAVIT:-

I, Yasir Khan son of Liaqat Khan, TRA Havellian, District Abbottabad, do
hereby solemnly affirm and declare that the contents of foregoing
application are true and correct to the best of my knowledge and belief and
nothing has been concealed from this Honourable Court.



19/10/2019



DEPONENT

Annex - A

3. Has jote, 06/12/2010
Havelian.


P-5

OFFICE OF THE DISTRICT OFFICER, REVENUE & ESTATE ABBOTTABAD.

ORDER

The following posting/transfers and adjustment of newly appointed patwaries of Hsil & District Abbottabad is hereby made with immediate effect in the best interest of Public Service:-


No	Name	From	To	Vice
	Wasem Khan	Newly Appointee	Chamatti	Against vacant post
	Faisal Afsar	-do-	Phalkote	-do-
	Safeer Ahmed	-do-	Seer Gharbi	Vice No. 1
	Ikhlaq Ahmed	Seer Gharbi	ATRA	Against Vacant post
	Nisar Aziz	Newly Appointee	Mooliya	-do-
	Yasir Khan	-do-	TRA Havelian in his own pay & Scale	Against newly created post


DISTRICT OFFICER
REVENUE AND ESTATE
ABBOTTABAD

3566-78/HCR Dated Abbottabad, the 04/12/2010

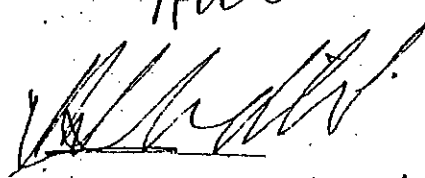
Copy forwarded to the:-

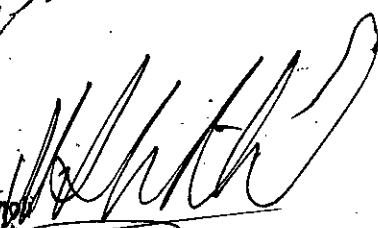
1. Commissioner, Hazara Division, Abbottabad for information please.
2. Tehsildar, Abbottabad.
3. Tehsildar, Havelian.
4. D.K, Abbottabad.
5. Official concerned for strict compliance.
6. B.C Local for information and necessary action.


DISTRICT OFFICER
REVENUE AND ESTATE
ABBOTTABAD

Attested

Ann.


Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad


Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

Annex - 3

OFFICE OF THE ASSISTANT COMMISSIONER ABBOTTABAD

ORDER:

P-6

The following posting / transfers amounts the patwaris of this office are hereby made in the best public interest:-

S. No.	Name of Official	From	To	Remarks
1.	Tahir Farooq Patwari	Nawanshehr Janubi-II	Jhangi	Under transfer
2.	Parvez Iqbal Patwari	Jhangi	Banda Pir Khan	On the complaints of general public to SMBR
3.	Waqas Khan Patwari	Banda Pir Khan	Kakul	Mutual Transfer Sr. No.2
4.	Safeer Ahmad Patwari	Kakul	Nawanshehr Janubi-II	Vice No.2
5.	Hanif Gul Khan	Lora	TRA	

[Signature]
Assistant Commissioner
Abbottabad.

Dated: 28/04/2015

No. 1/1AE(Rcv)/HCR/ 1240-48 /
Copy forwarded for information to the:

1. Deputy Commissioner Abbottabad.
2. Additional Deputy Commissioner Abbottabad.
3. AAC (Revenue) Abbottabad.
4. Tehsildar Abbottabad.
5. Official concerned.

[Signature]
Assistant Commissioner
Abbottabad.

Attested

[Signature]

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt' Bar Abbottabad

1



OFFICE OF THE
ADDL: ASSISTANT COMMISSIONER -II
ABBOTTABAD

No. 196 /AAC-II
Dated 29/04 /2019

P-7

Subject: MATTER REGARDING SENIORITY LIST OF TRAS' IN DISTRICT
ABBOTTABAD.

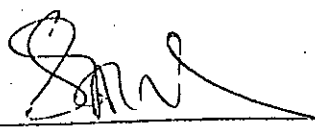
Subject application received through the Tehsildar Havelian addressed to the Deputy Commissioner Abbottabad, wherein the applicant stated that he is working as TRA since 01.12.2010 to till dated and is the senior most TRA in District Abbottabad. Same was marked to the undersigned to probe in the matter.

The undersigned requisitioned complete service record of both the individuals which revealed the Yasir Khan was appointed as Patwari and was posted as TRA Havelian on 01.12.2010. the said TRA is not receiving Rs. 500/- P.M as stationar and 3100/- P.M Patwar Khana allowance since his appointment as TRA i.e from 01.12.2010 to till date (latest payslip is attached).

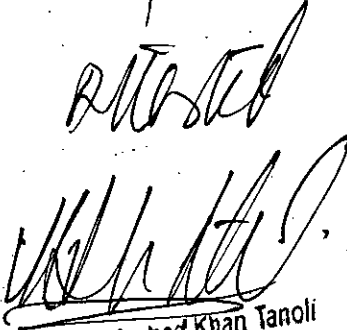
As far as Muhammad Hanif Khan patwari /TRA, is concerned his service record shows that the said patwari was assigned the duties of TRA. is his own pay & scale on 13.04.2011 whereas he joined the service as patwari on 04.07.2001. Besides he is receiving Rs. 500/- P.M as stationary allowance as well as Rs. 3100/- P.M as Patwar Khana allowance (his pay slip is attached for ready reference).

After careful scrutiny record of both the TRAs. it is clear that as TRA Mr. Yasir Khan is senior to Muhammad Hanif Khan.

Therefore if agreed in the seniority list of TRAs, Mr. Yasir Khan may be placed senior to Muhammad Hanif Khan.


o/c
ADDITIONAL ASSISTANT COMMISSIONER-II
ABBOTTABAD

w/AC, Atd


Muhammad Irshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt. of Abbottabad

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

P-8

Annex-C

Service Appeal No. 343 /2019



Yasir Khan son of Liaqat Khan, Revenue Accountant, Tehsil Havelian,
District Abbottabad.

...APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 182

Dated 12-2-2019

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Senior Member Board of Revenue, Revenue & Estate Department, KPK, Peshawar.
2. Deputy Commissioner, Mansehra.
3. Commissioner Hazara Division, Abbottabad.
4. Assistant Commissioner, Abbottabad.
5. Muhammad Haneef, Patwari Revenue, presently Tehsil revenue Accountants, Tehsil Havelian, District Abbottabad.

....RESPONDENTS

submitted to-day

23/2/2019

submitted to-day

23/19

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

**SERVICE APPEAL UNDER SECTION 4 OF
SERVICE TRIBUNAL ACT 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT WAS ASSIGNED DUTIES OF
TEHSIL REVENUE ACCOUNTANT**

Attested
Muhammad Yasir Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

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21.06.2019

Counsel for the appellant present.

In essence the appellant is aggrieved of tentative seniority list of Tehsil Revenue Accountants Abbottabad issued on 20.10.2015 for the period upto 31.12.2014.

Learned counsel for the appellant argued the case at some length and then stated that the appellant would be satisfied at present in case the official respondents issued a final seniority list of the said officials.

It is noted with concern that the impugned tentative seniority list was drawn upto 31.12.2014 and was issued on 20.10.2015, however, after lapse of more than three years the seniority has not been finalized. Having his seniority settled in accordance with the law is the right of every civil servant while in a case in hand such right is being denied to the concerned officials including the appellant since a long time.

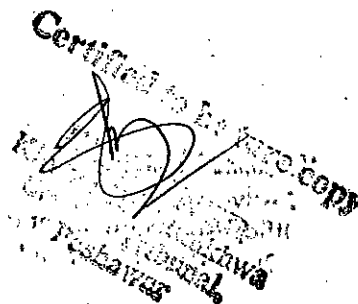
The official respondents are, therefore, required to issue the final seniority list of Tehsil Revenue Accountants in accordance with law/rules within a period of sixty days from the receipt of copy of instant order.

The appeal is disposed of accordingly. File be consigned to record room.

The appellant may pursue his remedy in accordance with law if remains unsatisfied from the contents of final seniority list to be issued by the respondents.

SD/-
Chairman
Camp Court, A/Abad

ANNOUNCED
21.06.2019



Muhammad Arshad Khan
Advocate High Court
Office No. 103, A/Abad
Dist. Bar, Abbottabad

Date of Prosecution of Appeal: 27-6-19
Number of Pages: 8.00
Copies Fee: 2.00
Urgent: 8.00
Total: 27-6-19
Name of Counsel: 27-6-19
Date of Order: 27-6-19

Dist. Govt. NWFP-Provincial
District Accounts Office Abbotabad
Monthly Salary Statement (February-2019)

Annex-D
P-10



Personal Information of Mr HANIF KHAN, d/w/s of MUHAMMAD YOUSAF KHAN.

Personnel Number: 00000522 CNIC: 9990000223 NTN: 0
Date of Birth: 03.05.1971 Entry into Govt. Service: 02.07.2001 Length of Service: 17 Years 08 Months 000 Days

Employment Category: Active Temporary

Designation: PATWARI 80000328-DISTRICT GOVERNMENT KHYDE

DDO Code: AD6246-DEPUTY COMMISSIONER ABBOTTABAD

Payroll Section: 002 GPF Section: 001 Cash Center: 0

GPF A/C No: GA 000395 Interest Applied: Yes GPF Balance: 200,265.00

Vendor Number: -

Pay and Allowances: Pay scale: DPS For - 2017 Pay Scale Type: Civil BPS: 09 Pay Stage: 12

Wage type		Amount	Wage type		Amount
0001	Basic Pay	20,530.00	1000	House Rent Allowance	1,719.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1555	Stationery Allowance	500.00	1617	Patwar Khana Allowance	3,100.00
2148	15% Adhoc Relief All-2013	462.00	2199	Adhoc Relief Allow @10%	312.00
2211	Adhoc Relief All 2016 10%	1,596.00	2224	Adhoc Relief All 2017 10%	2,053.00
2247	Adhoc Relief All 2018 10%	2,053.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3009	GPF Subscription - Rs1140	-1,140.00	3501	Benevolent Fund	-600.00
3609	Income Tax	-83.00	4004	R. Benefits & Death Comp.	-690.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 1,000.00 Recovered till February-2019: 669.00 Exempted: 0.15- Recoverable: 331.16

Gross Pay (Rs.): 35,757.00 Deductions: (Rs.): -2,513.00 Net Pay: (Rs.): 33,244.00

Payee Name: HANIF KHAN.

Account Number: 01044574

Bank Details: UNITED BANK LIMITED, 211431 UNITED BANK SABZIMANDI.

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: ATD

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Email:

Muhammad Arshad Khan Tanoli
Advocate High Court

Office No 33 Adjacent to
Distt. for Abbottabad

Dist. Govt. NWFP-Provincial
District Accounts Office Abbottabad
Monthly Salary Statement (December-2017)

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Personal Information of Mr HANIF KHAN, d/w/s of MUHAMMAD YOUSAF KHAN.

Personnel Number: 00000522

CNIC: 99900000223

Date of Birth: 03.05.1971

Entry into Govt. Service: 02.07.2001

NTP: 0

Length of Service: 16 Year

00 Days

Employment Category: Active Temporary

Designation: PATWARI

80000328-DISTRICT GOVERNMENT KHYBE

DDO Code: AD6246-DEPUTY COMMISSIONER ABBOTTABAD

Payroll Section: 002

GPF Section: 001

Cash Center: 0

GPF A/C No: GA 000395

Interest Applied: Yes

GPF Balance:

164,939.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 09

Pay Stage: 11

Wage type		Amount	Wage type		Amount
0001	Basic Pay	19,800.00	1000	House Rent Allowance	1,146.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1555	Stationery Allowance	500.00	1617	Patwar Khana Allowance	3,100.00
2148	15% Adhoc Relief All-2013	462.00	2199	Adhoc Relief Allow @10%	312.00
2211	Adhoc Relief All 2016 10%	1,596.00	2224	Adhoc Relief All 2017 10%	1,980.00

Deductions - General

Wage type		Amount	Wage type		Amount
3009	GPF Subscription - Rs1140	-1,140.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-690.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00

Recovered till December-2017:

0.00 Exempted: 0.00

Recoverable: 0.00

Gross Pay (Rs.): 32,328.00

Deductions: (Rs.): -2,430.00

Net Pay: (Rs.): 29,898.00

Payee Name: HANIF KHAN,
Account Number: 01044574

Bank Details: UNITED BANK LIMITED, 211431 UNITED BANK SABZI MANDI,

Leaves: Opening Balance:

Availed:

Earned:

Balance:

Permanent Address:

City: AFD

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa


Housing Status: No Official

Email:

Attested
Muhammad Arshad Khan Tanoli

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt. Jail Abbottabad

Dist. Govt. NWFP-Provincial
District Accounts Office Abbotabad
Monthly Salary Statement (January-2019)

P-12 

Personal Information of Mr. YASIR KHAN d/w/s of LIAQAT KHAN
 Personnel Number: 00559545 CNIC: 1310113100339
 Date of Birth: 13.03.1983 Entry into Govt. Service: 01.12.2010

NTN:
 Length of Service: 08 Years 02 Months 001 Days

Employment Category: Vocational Temporary
 Designation: TEHSIL ACCOUNTANT 800*0328-DISTRICT GOVERNMENT KHYBE
 DDO Code: AD6246-DEPUTY COMMISSIONER ABBOTTABAD
 Payroll Section: 002 GPF Section: 001 Cash Center:
 GPF A/C No: 559545 Interest Applied: Yes GPF Balance: 98,690.00
 Vendor Number: -
 Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 09 Pay Stage: 7

Wage type		Amount	Wage type		Amount
0001	Basic Pay	16,880.00	1000	House Rent Allowance	1,719.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1551	Spl Conveyance to Disable	2,000.00	2148	15% Adhoc Relief All-2013	367.00
2199	Adhoc Relief Allow @10%	250.00	2211	Adhoc Relief All 2016 10%	1,291.00
2224	Adhoc Relief All 2017 10%	1,688.00	2247	Adhoc Relief All 2018 10%	1,688.00
5980	Adj Spl Convey to Disable	6,000.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3009	GPF Subscription - Rs1140	-1,140.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-690.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

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

Gross Pay (Rs.): 35,315.00 Deductions: (Rs.): -2,430.00 Net Pay: (Rs.): 32,885.00

Payee Name: YASIR KHAN
 Account Number: 1001848
 Bank Details: MCB BANK LIMITED, 240588 MCB HAVELIAN, Abbottabad

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILLAGE HAVLIAN ATD
 City: ATD Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address: City: Email:

Attested

Attested


**TEHSILDAR
 HAVELIAN**

2019/1

(30388528/06 02.2019/14:58:52) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

Arshad Khan Tanoli
Arshad Khan Tanoli
 Advocate High Court
 Office No: 33 Adjacent to
 Dist: 3rd Abbottabad

Dist. Govt. NWFP-Provincial
District Accounts Office Abbottabad
Monthly Salary Statement (January-2019)

P-13



Personal Information of Mr YASIR-KHAN d/w/s of LIAQAT KHAN

Personnel Number: 00559545 CNIC: 1310113100339
Date of Birth: 13.03.1983 Entry into Govt. Service: 01.12.2010

NTN:
Length of Service: 08 Years 02 Months 001 Days

Employment Category: Vocational Temporary

Designation: TEHSIL ACCOUNTANT

80000328-DISTRICT GOVERNMENT KHYBE

DDO Code: AD6246-DEPUTY COMMISSIONER ABBOTTABAD

Payroll Section: 002

GPF Section: 001-

Cash Center:

GPF A/C No: 559545

Interest Applied: Yes

GPF Balance:

98,690.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 09

Pay Stage: 7

Wage type		Amount	Wage type		Amount
0001	Basic Pay	16,880.00	1000	House Rent Allowance	1,719.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1551	Spl Conveyance to Disable	2,000.00	2148	15% Adhoc Relief All-2013	367.00
2199	Adhoc Relief Allow @10%	250.00	2211	Adhoc Relief All 2016 10%	1,291.00
2224	Adhoc Relief All 2017 10%	1,688.00	2247	Adhoc Relief All 2018 10%	1,688.00
5980	Adj Spl Convey to Disable	6,000.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3009	GPF Subscription - Rsl 140	-1,140.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-690.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

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

Gross Pay (Rs.): 35,315.00 Deductions: (Rs.): -2,430.00 Net Pay: (Rs.): 32,885.00

Payee Name: YASIR KHAN

Account Number: 1001848

Bank Details: MCB BANK LIMITED, 240588 MCB HAVELIAN, Abbottabad

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILLAGE HAVLIAN, ATD

City: ATD

Domicile: NW -Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

Authenticated
Muhammad Arshad Khan Tanoli

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt. Govt. Office Abbottabad

(50388528/06.02.2019/14:58:52) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

P-14

Dist. Govt. NWFP-Provincial
District Accounts Office Abbottabad
Monthly Salary Statement (January-2018)



Personal Information of Mr YASIR KHAN d/w/s of LIAQAT KHAN

Personnel Number: 00559545 CNIC: 1310113100339 NTN:
Date of Birth: 13.03.1983 Entry into Govt. Service: 01.12.2010 Length of Service: 07 Years 02 Months 001 Days

Employment Category: Vocational Temporary

Designation: TEHSIL ACCOUNTANT 80000328-DISTRICT GOVERNMENT KHYBE

DDO Code: AD6246-DEPUTY COMMISSIONER ABBOTTABAD

Payroll Section: 002 GPF Section: 001 Cash Center:

GPF A/C No: 559545 Interest Applied: Yes GPF Balance: 76,164.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 09 Pay Stage: 6

Wage type		Amount	Wage type		Amount
0001	Basic Pay	16,150.00	1000	House Rent Allowance	1,146.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1551	Spl Conveyance to Disable	1,000.00	2148	15% Adhoc Relief All-2013	367.00
2199	Adhoc Relief Allow @10%	250.00	2211	Adhoc Relief All 2016 10%	1,291.00
2224	Adhoc Relief All 2017 10%	1,615.00	5930	Adj Spl Convey to Disable	18,000.00

Deductions - General

Wage type		Amount	Wage type		Amount
3009	GPF Subscription - Rs1140	-1,140.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-690.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till January-2018: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 43,251.00 Deductions: (Rs.): -2,430.00 Net Pay: (Rs.): 40,821.00

Payee Name: YASIR KHAN

Account Number: 1001848

Bank Details: MCB BANK LIMITED, 240588 MCB HAVELIAN, Abbottabad

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILLAGE HAVLIAN ATD

City: ATD

Temp. Address:

City:

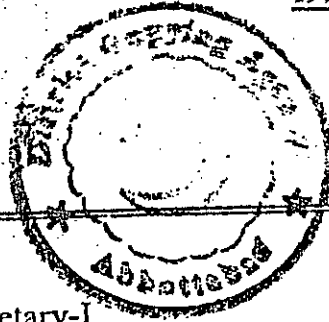
Domicile: NW - Khyber Pakhtunkhwa

Email:

Muhammad Arshad Khan
Muhammad Arshad Khan
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

D. No. _____

P-16



**OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD**

No. 1564 / AE (Rev)

Dated 16/11/2015

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

Subject: FILLING UP OF VACANT POST OF DISTRICT REVENUE
ACCOUNTANT IN ABBOTTABAD DISTRICT.

Memo:

Reference correspondence resting with your letter No. Estt/V/PC/DRA/A.Abad/20821-dated 28.09.2015 on the subject cited above.

The posts of Patwaris were upgraded from BPS-07 to BPS-09 while the post of Naib Tehsil Accountant and Tehsil Accountant carries BPS 05 & 07 respectively. After devolution no regular recruitment against the posts of Naib Tehsil Accountant & Tehsil Accountant were made and the following Patwaris are working as Tehsil Revenue Accountant in their own pay & scale from the dates mentioned against each.

S. No	Name of Official	Date of Birth	Qualification	Date of regular appointment as Patwari	Date of posting as TRA
1	Muhammad Haneef Khan	13.5.1971	F.A	4.7.2001 ✓	TR/ Abbottabad w.e.f 13.4.20 till date
2	Yasir Khan	13.3.1983	B.A	1.12.2010	TR/ Haveli w.e.f 1.12.20 till date

Detail of postings as A and TRA of the above officials has already been discussed in detail in this office letter No. 1473/ ER dated 10.8.2015 (copy enclosed).

Attested
[Signature]

[Signature]
Deputy Commissioner
Abbottabad

Muhammad Arshad Khan Tanc.
Advocate High Court
Office No 33 Adjacent to
Dist. Bar Abbottabad

Attested Page 01
GOPTING READING
25-11-15

Confidential Report for the year 2017 (Yasir Khan)

1. Posts held, with dates.

Tehsil Revenue Accountant

(01-01-2017 To 31-12-2017)

2. Does the patwari reside in his halqa-

(i) alone?

NIL - Working in Tehsil Office Havelian

(ii) with family.

P 17

3. Has he performed any special duties outside his sphere? If so, with what result?

NIL

4. Comment On

(a) His handwriting.

Excellent

(b) the condition of records maintained by him.

V. good

(c) accuracy in his work.

Good

(d) promptness in submission of returns and
tamil't.

V. good

(e) His behavior towards.

(i) Public.

Very Co-operative

(ii) Other departments.

Excellent

(f) His interest in

(i) Basic Democracies.

NIL

(ii) Social Welfare.

Good

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
21st 1st Abbottabad

5. Observation on his

(a) Intelligence:

V. good

(b) Knowledge of procedure and regulations.

Very Competent

(c) Integrity and reputation.

Good

(d) Fitness for promotion.

Fit for promotion

6. Aptitude for

(a) filed work.

V. good

(b) office work (Moharrir).

Excellent

7. General remarks :- He is obedient, hard working, trustworthy official and knows his job well. fit for promotion.

Dated :-

Halqa Officer
Tehsildar / Tehsildar

Muhammad Javed Khan
Tehsildar/AC Grade 1
Tehsil Havelian

08/01/2018

Remarks by Assistant Collector.

Agreed with R.O.

Dated :-

Sr. Divisional Officer / Revenue Assistant

Remarks by Collector :-

Addl. Assistant Commissioner (Rev.)
Abbottabad.

Deputy Commissioner
Abbottabad.

Dated :-

Distt. Officer R&D/Settlement Officer/
Colonization Officer.

Muhammad Ashraf Khan
Advocate High Court
Office No. 33 Adjacent to
Distt. Bar Abbottabad

P-9
Confidential Report for the year 2018 (Yasir Khaw)

1. Posts held, with dates.

Tehsil Revenue Accountant

2. Does the Patwari reside in his halqa

(01-01-2018 To 31-12-2018)

(i) Alone?

Nil - working in Tehsil office Havelian.

(ii) With Family?

3. Has he performed any special duties outside his sphere? If so, with what result?

Nil

4. Comment on

(a) His handwriting.

Excellent

(b) The conduction of records maintained by him

V - Good

(c) Accuracy in his work.

Good

(d) promptness in submission of return and tamila't

V - Good

(e) his behavior towards

(i) Public work.

Very Co-operative

(ii) Other Departments

Excellent

(i) His interest in

(i) Basic Democracies.

Nil

(ii) Social Welfare

Good

Witnessed
[Signature]

[Faint official stamp]

5. Observation in his
(a) Intelligent.

_____ v. Good

(b) Knowledge of procedure and regulation.

_____ very competent

(c) Integrity and reputation

_____ Good

(d) Amenability of discipline.

_____ v. Good

(e) Fitness for promotion.

_____ Fit for Promotion

6. Aptitude for

(a) Field work.


_____ very good

(b) Office work: (maharriri)

_____ Excellent

7. General remarks:-

He is obedient hardworking
Trustworthy official and knows
his job well and fit for promotion.


Halqa Office

Naib-Tehsildar/Tehsildar

M. SAUVED KHAN
TEHSILDAR
HAVELIAN

Remarks by Assistant Collector

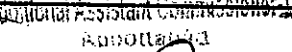
I agreed with R.O



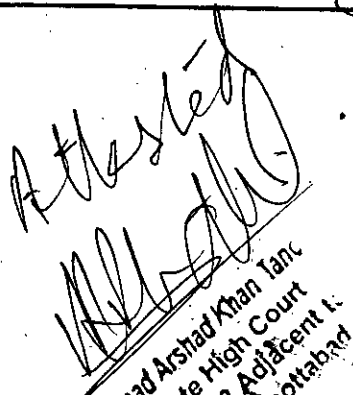
Dated: -

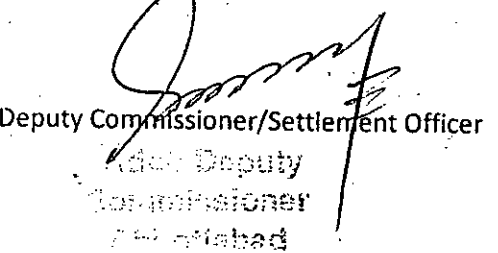
Sub-Divisional Officer/Revenue Assistant

Remarks by Collector:-


Additional Assistant Commissioner
Ranottal

Dated: -

Attested

Muhammad Arshad Khan Tanc
Advocate High Court
Office No 133 Adjacent to
Distt Bar Abbottabad


Deputy Commissioner/Settlement Officer
Adm Deputy
Commissioner
Abbottabad



GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT.
No. Estt: VII/Yasir Khan/TRA/ 25829-30
Peshawar dated the 06/10/2020.

To

The Deputy Commissioner
Abbottabad.

SUBJECT: DEPARTMENTAL APPEAL FILED BY MR. YASIR KHAN PATWARI
DISTRICT ABBOTTABAD VERSUS COMMISSIONER HAZARA DIVISION
ABBOTTABAD.

Dear Sir,

I am directed to refer to the subject and to enclose a copy of order 10.09.2020 passed by Senior Member, Board of Revenue in case titled Mr. Yasir Khan Patwari District Abbottabad Versus Commissioner Hazara Division Abbottabad for your information please.

Assistant Secretary (Estt)

No. Estt: VII/Yasir Khan/TRA/ _____

Copy along with copy of order dated 10.09.2020 is forwarded to Mr. Yasir Khan Patwari District Abbottabad for information.

Assistant Secretary (Estt.)



AE (Rev)

DC 11/10/20

Mr. Yasir Khan Patwari District Abbottabad..... Petitioner

Versus

Commissioner Hazara Division Abbottabad.....Respondent

ORDER.

This is an appeal filed by Mr. Yasir Khan Patwari working as Tehsil Accountant, Havellian District Abbottabad against the order dated 08.06.2020 whereby Mr. Aqeel Ahmad Kanungo was posted as District Revenue Accountant (OPS) Abbottabad against the vacant post.

Facts of the case are that the appellant was appointed as Patwari on 30.11.2010. He was posted as Tehsil Accountant in (OPS) on 04.12.2010 and is still working as such till date. The main contention of the appellant is, that Mr. Aqeel Ahmad is Kanungo of Torghar District and cannot be posted as District Revenue Accountant (OPS) in Abbottabad District as he is working as Tehsil Accountant and may be posted/promoted as District Revenue Accountant Abbottabad.

Under the rules, the post of District Revenue Accountant shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Tehsil Accountant (BS-07) of the district with at least three years service as such.

Perusal of the record reveals that the appellant is basically Patwari of Abbottabad District. Pay Roll of the appellant also reveals that he is still receiving the pay of Patwari BS-09 while the post of Tehsil Accountant is in BS-07. The request of the appellant for adjustment as Tehsil Accountant is not covered under the rules and is hereby dismissed. However, Deputy Commissioner Abbottabad is directed to place his case for promotion as Kanungo before the DPC for consideration strictly in accordance with law/rules on his own turn on availability of posts.

Announced
10.09.2020


Syed Zafar Ali Shah
Senior Member

Annex-t

FORM: PAY-02
DATED: 10/2019

5 151
081

PAYROLL SYSTEM
AMENDMENT FORM Single Employee Entry
OFFICE OF THE DEPUTY COMMISSIONER ABBOTTABAD

FOR THE MONTH OF: October 2019. Description: Deputy Commissioner Abbottabad

DDO Code: AD-6246

Personnel Number: 00559545

Name: Yasir Khan

CNIC Number: _____

Grade (Pay Scale Group):

09 Patwari

Salary Status: _____

Start:

Stop:

fo type	Field ID	GENERAL DATA CHANGE New Contents	CHANGE IN PAYMENTS / DEDUCTIONS		CHANGE IN PAYMENTS				Effective Date	Remarks
			Wage Type Code	Amounts	Adj. Code	Adj. Amount				
		Change in Designation Correct Designation	"Patwari"		-				1-10-2019	The Designation ma be corrected as Patwari instead of Tehsil Accountant
		Stationery & Print: 1555		500/-						} These allowance may be given to Patwari as admissible to him w.e.f 1-10-2019.
		Patwari Khana All: 1617		3100/-						

[Signature]
Deputy Commissioner
Abbottabad

Audited/Checked By *[Signature]*
10/19

Entered/ Verified By _____

Tribunal for maintaining/issuance of the seniority list of TRAs.

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

W.P No. 1475/2018

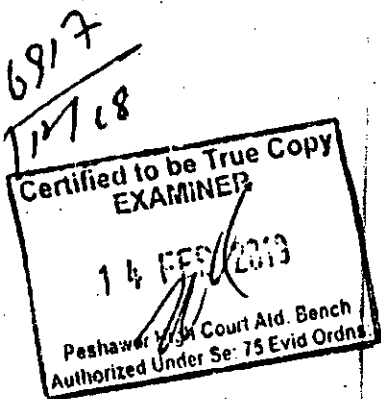
Yasir Khan son of Liaqat Khan, Revenue Accountant, Tehsil Havelian,
District Abbottabad.

....PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Senior Member Board of Revenue, Revenue & Estate Department, KPK, Peshawar.
2. Deputy Commissioner, Abbottabad.
3. Commissioner Hazara Division, Abbottabad.
4. Assistant Commissioner, Abbottabad.
5. Muhammad Haneef, Patwari Revenue, presently Tehsil Revenue Accountants, Tehsil Havelian, District Abbottabad.

....RESPONDENTS

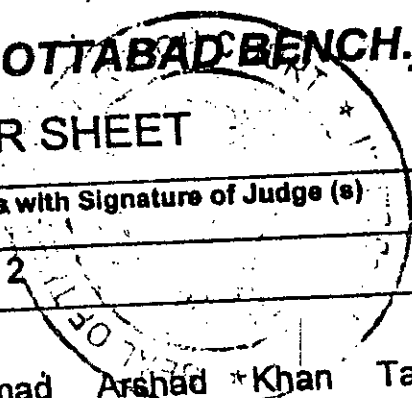


WRIT PETITION UNDER ARTICLE 199 OF
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973, FOR DECLARATION TO
THE EFFECT THAT THE PETITIONER WAS
ASSIGNED DUTIES OF TEHSIL REVENUE

1/27/18

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.
FORM OF ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	
07.02.2019	<p><u>W.P.No. 1475-A/2018.</u> Present: Mr. Muhammad Arshad *Khan Tanoli, Advocate, for the petitioner.</p> <p align="center">***</p> <p><u>QALANDAR ALI KHAN, J.-</u> When confronted with the legal position that even in case of rejection of representation against tentative seniority list, remedy of the petitioner lies in the Khyber Pakhtunkhwa Service Tribunal, where he was earlier declined remedy on the ground that final seniority list was not in the field as yet, the learned counsel for the petitioner stated at the bar that, while reserving the right to seek remedy available to him under the law before the appropriate forum, he would not press the instant writ petition.</p> <p>2. The writ petition is disposed of as not pressed; with the remarks that the petitioner may avail the remedy, available to him under the law, at an appropriate time before the proper forum.</p>



Certified to be True Copy
EXAMINER
[Signature]
Peshawar High Court, Abbottabad Bench
Authorized Signatory - 73 Evid. Rules

Sd/- Judge
Sd/- Judge

FOR THE MR. Justice Ijaz Anwar

Self. CS.

SCANNED

	Name of Patwari	Qualification	Date of Entry into Candidate Register of Patwarian	Date of Birth	Date of appointment	Kanungo Exam: Passed/ Failed/ Not Appeared
94.	Muhammad Liaquat S/o Fazal ur Rehman R/o Dalola	F.A	13.03.2010	02.03.1985	10.01.2018	---
95.	Khurram Naqvi S/o Nazeer Hussain Shah R/o Havelian	F.A	13.03.2010	20.08.1988	10.01.2018	---
96.	Imran Khan S/o Faridooon Khan	F.A	13.03.2010	20.02.1981	09.04.2018	---

No 9487-88/DK, dated Abbottabad the 16/5/2019

- Copy forwarded to:-
1. Tehsildar Abbottabad.
 2. Tehsildar Settlement Havelian.


Deputy Commissioner


Deputy Commissioner

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

EP No. 389 /2019
Service Appeal No.343-A/2019

Yasir Khan son of Liaqat Khan, TRA Havelian, District Abbottabad.

...Petitioner

Deputy Commissioner District Abbottabad.....

Respondent.

SERVICE APPEAL

**APPLICATION FOR IMPLEMENTATION OF ORDER DATED 21.06.2019 OF THIS
HONOURABLE TRIBUNAL WHEREIN THE RESPONDENT WAS DIRECTED TO ISSUE FINAL
SENIORITY LIST OF TRAs I.E TEHSIL REVENUE ACCOUNTANTS.**

The comments are submitted as under:-

Preliminary Objections

1. That the appellant has no cause of action to file instant application.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appeal is time barred, hence, liable to be dismissed.
4. That the appellant has suppressed the material facts from the Honorable Tribunal, hence, not entitled for any relief and application is liable to be dismissed without any further proceeding.
5. That the appeal is liable to be dismissed due to mis-joinder and non-joinder of necessary parties.
6. That the appellant is stopped by his own conduct, hence, appeal is liable to be dismissed.
7. That both the orders issued by the authorities are true and correct as per law and rules, hence, appeal is liable to be dismissed.

Facts.

1. Incorrect:

Currently the appellant is posted as Patwari Halqa Karach Riala. The appellant was appointed as Patwari vide order bearing No. 3491-3504 dated 30/11/2010 (**Annex-A**). Then he was posted as TRA in own-pay-scale vide order No. 3566-78 dated 04/12/2010 (**Annex-B**), but it is pertinent to mention here that cadre of the post of the appellant didn't change from Patwari to TRA as he was posted as TRA through transfer from the post of Patwari in his own pay scale i.e. he was not promoted to TRA on regular basis rather he was/is Patwari by designation and remained posted as TRA in his own-pay-scale for the period from 04/12/2010 to 15/10/2019. Though the Department is crystal clear on its stance, but yet for the sake of safeguard of the rights of the appellant, clarification was solicited from Provincial Government and according to Board of Revenue KPK letter No. 30216 dated 19/09/2019 (**Annex-C**),

Patwari BS-09 cannot be included in the seniority list of TRA BS-07, hence the appellant (being Patwari by designation) cannot be included in the list of regular TRAs. After the ibid clarification read with Board of Revenue letter No. 5099-113 dated 21/02/2019 (**Annex-D**), the appellant has been posted as Patwari Halqa Karach Riala (Tehsil Havelian).

2. Incorrect:

No such seniority list was ever maintained as both the officials (the appellant and his rival

Mr. Muhammad Hanif Khan) are Patwari by their designation and were not promoted to TRAs on regular basis, hence they cannot be placed in the seniority list of TRAs. However the list mentioned by the appellant was actually the list of incumbents who were working as TRAs was furnished to Board of Revenue vide this office letter No. 1564 dated 16.11.2015 (Annex-E).

3. Incorrect.

The Enquiry Officer clearly mentioned in his enquiry report (para-2) that the official was appointed as Patwari and posted against the post of TRA in his own pay and scale. The name of said official was shown/placed at proper place/cadre of seniority list maintained for Patwaris and the official never raised any objection on it. The seniority list of Patwari for the year ending 2018 is at (Annexure-E).

4. Incorrect:

As for as non-payment of allowances is concerned, the official deliberately not claimed/obtained the said allowance and also his case is subjudice in the various courts of law regarding maintaining the seniority list of TRAs or otherwise. Now, on receipt of clarification from Board of Revenue the Source Form-II for activation of said allowances has been submitted / presented in District Accounts Office, Abbottabad w.e.f 01.11.2019 (Annexure- F).

5. Incorrect.

This office has complied the rules/instructions of the government as well as court order in letter and spirit. The official has claimed the seniority among TRAs without any legal right/rules as the appellant is Patwari and he cannot be placed in seniority list of TRAs that is reason why his stance has not been favoured by any appellant authority/court.

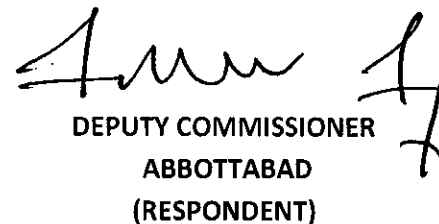
6. Incorrect.

As the appellant has no base to file appeal against the authority.

PRAYER:

As elucidated comprehensively above that the appellant is basically Patwari and was posted against the then existing post of TRA in his own pay & scale i.e. he was not promoted as TRA on regular basis, hence his seniority is being maintained with Patwaris and cannot be placed in the list of TRAs.

It is therefore prayed that appeal of the appellant being baseless may be dismissed on above factual grounds please.


DEPUTY COMMISSIONER
ABBOTTABAD
(RESPONDENT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

EP No. 389 /2019
Service Appeal No.343-A/2019

Yasir Khan son of Liaqat Khan, TRA Havelian, District Abbottabad.

...Petitioner

Deputy Commissioner District Abbottabad.....


Respondent.

REPLICATION

Respectfully sheweth:-

1. The reply/parawsie comments are being filed herewith. The replication is part and partial o the parawise comments.
2. Incorrect hence denied. The appellant has not come with clean hand before this honorable Tribunal hence not entitled for any relief and the application is liable to be dismissed.
3. Incorrect and denied. The appellant is not entitled for the post of DRA as per law and rules.

It is therefore, most humbly prayed that the application may graciously be dismissed with cost.


..... Respondent.

Counter affidavit.

It is verified on oath that the contents of foregoing replication are true and correct to the best of my knowledge and record. Nothing has been concealed from this honorable Tribunal.

DEPONENT.


Annex A

OFFICE OF THE DISTRICT OFFICER (REVENUE & ESTATE) ABBOTTABAD

ORDER

In pursuance of the DPC meeting held on 3.11.2010 and minutes circulated vide No. 3459-G2/HCR dated 26.11.2010, the following patwar candidates are hereby appointed as patwaries (BPS-5) on regular basis, with immediate effect. The appointees will remain under probation for a period of one year mandatory under section 6(2) of Civil Servants Act, 1973 read with rule-15(1) of Appointment/Promotion and Transfer Ruls, 1989:-

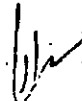
1. Waseem Khan s/o Wali-ur-Ran Khan r/o Mirpur.
2. Tanveer Hussain s/o Muhammad Yaqoob r/o Nawansher.
3. Saeer Ahmad s/o Abdur Rasheed r/o Bandi Attai Khan.
4. Nisar Aziz s/o Azizur Rehman r/o Bandi Pahar.
5. Faisal Afsar s/o Mohammad Afsar r/o Nawansher.
6. Waqar Ali Khan s/o Abdul Mateen Khan r/o Dharmour.
7. Waqas Khan s/o Gul Mohammad Khan r/o Nawansher.
8. Dil Afsar s/o Muhammad Daud r/o Havelian.
9. Yasir Khan s/o Liaquat Khan r/o Havelian.


29/11/2010
DISTRICT OFFICER (R&E)
ABBOTTABAD

No. 3491-3504 Dated Abbottabad the 30 /11/2010

Copy forwarded to the:-

1. Secretary Board of Revenue KPK, Peshawar.
2. District Coordination Officer, Abbottabad.
3. District Accounts Officer, Abbottabad.
4. Tehsildar, Abbottabad.
5. D.K, Abbottabad.
6. Official concerned.
7. B.C Local for information and necessary action.


29/11/2010
DISTRICT OFFICER (R&E)
ABBOTTABAD

Annex - B

Has JURECH
VILLAINS

Annexure

Annex - B

OFFICE OF THE DISTRICT OFFICER, REVENUE & ESTATE ABBOTTABAD.

R D E R

P-14

The following posting/transfers and adjustment of newly appointed payees of
Hail & District Abbottabad is hereby made with immediate effect in the best interest of Public
service:-

No	Name	From	To	Vice
	Wassem Khan	Newly Appointee	Chamatti	Vice Against vacant post
	Faisal Afsar	-do-	Phaikote	-do-
	Safeer Ahmed	-do-	Seer Gharbi	Vice No.4
	Ikhlaq Ahmed	Seer Gharbi	ATRA	Against Vacant post
	Nisar Aziz	Newly Appointee	Mooliya	-do-
	Yasir Khan	-do-	TRA Havelian in his own pay & Scale	Against newly created post

**DISTRICT OFFICER
REVENUE AND ESTATE
ABBOTTABAD**

3566-78/DCR Dated Abbottabad, the 06/12/2010

Copy forwarded to the:-

1. Commissioner, Huzara Division, Abbottabad for information please.
2. Tehsildar, Abbottabad.
3. Tehsildar, Havelian.
4. D.K, Abbottabads
5. Official concerned for strict compliance.
6. B.C Local for information and necessary action.

**DISTRICT OFFICER
REVENUE AND ESTATE
ABBOTTABAD**

Attested

[Signature]

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 22 Adjacent to
JSA Bar Abbottabad



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

No. Estt: VII/DPC/Abbottabad/ 30216
Peshawar dated the 17/09/2018.

To

The Deputy Commissioner,
Abbottabad.

**SUBJECT: CLARIFICATION REGARDING MAINTAINING OF SENIORITY LISTS
OF TRAs.**

Dear Sir,

I am directed to refer to the subject and invite your attention to this Department circular letter No. Estt: VII/General File/9705-113 dated 21.02.2019 (copy enclosed for facilitation) and to state that Patwari BS-09 cannot be included in the seniority list of TRA BS-07 please.

HC (Rev)



Assistant Secretary (Estt)

G. H. H. H.
22/9/18



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

No. Estt: VII/General File/ 509-113

Peshawar dated the 21/02/2019.

To

All Deputy Commissioners,
in the Province.

Subject: POSTING OF PATWARIS AS TEHSIL ACCOUNTANT.

Dear Sir,

I am directed to refer to the subject and to state that it has come to the notice of the Competent Authority that most of the Deputy Commissioners, without consultation of Board of Revenue, make posting of Patwaris as Tehsil Accountant BS-07, which create an embarrassing situation in the shape of claiming seniority as Tehsil Accountant to enable them to be further promoted as District Revenue Accountant BS-14. It is further to mention that the posts of Naib Tehsil Accountant and Naib Tehsil Office Kanungo may be declared as dying cadre owing to devoid of up-gradation.

I am therefore, directed to request you that in future no Patwari (BPS-09) shall be posted as Tehsil Accountant BS-07 and the order of already posted Patwaris as Tehsil Accountant may be reviewed accordingly forthwith please.

No. Estt: VII/General File/ 5114-20

Assistant Secretary (Estt)

Copy forwarded to All the Commissioners in the Province for information please.

Assistant Secretary (Estt)



**OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD**

No. 1564 / AE (Rev)

Dated 16/11 /2015

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

Subject: FILLING UP OF VACANT POST OF DISTRICT REVENUE
ACCOUNTANT IN ABBOTTABAD DISTRICT.

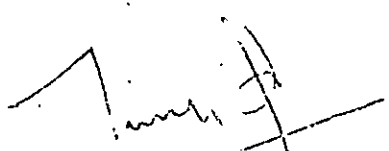
Memo:

Reference correspondence resting with your letter No. Estt/V/DPC/DRA/A.Abad/20821 dated 28.09.2015 on the subject cited above.

The posts of Patwaris were upgrade 1 from BPS-07 to BPS-09 while the post of Naib Tehsil Accountant and Tehsil Accountant carries BPS 05 & 07 respectively. After devolution no regular recruitment against the posts of Naib Tehsil Accountant & Tehsil Accountant were made and the following Patwaris are working as Tehsil Revenue Accountant in their own pay & scale from the dates mentioned against each.

S. No	Name of Official	Date of Birth	Qualification	Date of regular appointment as Patwari	Date of posting as TRA
1	Muhammad Haneef Khan	13.5.1971	F.A	4.7.2001 ✓	TRA Abbottabad w.e.d 13.4.2011 till date
2	Yasir Khan	13.3.1983	B.A	1.12.2010	TRA Havelian w.e.d 1.12.2010 till date

Detail of postings as TRA and TRA of the above officials has already been discussed in detail in this office letter No. 1473/CR dated 10.8.2015 (copy enclosed).


Deputy Commissioner
Abbottabad

Attested Page 01
25-11-15

**FINAL SENIORITY LIST OF PATWARIES AS STOOD ON 31.12.2018
OF ABBOTTABAD DISTRICT**

S.No	Name of Patwari	Qualification	Date of Entry into Candidate Register of Patwarian	Date of Birth	Date of appointment	Kanungo Exam: Passed/ Failed/ Not Appeared
1.	Akhter Nawaz Khan s/o M Israil Khan	Matric	05-08-1980 ✓	11-01-1965	26-12-1989	Passed ✓
2.	Abdul Rauf s/o Abdul Qayyum	Matric	12-03-1983	07-04-1960	18-05-1995	Not passed
3.	Hamayun Khan S/o Mehboob Khan	Matric	03-09-1985	08-05-1964	29-08-1997	Not passed
4.	Tahir Farooq S/o Qazi Muhammad Azam	F.A	30-12-1985	04-07-1964	12-09-1997	Not passed
5.	Abdul Rasheed S/o Fazal Dad Khan	Matric	30-12-1985	25-04-1967	13-07-1998	Not passed
6.	M. Sarwar s/o Hakim Khan	Matric	11-05-1986	03-03-1965	16-03-1999	Passed
7.	Ayaz S/O Ali Zaman	Matric	30-12-1985	08-01-1963	03-07-2001	Not-passed
8.	Nawaz Hassan Abbasi s/o Noor Hassan Abbasi	B.A	17-07-1997	20-06-1972	04-07-2001	Passed
9.	Chan Afsar s/o Muhammad Zahoor	B.A	17-07-1997	03-05-1972	04-07-2001	Passed
10.	Daryafat Khan s/o Sher Afzal Khan	F.A	17-07-1997	06-04-1974	04-07-2001	Passed
11.	Muhammad Hanif s/o Yousaf Khan	B.A	17-07-1997	03-05-1971	04-07-2001	Not passed
12.	Saeed Akher s/o Saif Rehman	F.A	17-07-1997	28-02-1971	04-07-2001	Not passed
13.	Abdul Rauf Khan s/o Jhandad Khan	B.A	17-07-1997	10-05-1974	04-07-2001	Passed
14.	Ayaz Khan s/o Abdul Ullah	Matric	03-09-1985	24-02-1961	05-12-2001	----
15.	Javed s/o Abdul Rehman	Matric	30-12-1985	20-02-1967	18-06-2003	----
16.	Ilyas Khan s/o Akram Khan	Matric	11-05-1986	10-04-1964	18-06-2003	----
17.	Syed Asad Ali Shah S/o Syed Sarwar Shah	B.A	17-07-1997	10-04-1974	01-09-2003	Passed
18.	Adil Nawaz s/o Nawaz Khan	F.A	17-07-1997	04-05-1974	01-09-2003	----
19.	Naheed Gul s/o Abdul Waheed	B.A	17-07-1997	04-05-1974	01-09-2003	Passed
20.	Akhlaq Ahmed s/o Abdul Rasheed	F.A	17-07-1997	06-04-1973	01-09-2003	
21.	Shafique Ahmed s/o Gul Zaman	F.A	17-07-1997	21-04-1973	01-09-2003	----
22.	Muhammad Sajjad s/o M. Farid Khan	F.A	17-07-1997	25-04-1976	01-09-2003	Passed

Name of Patwari	Qualification	Date of Entry into Candidate Register of Patwarian	Date of Birth	Date of appointment	Kanungo Exam: Passed/ Failed/ Not Appeared
1. Ifikhar S/o Ali Bahadur Khan	F.A	17-07-1997	01-02-1973	01-04-2005	Not passed
2. Mumtaz Khan s/o Anwar Khan	B.A	17-07-1997	15-05-1976	01-04-2005	Passed
3. Muhammad Banaris s/o Ghulam Farid	F.A	05-11-1997	03-03-1975	01-04-2005	Passed
4. Baber Khan S/o M. Afzal Khan	F.A	05-11-1997	16-03-1976	01-04-2005	---
5. Tanveer S/o Muhammad Ayub	F.A	28.02.1999	01.01.1974	01-04-2005	Passed
6. Faisal Khan s/o Jhangeer Khan	F.A	30-08-2000	22-06-1977	01-04-2005	---
7. Baber Rehman Qureshi S/o Abdul Rehman Qureshi	B.A	11-12-2003	31-12-1975	01-04-2005	Passed
8. Shahid Khan s/o Munshi Khan	F.A	30-08-2000	04-01-1976	08-08-2005	Passed
9. Mehboob s/o Neseem	F.A	30-08-2000	02-04-1973	01-11-2006	---
10. Sajad Ahmed s/o Muhammad Nawaz Khan	B.A	11-12-2003	13-04-1976	06-12-2006	---
11. Zeeshan Jadoon s/o Fida Muhammad	B.A	11-12-2003	14-10-1981	18-12-2006	Passed
12. Ajmal Khan s/o Mir dad Khan	F.A	11-12-2003	01-01-1978	03-04-2007	---
13. Ghulam Khasro s/o Muhammad Mumtaz Khan	B.A	11-12-2003	09-11-1978	21-09-2007	---
14. Amir Shahzad s/o Fazal Rehman	B.A	11-12-2003	12-09-1981	21-09-2007	---
15. Rashid Hameed S/o Abdul Hameed	B.A	11-12-2003	29-11-1981	21-09-2007	Passed
16. Muhammad Niaz s/o Lal Khan	F.A	11-12-2003	20-03-1983	21-09-2007	Passed
17. Shoaib s/o Hamayon Khan	B.A	12-03-2005	24-04-1981	22-09-2007	Passed
18. Ishtiaq khan s/o Sarang Khan	B.A	12.03.2005	08-04-1980	22-11-2007	---
19. Sardar Jhangeer s/o Sardar Gul Nawaz	B.A	21-09-2006	12-12-1984	22-11-2007	---
20. Muhammad Khalil s/o Kala Khan	F.A	12-03-2005	10-12-1981	17-12-2009	---
21. Muhammad Sajid s/o M. sadiq	B.A	21-09-2006	06-03-1981	17-12-2009	---
22. Sajjid Mehmood s/o Khoidad Khan	B.A	21-09-2006	01-01-1983	17-12-2009	Passed
23. Almas Khan s/o Ajmal Khan	F.A	21-09-2006	03-04-1981	17-12-2009	Passed
24. Asim Shahzad s/o Allah Dad	B.A	21-09-2006	14-05-1985	17-12-2009	---

	Name of Patwari	Qualification	Date of Entry into Candidate Register of Patwarian	Date of Birth	Date of appointment	Kanungo Exam: Passed/ Failed/ Not Appeared
47.	Fartamoz S/o Essa Khan	B.A	21-09-2006	01-07-1985	17-12-2009	Passed
48.	Shakir Hussain S/o Sabir Hussain	F.A	14-04-2008	13-06-1988	17-12-2009	----
49.	Waseem Khan s/o Walistan Khan	F.A	21-09-2006	05-11-1978	01-12-2010	----
50.	Tanveer Hussain s/o Muhammad Yaqoob	D.Com	21-09-2006	27-03-1981	01-12-2010	----
51.	Safeer Ahmed S/o Abdul Rasheed	F.A	21-09-2006	08-04-1985	01-12-2010	----
52.	Nisar Aziz s/o Aziz-u-Rehman	B.A	22-03-2007	03-02-1983	01-12-2010	Passed
53.	Faisal Afsar S/o M. Afsar	B.A	14-04-2008	17-03-1985	01-12-2010	----
54.	Waqar Ali S/o Abdul Mateen Khan	B.A	14-04-2008	12-03-1981	01-12-2010	Passed
55.	Waqas Khan S/o Gul Muhammad Khan	F.A	14-04-2008	22-04-1987	01-12-2010	Passed
56.	Dil Afsar s/o Muhammad Daud	F.A	14-04-2008	05-02-1982	01-12-2010	Passed
57.	Yasir Khan s/o Liaqat Khan	B.A	04-12-2010	13-03-1983	01-12-2010	----
58.	Muhammad Asif S/o Habib ur Rehman	B.A	14-04-2008	01-01-1982	21-12-2011	Passed
59.	Asad Ullah Abbasi S/o Noor Hasan Abbasi	M.B.A/HR	14-04-2008	05-05-1988	14-06-2012	----
60.	Hamad Ali S/o Aurangzeb Khan	F.A	14-04-2008	02-04-1989	14-06-2012	----
61.	Ajmal Khan S/o Pervz Khan	B.A	14-04-2008	04-08-1987	14-06-2012	----
62.	Shah Murad S/o Niaz Hussain	B.A	14-04-2008	03-07-1983	14-06-2012	----
63.	Tahir Jameel S/o Sher Ahmed Khan	B.A	14-04-2008	25-12-1982	14-06-2012	Passed
64.	Nasir Khan S/o Anwar Khan	F.A	14-04-2008	15-12-1978	14-06-2012	----
65.	Murad Khan S/o Zirdad Khan	F.A	13-03-2010	17-12-1986	14-06-2012	----
66.	Saqib S/o Mir Afzal	B.A	13-03-2010	15-07-1979	14-06-2012	----
67.	Waseem Gul S/O Walayat Khan	B.A	13.03.2010	03-03-1988	14-10-2015	----
68.	Saqib Sohail S/O Mohammad Afsar	F.A	13.03.2010	01-06-1982	14-10-2015	----
69.	Muhammad Afsar S/o M. Daud	B.A	13.03.2010	02.06.1986	14-10-2015	----
70.	Mohammad Riasat S/O M. Younis	F.A	13.03.2010	07-03-1982	14-10-2015	----

	Name of Patwari	Qualification	Date of Entry into Candidate Register of Patwarian	Date of Birth	Date of appointment	Kanung Exam: Passed/Failed/Not Appeared
71.	Asim Nawaz S/O Muhammad Nawaz	M.A	13.03.2010	07-07-1990	14-10-2015	---
72.	Shahid Nawaz S/o Shah Nawaz	B.A	13.03.2010	02.02.1986	14-10-2015	---
73.	Amjad Khan S/o M.Banaras Khan	B.A	13.03.2010	16.03.1986	14-10-2015	---
74.	Ehsan Khan S/O Sultan Bakhat	B.A	13.03.2010	15-01-1986	14-10-2015	---
75.	Touqeer Ahmed S/O Muhammad Riaz	F.A	13.03.2010	16-01-1982	14-10-2015	---
76.	Waqas Nawaz S/O M. Nawaz	B.A	13.03.2010	28-11-1984	14-10-2015	---
77.	Mohammad Shakir S/O M. Rafique	B.A	13.03.2010	02-03-1985	14-10-2015	Passed
78.	Nasir Khan S/O Ahwal Khan	F.A	13.03.2010	15-03-1985	14-10-2015	---
79.	Qaiser Mehmood S/o M.Suleman	F.A	13.03.2010	27.07.1982	07-01-2016	---
80.	Qazi Muhammad Sajjad S/o Qazi Zardad	F.A	13.03.2010	05.10.1982	07-01-2016	---
81.	Mohammad Yasin S/o M. Miskeen	F.A	13.03.2010	10.02.1984	07-01-2016	---
82.	Yasir Imtiaz S/o Rawaiz Imtiaz	F.A	13.03.2010	10.04.1989	07-01-2016	---
83.	Sakhi Sultan S/o Rafi Sultan	B.A	13.03.2010	10.04.1989	07-01-2016	---
84.	Fawad Ali S/o Aurangzeb	F.A	13.03.2010	08.08.1986	07-01-2016	---
85.	Zeeshan Ashraf S/o M.Ashraf	B.A	13.03.2010	13.04.1987	07-01-2016	---
86.	Waqas Khan S/o Hamayun Khan	B.A	13.03.2010	04.03.1987	07-01-2016	---
87.	Nasir Nazeer Abbasi S/o Nazir Ahmed Abbasi	FA	13.03.2010	01.02.1981	02.06.2016	---
88.	Anzer Sultan S/o Mir Afzal	F.A	13.03.2010	05.12.1984	02.06.2016	---
89.	Hanif Gul S/o Gul Hassan Abbasi	B.A	13.03.2010	12.03.1989	02.06.2016	---
90.	Waqar Hussain S/o Manzoor Hussain	F.A	13.03.2010	12.12.1979	02.06.2016	---
91.	Qazi Kaleem S/o Qazi Muhammad Naeem Asif	F.A	13.03.2010	05.06.1985	02.06.2016	---
92.	Adil Mansoor Khan S/o Shamarez Khan	F.A	13.03.2010	05.19.1985	25.10.2016	---
93.	Syed Bilal Hussain Shah S/o Syed Naqeeb Hussain Shah	F.A	13.03.2010	15.04.1981	25.10.2016	---