

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1366/2019

Date of Institution ... 17.10.2019

Date of Decision ... 21.12.2021

Syed Tajjamal Hussain Kanungo office of Deputy Commissioner, Peshawar.
... (Appellant)

VERSUS

Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa,
Peshawar and five others. ... (Respondents)

Rizwanullah,
Advocate ... For Appellant

Asif Masood Ali Shah,
Deputy District Attorney ... For respondents

ROZINA REHMAN ... **MEMBER (JUDICIAL)**
ATIQU-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

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

Brief facts of the case are that the appellant joined revenue department as Patwari vide order dated 28-04-2000. As per seniority list issued in 2013, the appellant was shown at serial No 46, whereas respondents No. 4 to 6 were shown at serial No. 50, 54 and 59 respectively. Again another seniority list was issued on 19-11-2017, wherein the above respondents were shown senior to the appellant. feeling aggrieved, the appellant filed departmental appeal dated 18-01-2018, which was not responded, but in the meanwhile, the respondents No. 4 to 6 were promoted vide order dated 31-05-2019. Feeling aggrieved, the appellant again filed departmental appeal dated 28-06-2019, which was not responded within the statutory period, but the appellant was promoted as Kanungo (BPS-11) vide order dated 07-10-2019 but

with immediate effect. The appellant filed the instant service appeal instituted on 17-10-2019 with prayers that the impugned order dated 31-05-2019 in respect of respondents No. 4 to 6 may be set aside and the appellant may be considered for promotion against the said post alongwith consequential benefits from the date his juniors were promoted and any seniority list if notified at the back of the appellant after 2013 which adversely affect his rights may be nullified as well.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law and his rights secured under the constitution has been violated, therefore the impugned order is not sustainable in the eye of law; that the competent authority was under statutory obligation to have considered the case of the appellant in its true perspective and also in accordance with the provisions of Rule-17(1)(a) of Civil Servants (Appointments, Promotion & Transfer) Rules, 1989, but the respondents failed to do so and promoted the juniors employees as Kanongo and deprived the appellant despite the fact that the appellant was senior in the seniority list issued in 2013; that such seniority list was not assailed before any legal forum and as such the same had attained finality, but the respondents has overlooked this important aspect of the case without any cogent reason, therefore the impugned orders are against the spirit of administration of justice; that the competent authority has acted in arbitrary manner by not considering the appellant for promotion being the senior most and otherwise fit for promotion, therefore the impugned orders are not tenable under the law; that respondents No. 4 to 6 were promoted out of turn which is not only against law but also against the injunction of Islam. Reliance was placed on 2010 PLC (CS) 924.

03. Learned Deputy District Attorney for the official respondents has contended that the appellant was appointed as Patwari vide order dated 28-04-2000, but he reported his arrival on 17-05-2000; that it is correct that a tentative seniority list was circulated in 2013 but seniority list is revised every year and as

such the tentative seniority list was again circulated in 2017, which was prepared according to the date of arrival of the officials and the appellant reported his arrival on 17-05-2000, but respondents No 4 to 6 reported their arrival earlier than the appellant, hence were placed senior to the appellant in the seniority list; that the appellant has no cause of action to file the instant appeal as the impugned order is in accordance with law.

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

05. Record reveals that the appellant as well as respondents No. 4 to 6 were appointed on the same date i.e. 28-04-2000. The appellant reported his arrival on 17-05-2000, whereas respondents No. 4 to 6 reported their arrivals on 06-05-2000, 15-05-2000 and 10-05-2000 respectively. Placed on record is a tentative seniority list issued in 2013, where the appellant is placed at serial No. 46, whereas respondents No. 4 to 6 are placed at serial No. 50, 54 and 59 respectively, but with the same arrival reports. We have noted the appellant was placed senior to private respondents No. 4 to 6 inspite of the fact that they reported their arrival earlier than the appellant did; hence, the stance of the official respondents to the effect that the appellant was placed junior in seniority list issued in 2017 was due to his late arrival than private respondents is not understandable, as arrival reports are the same in 2013, but the appellant was placed senior in 2013. Record is silent as to whether any objection was raised by any of the official on the said list or not but official respondents issued another seniority list in 2017, where the appellant was placed at serial No. 32, whereas private respondents No. 4 to 6 were placed at serial No. 20, 27 and 22 respectively, but the appellant objected on such seniority list by filing appeal dated 18-01-2018, which was not responded and in the meanwhile, based on the same seniority list, respondents No. 4 to 6 were promoted vide separate orders dated 31-05-2019. Contention of the official respondents to the effect that such

seniority list was drawn on the basis of arrival reports does not hold force, as the Supreme Court of Pakistan in its judgment reported as 2009 SCMR 82 have held that mere assumption of duty earlier would not adversely affect seniority position of the one who assumed the duties later.

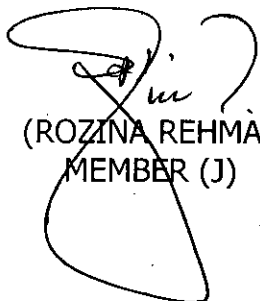
06. Placed on record is an appointment letter dated 28-04-2000 containing 19 individuals including the appellant as well as private respondents No. 4, 5 and 6, who were appointed as Patwaris and as per practice in vogue, the names are placed in order of merit in joint appointment order, where the appellant is placed at serial No 6 of the appointment letter and respondents No 4 to 6 are placed at serial No 10, 14 and 19 respectively, hence it is assumed that their appointment order was their merit list as well and based on it tentative seniority list was drawn, where the appellant was correctly shown senior to private respondents. Record would suggest that no objections were raised on such seniority list until 2017, which as per law was required to attain finality, as no tentative seniority list could be continued for more than a period of six months during which objections might be invited, decided and tentative seniority list was to be made final. Reliance is placed on 2001 SCMR 352. Respondents however, were unable to clarify as to why final seniority list was not issued, when no objection was raised by any one on such list nor they were able to satisfy the tribunal as to how promotions were made on a tentative seniority list issued in 2017, upon which the appellant had submitted his reservations, which were not satisfied nor any reply was given to him. It would also be beneficial to note that seniority cannot be claimed on the basis of tentative seniority list not yet finalized, whereas the promotions of private respondents were made on a tentative seniority list issued in 2017, which was illegal. Reliance is placed on 2011 SCMR572. The appellant is mainly aggrieved of the tentative seniority list issued in 2017 and promotions made vide order dated 31-05-2019 because of such seniority list. The appellant however, was also

promoted during the course of litigation vide order dated 07-10-2019 with immediate effect.


07. Since the issue of his promotion is resolved to the extent that he was promoted to the next grade, but the issue of seniority is still in the field and we are of the opinion that the appellant as well as the private respondents must have been selected through a departmental selection committee and the committee must have drawn an order of merit amongst the selected candidates, which however, was not produced by the respondents, hence we rely on the merit assigned in the appointment order dated 28-04-2000 and the seniority list issued in 2013, where the appellant was placed senior to the private respondents, which must have been drawn in order of merit assigned by the departmental selection committee and according to which the appellant is senior to private respondents.

08. In view of the foregoing discussion, the instant appeal is accepted. The impugned seniority list issued in 2017 is set aside with direction to the respondents to draw the seniority list based on merit assigned by departmental selection committee and to effect promotions in accordance with the seniority position of the candidates. Since the appellant stands senior to private respondents, he shall stand entitled to promotion from the date, private respondents were promoted with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
21.12.2021



(ROZINA REHMAN)
MEMBER (J)



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

ORDER

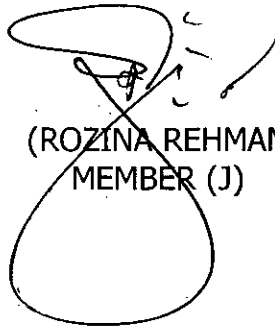
21.12.2021

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present. Arguments heard and record perused.

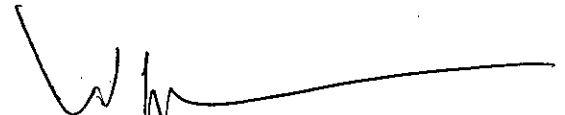
Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The impugned seniority list issued in 2017 is set aside with direction to the respondents to draw the seniority list based on merit assigned by departmental selection committee and to effect promotions in accordance with the seniority position of the candidates. Since the appellant stands senior to private respondents, he shall stand entitled to promotion from the date, private respondents were promoted with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

21.12.2021



(ROZINA REHMAN)
MEMBER (J)




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

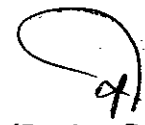
10.11.2021

Mr. Noman Ali Bukhari, Advocate present on behalf of the appellant and submitted fresh Wakalatnama. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he is being freshly engaged in the instant appeal. Adjourned. To come up for arguments on 02.12.2021 before D.B.



(Mian Muhammad)
Member(E)



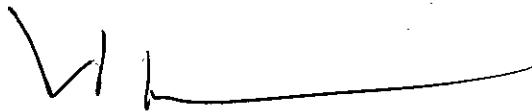
(Rozina Rehman)
Member(J)

02.12.2021

Counsel for the appellant present.

Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

Arguments heard. To come up for order on 21.12.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

12.07.2021

Appellant in person present.

Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 10.11.2021.



CHAIRMAN

10.11.2021 (ROZINA REHMAN) Ali Bukhari, Advocate present on behalf of the appellant and submitted fresh Wakalatnama. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he is being freshly engaged in the instant appeal. Adjourned. To come up for arguments on 02.12.2021 before D.B.

MEMBER (JUDICIAL)

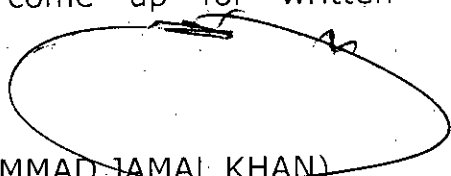
(Mian Muhammad)
Member(E)

(Rozina Rehman)
Member(J)

11.01.2021

Appellant is present alongwith Mr. Abdul Hameed, Advocate. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Arif, Superintendent, for the official respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the official respondents is seeking further time for submission of written reply/comments. Adjourned to 10.03.2021 on which date file to come up for written reply/comments by way of last chance.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

10.03.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Inamullah, ADK, for official respondents present.

Representative of officials respondents No. 1 to 3 submitted written reply on behalf of the said respondents which is placed on record. Case to come up for rejoinder and arguments on 12.07.2021 before D.B.


(MIAN MUHAMMAD)
MEMBER (E)

11.01.2021

Appellant is present alongwith his counsel Mr. Noor Muhammad Khattak, Advocate. Mr. Kabirullah Khattak, Additional Advocate General for official respondents and private respondents No. 15, 27 and 28, are also present.

Written reply on behalf of official respondents No. 1 to 3 has already been submitted. Private respondents No. 15, 27 & 28 are seeking further time for submission of written reply/comments. Neither written reply/comments on behalf of private respondents No. 4 to 14 and 16 to 26 have been submitted nor they are present, therefore, they are proceeded against ex-parte. File come up for written reply/comments on behalf of private respondents No.15, 27 and 28 on 16.02.2021 before S.B.

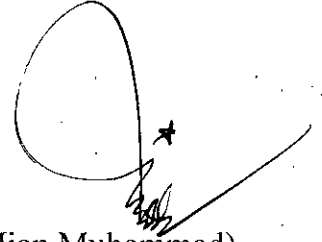
(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

13.07.2020

Appellant in person and Addl: AG for respondents present.

Written reply not submitted. Notices be issued to the respondents for submission of written reply/comments.

Adjourned to 14.09.2020 before S.B.




(Mian Muhammad)
Member(E)

14.09.2020

Appellant in person and Addl. A.G on behalf of respondents No. 1 to 3 present.

Learned AAG seeks further time to furnish the requisite reply/comments. Nemo on behalf of respondents No. 4, 5 and 6 despite proper service, hence proceeded against ex-parte. To come up for written reply/comments of respondents No. 1, 2 and 3 on 03.11.2020 by way of last chance.

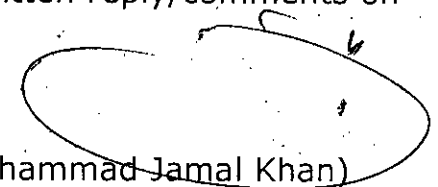


Chairman

03.11.2020

Nemo for appellant. Mr. Kabirullah Khattak, Additional Advocate General is present.

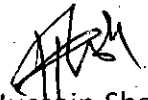
Neither written reply on behalf of official respondents submitted nor any representatives on their behalf are present, therefore, notices be issued to them for submission of written reply/comments. File to come up for written reply/comments on 11.01.2021 before S.B.



(Muhammad Jamal Khan)
Member (Judicial)

31.01.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Arif Superintendent for the official respondents No. 1 to 3 present. None present on behalf of Private respondents No. 4 to 6 nor submitted their written reply/comments. Representative of the official respondents seeks time to furnish written reply/comments. Notice be issued to the private respondents No. 4 to 6 for submission of written reply/comments. To come up for written reply/comments on 10.03.2020 before S.B.


(Hussain Shah)
Member

10.03.2020

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith M/S Muhammad Arif, Superintendent and Ali Murtaza, ADK on behalf of official respondents No. 1 to 3 present. Representatives of official respondents No. 1 to 3 seek further time to furnish written reply/comments. Private respondents No. 4 to 6 are absent, therefore, notices be issued to them for attendance and written reply/comments. To come up for written reply/comments on 16.04.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

16.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 13.07.2020 for the same. To come up for the same as before S.B.


Reader

05.12.2019

Counsel for the appellant present.

Learned counsel for the appellant argued that the appellant as well as respondents No. 4 to 6 were appointed as Patwari in BPS-5 through office order dated 28.04.2000 wherein the appellant was shown senior than the private respondents. In the seniority list of Patwaris of District Peshawar as stood on 31.12.2013, the position of appellant was at serial no. 46 while the private respondents were allocated serial no. 50, 54 & 59. The said seniority list, however, reflected incorrect date of appointment of the incumbents involved in the case. In disregard to appointment order as well as seniority list, the private respondents were promoted on 31.05.2019 as Kanungos (BPS-11), while the appellant was not considered for the purpose. His departmental appeal dated 28.06.2019 was also not responded to, hence the appeal in hand.

In view of the record, instant appeal merits admission to regular hearing. Admit. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 31.01.2020 before S.B.

Appellant Deposited
Security & Process Fee

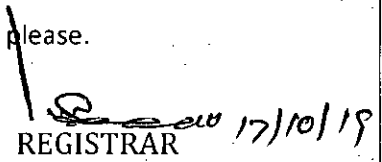


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1366/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/10/2019	<p>The appeal of Syed Tadjamal Hussain presented today by Mr. Reizwanullah 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 17/10/19</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/12/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-	22/10/19	

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1366 /2019

1. Syed Tajjamal Hussain kanungo office of Deputy Commissioner, Peshawar.

APPELLANT


VERSUS

1. Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa,
Peshawar and others.

RESPONDENTS

I N D E X

S.No	Particulars	Annexure	Pages #
1	Service Appeal	—	1-08
2	Affidavit	—	09
3	Copy of appointment order	“A “	10
4	Copy of final seniority list dated 31-12-2013	“B”	11-15
5	Copy of tentative seniority list dated 09-11-2017	“C”	16-21
6	Copy of application for rectification dated 18-01-2018	“D”	22
7	Copy of promotion orders	“E, F and G”	23-25
8	Copy of departmental appeal	“H”	26-31
9	Copy of promotion orders 07-10-2019	“I”	32
10	Wakalatnama	—	—


Appellant

Through


Rizwanullah

Dated: 15-10-2019

Advocate High Court, Peshawar.

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1366 /2019

Syed Tajjamal Hussain kanungo office of Deputy Commissioner, Peshawar.

APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 1461

Dated 17-10-2019

1. Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Commissioner, Peshawar Division Peshawar.
3. The Deputy Commissioner, Peshawar.
4. Fazal Rabi Girdawar Circle, Badaber, Peshawar
5. Qaiser-ud-Din Girdawar Circle, PDA office, Peshawar
6. Mian Noor-ul-Haq Girdawar Circle Land Acquisition Branch, office of Deputy Commissioner, Peshawar

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDERS DATED 31-05-2019
PASSED BY THE DEPUTY COMMISSIONER,
PESHAWAR WHEREBY FAZAL RABI,
QAISER-UD-DIN AND MIAN NOOR-UL-HAQ
PATWARIS WERE PROMOTED AS
KANUNGOS (BPS-11) IN UTTER VIOLATION
OF LAW AND THE APPELLANT BEING
SENIOR THAN THEM WAS DEPRIVED OF HIS
DUE RIGHT OF PROMOTION ILLEGALLY
AGAINST WHICH A DEPARTMENTAL
APPEAL WAS FILED WITH THE
COMMISSIONER, PESHAWAR DIVISION
PESHAWAR (RESPONDENT NO. 2) BUT THE
SAME WAS NOT RESPONDED.**

Filed to-day

Registrar

17/10/19

Prayer in Appeal

By accepting this appeal, the impugned orders dated 31-05-2019 in respect of Fazal Rabi, Qaiser-ud-Din and Mian Noor-ul-Haq Kanungos (respondents No. 4 to 6) may very graciously be declared as illegal, unlawful and without lawful authority and the Competent Authority (respondent No. 3) may kindly be directed to consider the appellant for promotion against the said post being deserved and eligible employee of the Department with consequential benefits from the date on which his juniors were promoted. Any seniority list if notified at the back of appellant after 2013 and adversely affected his right may also be nullified.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

Respectfully Sheweth,

Short facts giving rise to the present appeal are as under:-

1. That the appellant joined the services of Revenue and Estate Department in-capacity as Patwari vide office order No. 715-38 dated 28-04-2000. He assumed the charge of said post accordingly. He had 19 years unblemished service record to his credit.

(Copy of appointment order is appended as Annex-A)

2. That the Competent Authority notified final seniority list of Patwaris (as stood on 31-12-2013) wherein the appellant was placed at serial No. 46 while Fazal Rabi, Qaiser-ud-Din and Mian Noor-ul-Haq (respondents No. 4 to 6) were shown at serial No. 50, 54 and 59. This clearly shows that the appellant was made senior than the above named employees. The said seniority list was not challenged by any employee of the

Department before any legal forum and as such the same has attained finality in the eye of law.

(Copy of final seniority list is appended as Annex- B)

3. That the Competent Authority vide letter No. 3154 dated 09-11-2017 notified Tentative Seniority List of Patwaris (as stood on 30-09-2017) wherein the above respondents who were junior than appellant in the final Seniority List as referred earlier, were made senior to him and placed them at Serial No. 20, 22 and 27 whereas, the appellant was shown at Serial No. 32.

(Copy of tentative seniority list is appended as Annex- C)

4. That the appellant felt aggrieved by the said list, submitted an application for rectification of the said seniority list but his grievance was neither redressed nor any information whatsoever was given to him.

(Copy of application is appended as Annex- D)

5. That it is strange to note that the Competent Authority vide order dated 31-05-2019 promoted the above junior Patwaris as Kanungos and the appellant being senior and deserved employee was deprived of his due right of promotion.

(Copy of promotion orders are appended as Annex- E, F and G)

6. That the appellant felt aggrieved by the said orders filed departmental appeal with the Commissioner, Peshawar Division, Peshawar on 28-06-2019 which was received on the

same date vide diary No. 5790, but the same was not responded within the statutory period of 90 days.

(Copy of departmental appeal is appended as Annex- H)

7. That the Competent Authority (respondent No. 3) vide order dated 07-10-2019 promoted the appellant as Kanungo (B-11) with immediate effect despite the fact that he was entitled to be promoted from the date on which his juniors were promoted i.e. (31-05-2019).

(Copy of promotion order is appended as Annex- I)

8. That appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds.

GROUND OF APPEAL

- A. That the Competent Authority has not treated appellant in accordance with law, rules and policy on the subject and acted in violation of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973**. Therefore, the impugned order is not sustainable in the eye of law.
- B. That the Competent Authority was under statutory obligation to have considered the case of appellant in its true perspective and also in accordance with the provisions of rule 17(1)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules, 1989. But he failed to do so and promoted the junior employees as Kanungos and deprived the appellant despite the fact that he was senior than appellant in the final seniority list (as stood on 31-12-2013) duly notified on the basis of merit position. This seniority list was not assailed before any legal forums and as such the same has attained finality. But the Competent Authority has overlooked this

important aspect of the case without any cogent and valid reasons. Therefore, the impugned orders are against the spirit of administration of justice.

- C. That the Competent Authority has acted in arbitrary manner by not considering the appellant for promotion being the senior most Patwari with unblemished service record spreading over 19 years and also fulfilled the criteria as laid down in the relevant service rules. But he was unlawfully ignored from gaining such promotion. Therefore, the impugned orders are not tenable under the law.
- D. That the junior Patwaris (respondents No. 4 to 6) were promoted out of turn which is not only against the Constitution but also against the injunction of Islam. Reliance can be placed on judgment of august Supreme Court of Pakistan reported in **2010-PLC-(CS)-page-924-citation-(m)**. It would be advantageous to reproduce herein the relevant citation for facility of reference: -

(m) Civil service---

**----Promotion---Out-of-turn promotion---
----Scope----**

Out of turn promotion is not only against the Constitution, but also against Injunctions of Islam. Out of turn promotion in a public department generates frustration and thereby diminishes the spirit of public service. It generates undue preference in a public service. Element of reward and award is good to install the spirit of service of community, but it should not be made basis of accelerated promotion.

It is also well settled law that the decision of august Supreme Court is binding on each and every organ of the state by virtue of **Article 189 and 190 of the Constitution of Islamic Republic of Pakistan 1973**. Reliance in this respect can also be placed on the judgment reported in **1996-SCMR-284-citation(c)**. The relevant citation is as under: -

(c) Constitution Of Pakistan (1973)---

----Arts. 189 & 190--- Decision of Supreme Court---Binding, effect of--Extent--Law declared by Supreme Court would bind all Courts, Tribunals and bureaucratic set-up in Pakistan.

That the Competent Authority has acted in derogation of law by promoting the junior Patwaris and deprived the appellant who was the most senior employee of the Department. Therefore, the impugned orders are not warranted under the law.

- E.** That justice is not only confined to judicial system. Every person dealing with the right of people is bound to act justly, fairly, honestly and also in accordance with law otherwise, he should be made answerable to law and should be proceeded against for an appropriate action by his superiors. Reliance can be placed on the judgment of august Supreme Court of Pakistan reported in **2003-SCMR-page-1140-citation (c)**. The relevant citation is reproduced as under: -

(c) Administration of justice---

----Concept---Administration of justice is not confined only to judicial system--- Every person discharging functions in relation to rights of people is bound to act fairly, justly and in accordance with law—Exercise of powers by public functionaries in derogation of direction of

law would amount to disobeying the command of law and Constitution--If a person holding a public office is found to have proceeded in violation of law or his acts and conduct amounted to misuse of his official authority, he should be made answerable to law and should be proceeded against for an appropriate action by his superiors.

In view of the above dictum of august Supreme Court of Pakistan, Competent Authority was legally bound to have acted within the four corners of Constitution and law. But he failed to do so and promoted the junior Patwaris as Kanungos and deprived the appellant of his fundamental right of promotion. Hence, the impugned orders are liable to be set aside on this count alone.

- F. That the Appellate Authority (respondent No. 2) was under statutory obligation to have decided the departmental appeal filed by the appellant after application of mind with cogent reasons within reasonable time as per law laid down by august Supreme Court of Pakistan reported in **2011-SCMR-page-1**. It would be advantageous to reproduce herein the relevant citation for facility of reference: -

2011-SCMR-page-1

Citation-b

S. 24-A---Speaking order-Public functionaries are bound to decide cases of their subordinates after application of mind with cogent reasons within reasonable time.

But the Appellate Authority (respondent No. 2) has blatantly violated the above dictum of Apex Court of country by not disposing of the

departmental appeal within the statutory period of law. Therefore, the impugned order is liable to be set aside on this count alone.

- G.** That the impugned orders are suffering from legal infirmities and as such caused grave miscarriage of justice to the appellant.
- H.** That the impugned orders are against law, facts of the case and norms of natural justice. Therefore, the same is not tenable under the law.

In view of the above narrated facts and grounds, the impugned orders dated 31-05-2019 in respect of Fazal Rabi, Qaiser-ud-Din and Mian Noor-ul-Haq Kanungos (respondents No. 4 to 6) may very graciously be declared as illegal, unlawful and without lawful authority and the Competent Authority (respondent No. 3) may kindly be directed to consider the appellant for promotion against the said post being deserved and eligible employee of the Department with consequential benefits from the date on which his juniors were promoted. Any seniority list if notified at the back of appellant after 2013 and adversely affected his right may also be nullified.

Any other relief deemed proper and just in the circumstances of the case, may also be granted.



Appellant

Through



Rizwanullah
M.A. LL.B
Advocate High Court,
Peshawar.

Dated: 15-10-2019

(9)

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019

1. Syed Tajjamal Hussain kanungo office of Deputy Commissioner, Peshawar.

APPELLANT

VERSUS

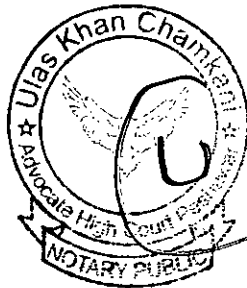
1. Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa, Peshawar.
and others.

RESPONDENTS

AFFIDAVIT

I, Syed Tajjamal Hussain kanungo office of Deputy Commissioner, Peshawar., do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

ATTESTED



DEPONENT

[Signature]
15/10/19

Annex A

10

OFFICE OF THE
DEPUTY COMMISSIONER PESHAWAR.

No. _____ /DK

A

Dated Peshawar the 28/4/2000

OFFICE ORDER.

The following Patwari candidates are hereby appointed as Patwaris in BPS-5 purely on temporary basis and subject to obtaining health clearance certificate from the Civil Surgeon Peshawar and age relaxation from the competent authority:-

S.No.	Name of Patwari candidate with parentage.
1.	Muhammed Saeed s/o Ghulam Muhammad.
2.	Izhar Ahmed s/o Muhammad Munir.
3.	Tilawatur Rehman s/o Fazle Rehman.
4.	Mir Rehman Shah s/o Mir Shad.
5.	Mukamel Shah s/o Maroof Shah.
6.	Syed Tajamul Hussain s/o Syed Akber Hussain.
7.	Muhammad Israr s/o Abdul Jabbar.
8.	Ihsanul Haq s/o Noorul Haq.
9.	Salehul Din s/o Nasrullah.
10.	Fazli Rabi s/o Ghulam Rabbani.
11.	Mir Zaman s/o Nasrullah.
12.	Farman Ali s/o Abdul Wali.
13.	Gulzar Ahmed s/o Ayub Khan.
14.	Qaiserud Din s/o Abdul Hakim.
15.	Wisal Khan s/o Zikriya Khan.
16.	Asghar Khan s/o Mosam Khan.
17.	Riaz Khan s/o Aslam Khan.
18.	Zarshad Khan s/o Roshan Khan.
19.	Mian Noorul Haq s/o Shamsul Qamar.

Applicant

DEPUTY COMMISSIONER
PESHAWAR.

No. 75-38 /DK Dated Peshawar the 28/4/2000

Copy forwarded to the:-

1. Accountant General, NWFP, Peshawar.
2. Addl:Deputy Commissioner Peshawar.
3. Assistant Commissioner Peshawar.
4. Tehsildar Peshawar.
5. RBC DC's office Peshawar, for information and necessary action.
6. Official concerned (by Name) for information and compliance.

DEPUTY COMMISSIONER
PESHAWAR.

Annex-B

(11)

Annex-B

FATWA SENIORITY LIST OF PATWRIS OF DISTRICT PESHAWAR AS ON 31-12-2013

S.NO	NAME OF FATWAR	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
1	Muhammad Younus	Muhammad Ibrahim	27-8-1956	17-1-1981	5-2-1986	
2	Syed Basharat ali Shah	Sakhawat ali Shah	1-10-1956	13-10-1980	5-2-1986	
3	Muhammad khursned	Abdul karim	20-4-1957	19-3-1981	20-4-1987	
4	Abdul wahab	Hamid Gul	20-4-1957	26-7-1981	4-5-1991	
5	Muhammad javid	Muhammad Ayub	10-3-1957	17-3-1986	4-5-1991	
6	Syed Musharaf Shah	Akram shah	10-10-1956	21-9-1983	25-10-1993	
7	Muhammad Bashir	Muhammad Zaman	4-6-1956	10-5-1986	25-10-1993	
8	Javid Ahmad	Gul muhammad	15-4-1958	21-12-1987	25-10-1993	
9	Ibadul ilah	Tahmash kham	1-1-1958	23-11-1986	25-10-1993	
10	Fazli mukhtaj	Eazli Rehman	3-5-1956	3-3-1983	25-10-1993	
11	Multan khan	Khalid khan	11-4-1955	17-3-1981	25-10-1993	
12	Noor ul qamar	Faqir muhammad	20-9-1959	1-7-1987	25-10-1993	
13	Shukat ali	Ibrahim khan	15-1-1956	11-3-1984	25-10-1993	
14	Faqir hussam	Abdul Haq	19-2-1955	20-7-1985	13-2-1996	
15	Saddiq Akbar	Abdul Akbar	20-4-1963	10-11-1987	13-2-1996	
16	Riaz Ahmad	Abdullah khan	15-6-1963	24-11-1986	13-2-1996	
17	Raiz ahmad	Sakhi Sarwar	5-11-1963	7-1-1990	13-2-1996	
18	Payu gul	Shamsurehman	29-10-1956	22-1-1990	13-2-1996	
19	Muhammad Ali	Abdul malik	19-9-1956	1-4-1990	13-2-1996	
20	Nisar muhammad	Muhammad Yousaf	3-3-1966	8-8-1988	13-2-1996	
21	Shindi Gul	Gul Rehman	20-12-1955	23-1-1987	9-8-1999	
22	Muhammad Salahuddin	Hidayt Ullah	15-1-1962	1-1-1990	9-8-1999	
23	Haji Muhammad	Malak Manawer Khan	1-5-1967	1-9-1990	9-8-1999	
24	Muhammad Nadeen	Saleem khan	1-12-1971	5-4-1990	9-8-1999	
25	Muhammad Qiyas	Akhtar munair	12-3-1957	1-9-1990	9-8-1999	
26	Saeed Ahmad	Raiz muhammad	19-3-1970	30-5-1991	9-8-1999	
27	Muhammad Arshid	Nadir khan	1-1-1968	1-9-1990	9-8-1999	
28	Namdar khan	Minadar	14-9-1969	12-4-1992	9-8-1999	
29	Muhammad Shuib	Haji Habib ur rehman	1-1-1964	30-10-1993	9-8-1999	
30	Ilyas khans	Salim khan	15-4-1969	9-1-1995	9-8-1999	
31	Muhammad Jamil	Muhammad azam	4-2-1970	23-8-1993	9-8-1999	
32	Zikreya khan	Astam khan	1-9-1966	10-1-1995		
34	Muhammad Aslam	Muhammad Yousaf	25-4-1970	8-1-1995		
35	Tariq Javid Gul	Raiz Gul	5-3-1973	27-2-1997		

Attested
Appeal

50

SC

	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
	Dedar Khan	M. Nadar Khan	1-1-1973	24-10-1992		
37	Muhammad Ilyas	Abdur.rouf	8-1-1965	30-10-1993		
38	Muhammad saeed	Ghulam Muhammad	20-4-1971	1-11-1990		
39	Izhar Ahmad	Muhammad Munir				Dismissed
40	Tilawat Ur Rehman	Fazil Rehman	1-6-1971	17-5-2000		
41	Mir Rehman shah	Mir Shad	1-4-1967	17-5-2000		
42	Jall ur Rehman	Fazil Subshan	1-2-1971	20-6-2001		
43	Mukamit Shah	Maroof Shah	2-2-1970	2-5-2000		
44	Ikram Ullah	Habib ur Rehman	5-9-1967	14-7-2001		
45	Mian Saddiq Ali Shah	Inayat Ullah Shah	11-7-1968	27-12-1989		
46	Syad Tajamul Hussain	Syad Akbar Hussain	1-3-1972	17-5-2000		
47	Muhammad Israr	Abdul Jabar	15-4-1968	15-5-2000		
48	Ihsan Ul Haq	Noor Ul Haq	1-3-1971	17-5-2000		
49	Salah Ud din	Nasrullah	27-9-1970	12-5-2000		
50	Fazil Rabi	Ghulam Rabbani	10-3-1968	6-5-2000		
51	Mir Zaman	Nasrullah Khan	3-4-1969	19-5-2000		
52	Farman ali	Abdul Wali	15-6-1968	17-5-2000		
53	Gulzar Ahmad	Ayub Khan	15-1-1967	11-5-2000		
54	Qasir Ud Din	Abdul Hakeem	15-3-1969	15-5-2000		
55	Wisal Khan	Zikeya Khan	12-4-1971	17-5-2000		
56	Asghar Khan	Musam Khan	30-6-1970	10-5-2000		
57	Razi Khan	Asam Khan	15-4-1972	1-5-2000		
58	Zarshad Khan	Roshan Khan	25-12-1972	26-5-2000		
59	Mian Noor Ul Haq	Mian Shams Ul Omar	12-3-1972	10-5-2000		
60	Siraj Muhammad	Wali Muhammad	2-2-1967	18-3-1986		Posted in this office vide high court order
61	Tariq Hussain	Abdur Rashid	15-3-1973	20-6-2001		
62	Muhammad Abid	Abdul Munaf	13-4-1973	20-6-2001		
63	Tilawat Khan	Saikhin	20-12-1972	23-7-2001		
64	Iffahim Shah	Ibrahim Shah	7-3-1973	16-2-2009		
65	Gohar ali	Syed Shareef	15-4-1969	9-8-2006		
66	Muhammad Naeem	Basool Shah	1-1-1974	14-6-2011		
67	Muhammad Shahid	Muhammad Yousaf	15-8-1975	16-9-2005		
68	Muhammad Younas	Muhammad Yousaf	8-8-1971	15-9-2009		
69	Sher Alam	Zareen Khan	12-3-1973	16-9-2005		
70	Sher wali	Zafar Khan	9-4-1970	9-8-2006		
71	Naveed Ahmad	Fazil Muhammad	19-12-1972	16-9-2005		

Attes
D
Ap

So

22

	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
	Anwer Zeb	Payenda khan	15-3-1972	16-9-2005		
73	Sikandar Khan	Amin-Ullah Khan	3-2-1971	16-9-2005		
74	Muhammad Saeed	Ghulam Nabi	13-5-1974	16-4-2009		
75	All Akbar	Muhammad Ishaq	12-3-1973	12-8-2006		
76	Noor Hussain	Shamsher Khan	8-12-1974	16-9-2005		
77	Muhammad Haroon	Abdul Wahab	18-2-1974	14-6-2011		
78	Muhammad Israr	Haji Khansher	14-10-1974	16-8-2006		
79	Amjid Khalil	Rakheem Bakhsh	15-3-1973	12-8-2006		
80	Zain Ul Abideen	Banaras Khan	1-4-1975	1-9-2005		
81	Alamzeb	Aurangzeb	7-4-1972	16-9-2005		
82	Inam Ullah	Awal Khan	20-4-1975	12-8-2006		
83	Iftikhar Ahmad	Aziz Ullah	7-8-1971	14-6-2011		
84	Aurang Zeb	Payenda Khan	27-3-1971	12-8-2006		
85	Milan Inam Ullah	Milan Fazli Khaliq	17-12-1972	14-6-2011		
86	Masood Khan	Ghulam Sarwar	15-3-1968	19-11-1989		
87	Syed Alamgir Shah	Syed Jehangir Shah	20-8-1975	12-8-2006		
88	Mansoor Khan	Noor Rehman	6-9-1970	12-7-2011		
89	Muhammad Amir	Abdul Wahab	21-12-1976	18-1-2010		
90	Sadaqat Ullah	Muhammad Pervalz	12-8-1989	18-1-2010		
91	Ibrar Khan	Abdul Satar	12-3-1976	18-1-2010		
92	Alam Zeb Khan	Farid Ullah	7-3-1980	18-1-2010		
93	Ishfaq Ahmad	Dost Muhammad	20-8-1980	3-9-2009		
94	Muhammad Zareef	Haji Muhammad Sharif	21-4-1978	18-1-2010		
95	Falak Naz	Namat Ullah	1-10-1976	19-2-1998		
96	Sajjad	Gul Jan	2-4-1977	28-1-2010		
97	Mikhtyar Ud Din	Miher Din	1-1-1976	15-1-2010		
98	Nasrullah	Saleem Khan	19-12-1979	18-1-2010		
99	Zarshad	All Akbar	2-1-1975	20-4-2012		
100	Azeem Ullah	Fazil Azeem	3-3-1979	18-1-2010		
101	Inayat Ullah	Muhammad Yousaf	1-1-1977	18-1-2010		
102	Farhad	Haji Dost Muhammad	15-1-1975	1-9-1995		
103	Asad Ullah	Farid Ullah	10-5-1977	18-1-2010		
104	Ghafoor Khan	Fazil Rakhim	2-11-1977	18-1-2010		
105	Asif Khan	Janas Khan	2-3-1978	16-1-2010		
106	Mashooq Jan	Fazil Ullah	18-3-1978	18-1-2010		
107	Roohamin	Ghulam Muhammad	20-1-1976	13-4-2010		

AP/10/20

10/20


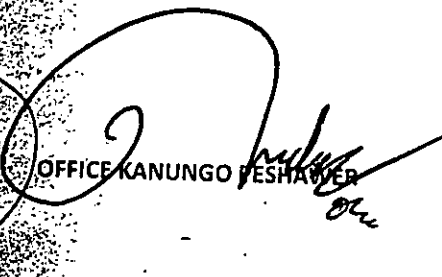
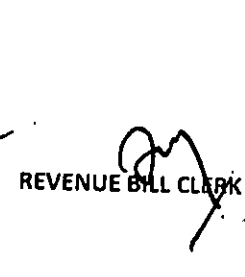
	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
108	Sana Ullah	Hidayat Ullah	20-7-1977	11-5-2010		
109	Iftikhar Alam	Sher Alam	20-1-1974	4-10-2004		
110	Aftab Ahmad	Fazli wahid	19-9-1979	17-5-2010		
111	Zahid ullah	Rasheed khan	7-9-1981	14-6-2011		
112	Javid khan	Madad khan	18-3-1980	21-9-2010		
113	Zahir khan	Hanif khan	31-3-1982	21-9-2010		
114	Shahjehan	Saleem Khan	15-3-1984	21-9-2010		
115	Amjid Sohail	Hafeez Ullah	15-12-1979	1-12-2011		
116	Amjid khan	Firdos khan	4-2-1981	21-9-2010		
117	Tahir Ullah	Bismillah jan	1-3-1981	21-9-2010		
118	Waheed	Karam khan	21-2-1989	21-9-2010		
119	Saleem shahzad	Hafiz ullah	9-9-1981	21-9-2010		
120	Malak Masood	Siraj khan	7-5-1979	21-9-2010		
121	Malak Abdul Gafar khan	Abdul satar	4-10-1981	21-9-2010		
122	Shakir Ullah	Arsala khan	14-11-1981	21-9-2010		
123	Pir Hasanat shah	Pir Nabi shah	6-1-1982	21-9-2010		
124	Muhammad Ishafaq	Saleem khan	20-1-1984	21-9-2010		
125	Wiqar ullah	Parvalz khan	15-12-1979	16-9-2010		PDA
126	Fayyaz khan	Muhammad Aslam	28-11-1978	9-7-2011		
127	Anwar ali	Taj Muhammad	1-7-1979	12-7-2011		
128	Muhammad Bostan	Gul Rehman	5-1-1991	28-12-2012		
129	Wali-khan	Misal khan	12-9-1981	28-12-2012		
130	Sana-Ullah	Gulab Sher	10-7-1987	28-12-2012		
131	Tariq khan	Shams Ur Rehman	12-5-1985	28-12-2012		
132	Mumtaz ali shah	Abdul satar	15-8-1983	28-12-2012		
133	Umar nasir	Ulas khan	23-3-1987	28-12-2012		
134	Muhammad Nadeem	Ajmal khan	7-3-1986	12-7-2011		
135	Riaz Ahmad	Mawaz khan	18-4-1984	1-9-2009		
136	Maqsood Ur Rehman	Mafrood khan	25-3-1983	28-12-2012		
137	Muhammad Tufail	Muhammad Ishaq	1-3-1986	28-12-2012		
138	Rakhmat ilah	Faramoshan	1-1-1987	28-12-2012		
139	Raj wall	Haji Imdad	5-8-1984	28-12-2012		
140	Masood khan	Ghulam Sarwar	15-3-1968	20-4-2012		
141	Abdul Jabar	Kachkul khan	9-2-1981	28-12-2012		
142	Arshid khan	Tawaf khan	3-2-1981	28-12-2012		
143	Syed Anjum Hussain shah	Syed Akbar Hussain	20-9-1979	28-12-2012		

18
19
20
21
22


Attest
APPECTANT

50
50

	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
	Sadaqat khan	Sharafat khan	14-3-1985	18-12-2012		
145	Muhammad Imran	Elaa Muhammad	1-2-1986	28-12-2012		
146	Majid khan	Abdul Qayum	5-2-1982	28-12-2012		
147	Naeem Jan	Muhammad Azeem Khan	12-12-1980	28-12-2012		
148	Muhammad Kamran	Muhammad Jalil	1-1-1985	29-10-2011		
149	Amjad khan	Misal khan	30-3-1983	28-12-2012		
150	Imtaiz khan	Aslam khan	4-4-1986	9-7-2011		PDA
151	Ibrar khan	Nasrullah	7-2-1983	28-12-2012		PDA
152	Mansoor Ahmad	Dost Muhammad	15-8-1985	14-6-2011		
153	Inam ullah	Walid khan	16-3-1983	146-2011		
154	Farman Ullah	Muslim khan	3-9-1979	28-12-2012		
155	Wiqar Ahmad	Nisar Muhammad	18-9-1982	15-9-2009		
156	Muhammad Ijaz	Abdul Rauf	2-1-1987	16-12-2009		
157	Siraj Khan	Yahya Khan	8-3-1988	28-12-2012		
158	Saif Ullah	Hamdullah	1-8-1986	14-6-2011		Sons quota merit list

 A.D. PESHAWAR
 OFFICE KANUNGO PESHAWAR
 REVENUE BILL CLERK


 SUPERINTENDENT DC OFFICE PESHAWAR.


 08/05/2014

c/s

DC-P

50 DC (P)
 8/5/14

OFFICE OF THE
DEPUTY COMMISSIONER
PESHAWAR

No. 3154 /DC(P)/DK
Dist. Pesh. the 09/11/2017

To

The Tehsildar,
Peshawar.

Subject: TENTATIVE SENIORITY LIST OF PATWARIS PESHAWAR

Enclosed please find herewith a tentative seniority list of Patwaris of District Peshawar for circulation amongst them and submission of objection, if any, within one week from the issuance of this letter positively. After the completion of stipulated period, seniority list will be issued and no objection will be entertained. A copy of the said list should also be posted at the Notice Board.

Furthermore all those Patwaris who have passed the Kanungo examination should submit their relevant documents immediately.

Encl. A: Above.

[Signature]
Addl: Deputy Commissioner
Peshawar

Encl. No. 3155 /DC(P)/DK

Copy forwarded to PS to Deputy Commissioner, Peshawar.

[Signature]
Addl: Deputy Commissioner
Peshawar

5/11/17
0-11-17

11/11/17
11/11/17

11/11/17
11/11/17

010-757-01B

13-11-17

[Handwritten notes in Urdu]

Attest
[Signature]
Appellant

17

OFFICE OF DEPUTY COMMISSIONER PESHAWAR AS IT STOOD ON 30/09/2017

S No	Name of Official	Father Name	Domicile	Date of Birth	Qualification	Date of 1st entry into Govt. Service	Remarks
1	Ibadullah	Tahmash Khan					
2	Riaz Ahmad	Abdullah Khan	Peshawar	01/01/1958		23/11/1985	
3	Noor-ul-Qamar	Faqir Muhammad	Peshawar	15/02/1962		24/11/1986	
4	Saddiq Akbar	Abdul Akbar	Peshawar	20/09/1959		01/07/1987	
5	Nisar Muhammad	Muhammad Yousaf	Peshawar	20/04/1963		10/11/1987	
6	Mian Saddiq Ali Shah	Inayat Ullah Shah	Peshawar	03/03/1966		08/08/1988	
7	Muhammad Salahuddin	Hidayatullah	Peshawar	11/07/1968		27/12/1989	
8	Riaz Ahmad	Sakhi Sarwar	Peshawar	15/01/1962		01/01/1990	
9	Haji Muhammad	Malak Munawar Khan	Peshawar	05/11/1963		10/01/1990	
10	Muhammad Arshad	Nadir Khan	Peshawar	01/05/1967		01/03/1990	
11	Saeed Ahmad	Fiaz Muhammad	Peshawar	01/01/1968		01/09/1990	
12	Muhammad Shoaib	Haji Habib-ur-Rahman	Peshawar	19/03/1970		23/11/1990	
13	Dadar Khan	Minadar Khan	Peshawar	01/01/1964		06/05/1992	
14	Muhammad Ilyas	Abdur Rauf	Peshawar	01/01/1973		24/10/1992	
15	Muhammad Aslam	Muhammad Yousaf	Peshawar	08/01/1965		30/10/1993	
16	Ilyas Khan	Saleem Khan	Charsadda	25/04/1970		03/01/1995	
17	Farhad	Haji Dost Muhammad	Peshawar	15/04/1969		09/01/1995	
18	Tariq Javed Gul	Faiz Gul	Peshawar	15/01/1975		01/09/1995	
19	Falak Naz	Niamat Ullah	Peshawar	05/03/1973		27/02/1997	
20	Fazli Rabi ✓	Ghulam Rabbani	Peshawar	01/10/1976		19/02/1998	
21	Izhar Ahmad	Muhammad Munir	Peshawar	10/03/1968		06/05/2000	
22	Mian Noor-ul-Haq ✓	Mian Shamsul Qamar	Peshawar	01/07/1968		09/05/2000	
23	Gulzar Ahmad	Ayub Khan	Peshawar	12/03/1972		12/05/2000	
24	Riaz Khan	Aslam Khan	Peshawar	15/01/1967		11/05/2000	
25	Salah-ud-Din	Nasrullah	Peshawar	15/04/1972		11/05/2000	
26	Muhammad Israr	Abdul Jabbar	Peshawar	27/09/1970		12/05/2000	
27	Qasir ud Din ✓	Abdul Hakeem	Peshawar	15/04/1968		15/05/2000	
28	Mir Rahman Shan	Mir Shaukat	Peshawar	15/03/1969		15/05/2000	
29	Ferman Ahmad	Abdul Wali	Peshawar	11/04/1967		17/05/2000	
				15/06/1968		17/05/2000	

Handwritten signatures and initials on the left side of the page.

OFFICE OF THE DEPUTY COMMISSIONER

18

30	Ihsan Ul Haq	Noor Ul Haq	Peshawar			Govt. service
31	Wisal Khan	Zakariya Khan	Peshawar	15/03/1971		17/05/2000
32	Syed Tajumul Hussain	Syed Akbar Hussain	Peshawar	12/04/1971		17/05/2000
33	Mir Zaman	Nasrullah Khan	Peshawar	04/03/1972		17/05/2000
34	Zarshad Khan	Roshan Khan	Peshawar	03/04/1969		19/05/2000
35	Jalil-ur-Rahman	Fazli Subhan	Peshawar	25/12/1972		26/05/2000
35	Tariq Hussain	Abdur Rahid	Peshawar	01/02/1971		20/06/2001
37	Muhammad Abid	Abdul Munaf	Peshawar	15/03/1973		20/05/2001
38	Hkram Ullah	Habib-ur-Rahman	Peshawar	13/04/1973		20/06/2001
39	Tilawat Khan	Sulaheen	Peshawar	05/09/1967		14/07/2001
40	Iftikhar Alam	Sher Alam	Peshawar	20/12/1972		23/07/2001
41	Sikandar Khan	Amin Ullah Khan	Peshawar	20/10/1974		04/10/2004
42	Anwar Zeb	Payanda Khan	Peshawar	03/02/1971		16/09/2005
43	Alamzeb	Aurangzeb	Peshawar	15/03/1972		16/09/2005
44	Naveed Ahmad	Faiz Muhammad	Peshawar	07/04/1972		16/09/2005
45	Sher Alam	Zareen Khan	Peshawar	19/12/1972		16/09/2005
46	Noor Hussain	Shamsher Khan	Peshawar	12/03/1973		16/09/2005
47	Zain Ul Abideen	Banaras Khan	Peshawar	08/12/1974		16/09/2005
48	Muhammad Shahid	Muhammad Yousaf	Peshawar	01/04/1975		16/09/2005
49	Gohar Ali	Syed Shant	Peshawar	15/08/1975		16/09/2005
50	Sher Wali	Zafar Khan	Peshawar	15/04/1969		09/03/2006
51	Aurangzeb	Payanda Khan	Peshawar	09/04/1970		09/02/2005
52	Ali Akbar	Muhammad Ishaq	Peshawar	27/03/1971		12/08/2006
53	Amjad Khalil	Rakheem Bakhsh	Peshawar	12/03/1973		12/08/2006
54	Muhammad Israr	Haji Khansher	Peshawar	15/03/1973		12/08/2006
55	Inamullah	Awel Khan	Peshawar	14/10/1974		12/08/2006
56	Syed Alamgir Shah	Syed Jehangir Shah	Peshawar	20/04/1975		12/08/2006
57	Ibrahim Shah	Ibrahim Shah	Peshawar	20/08/1975		12/08/2006
58	Muhammad Saeed	Ghulam Nabi	Peshawar	07/03/1973		16/02/2009
59	Ishfaq Ahmad	Dost Muhammad	Peshawar	13/05/1974		16/04/2009
60	Muhammad Younas	Muhammad Yousaf	Peshawar	20/08/1980		03/09/2009
61	Vaqar Ahmed	Nisar Muhammad	Peshawar	03/08/1971		15/02/2009
62	Muhammad Ijaz	Abdul Rauf	Peshawar	18/09/1982		15/09/2009
			Peshawar	02/01/1987		16/12/2009

19

Name of Official	Father Name	Domicile	Date of Birth	Qualification	Date of 1st entry into Govt. service	Remarks
Asif Khan	Janas Khan	Peshawar	02/03/1978		16/01/2010	
64 Ibrar Khan	Abdul Sattar	Peshawar	12/03/1976		18/01/2010	
65 Muhammad Amir	Abdul Wahab	Peshawar	21/12/1976		18/01/2010	
66 Inayat Ullah	Muhammad Yousaf	Peshawar	01/01/1977		18/01/2010	
67 Asad Ullah	Farid Ullah	Peshawar	10/05/1977		18/01/2010	
68 Ghafoor Khan	Fazli Rahim	Peshawar	02/11/1977		18/01/2010	
69 Mashooq Jan	Farid Ullah	Peshawar	18/03/1978		18/01/2010	
70 Muhammad Zareef	Haji Muhammad Sharif	Peshawar	21/04/1978		18/01/2010	
71 Azeem Ullah	Fazli Azcom	Peshawar	03/03/1979		18/01/2010	
72 Nasrullah	Saleem Khan	Peshawar	19/12/1979		18/01/2010	
73 Alam Zeb Khan	Farid Ullah	Peshawar	07/03/1980		18/01/2010	
74 Sadaqat Ullah	Muhammad Pervaiz	Peshawar	12/08/1989		21/01/2010	
75 Sajjad	Gul Jan	Peshawar	02/04/1977		28/01/2010	
76 Rookul Amin	Ghulam Muhammad	Peshawar	20/01/1976		13/04/2010	
77 Sana Ullah	Hidayatullah	Peshawar	20/07/1977		11/05/2010	
78 Aftab Ahmad	Fazli Wahid	Peshawar	19/09/1979		17/05/2010	
79 Wiqar Ullah	Pervaiz Khan	Peshawar	15/12/1979		16/09/2010	
80 Malak Masood	Siraj Khan	Peshawar	07/05/1979		21/09/2010	
81 Amjad Sohail	Hafeez Ullah	Peshawar	15/12/1979		21/09/2010	
82 Javed Khan	Madad Khan	Peshawar	08/03/1980		21/09/2010	
83 Amjad Khan	Firdous Khan	Peshawar	04/02/1981		21/09/2010	
84 Saleem Shahzad	Hafiz Ullah	Peshawar	09/09/1981		21/09/2010	
85 Malak Abdul Ghaffar Khan	Abdul Sattar	Peshawar	04/10/1981		21/09/2010	
86 Shakirullah	Arsala Khan	Peshawar	14/11/1981		21/09/2010	
87 Pir Hasnat Shah	Pir Nabi Shah	Peshawar	06/01/1982		21/09/2010	
88 Zahir Khan	Hanif Khan	Peshawar	31/03/1982		21/09/2010	
89 Muhammad Ishaq	Saleem Khan	Peshawar	20/01/1984		21/09/2010	
90 Shah Jehan	Saleem Khan	Peshawar	15/03/1984		21/09/2010	
91 Waheed	Karam Khan	Peshawar	21/02/1989		21/09/2010	
92 Iftikhar Ahmad	Aziz Ullah	Peshawar	07/08/1971		14/05/2011	
93 Mian Inamullah	Mian Fazli Khatiq	Peshawar	17/12/1972		14/05/2011	
Muhammad Nazeem	Rasool Shah	Peshawar	01/01/1974		14/06/2011	
Muhammad Haroon	Abdul Wahab	Peshawar	18/02/1974		14/06/2011	

20

	Name of Official	Father Name	Domicile	Date of Birth	Qualification	Date of 1st entry into Govt. Service	Remarks
95	Zahid Ullah	Rasheed Khan	Peshawar	07/09/1951		14/05/2011	
97	Inamullah	Wali Khan	Peshawar	16/03/1953		14/06/2011	
98	Mansoor Ahmad	Dost Muhammad	Peshawar	15/08/1955		14/06/2011	
99	Saifullah	Harndullah	Peshawar	01/08/1956		14/06/2011	
100	Fayyaz Khan	Muhammad Aslam	Peshawar	28/11/1978		09/07/2011	
101	Imtiaz Khan	Aslam Khan	Peshawar	04/04/1958		09/07/2011	
102	Mansoor Khan	Noor Rahman	Peshawar	06/09/1970		12/07/2011	
103	Anwar Ali	Taj Muhammad	Peshawar	01/07/1979		12/07/2011	
104	Muhammad Nadeen	Ajmal Khan	Peshawar	07/03/1955		29/10/2011	
105	Muhammad Kamran	Muhammad Jalil	Peshawar	01/01/1935		20/04/2012	
106	Masood Khan	Ghulam Sanwar	Peshawar	15/03/1958		20/04/2012	
107	Zarshad	Ali Akbar	Peshawar	02/01/1975		18/12/2012	
108	Riaz Ahmad	Mawaz Khan	Peshawar	18/04/1984		18/12/2012	
109	Sadecat Khan	Shurafat Khan	Peshawar	14/03/1985		28/12/2012	
110	Farman Ullah	Muslim Khan	Peshawar	03/09/1979		28/12/2012	
111	Waseem Jan	Muhammad Azeem	Peshawar	12/12/1980		28/12/2012	
112	Arshad Khan	Tawaf Khan	Peshawar	03/02/1981		28/12/2012	
113	Abdul Jabbar	Kachkul Khan	Peshawar	09/02/1981		28/12/2012	
114	Wali Khan	Misri Khan	Peshawar	12/03/1981		28/12/2012	
115	Majid Khan	Abdul Qayum	Peshawar	05/02/1982		28/12/2012	Posted at PDA
116	Ibrar Khan	Nasrullah	Peshawar	07/02/1983		28/12/2012	
117	Maqsood Ur Rahman	Mafrud Khan	Peshawar	25/03/1983		28/12/2012	
118	Mumtaz Ali Shah	Abdul Sattar	Peshawar	15/08/1983		28/12/2012	
119	Raj Wali	Haji Imdad	Peshawar	05/08/1984		28/12/2012	
120	Tariq Khan	Shams Ur Rahman	Peshawar	12/05/1985		28/12/2012	
121	Muhammad Imran	Fida Muhammad	Peshawar	01/02/1986		28/12/2012	
122	Muhammad Tufail	Muhammad Ishaq	Peshawar	01/03/1986		28/12/2012	
123	Rakhmal Ilahi	Faramoshan	Peshawar	01/01/1987		28/12/2012	
124	Umar Nasir	Ulas Khan	Peshawar	23/03/1987		28/12/2012	
125	Sana Ullah	Gulab Sher	Peshawar	10/07/1987		28/12/2012	
126	Siraj Khan	Yahya Khan	Peshawar	08/03/1988		28/12/2012	
127	Muhammad Bostan	Gul Rahman	Peshawar	05/01/1991		28/12/2012	
128	Syed Anjum Hussain Shah	Syed Akbar Hussain	Peshawar	20/08/1979		01/01/2013	

LIST

S.No	Name of Official	Father Name	Domicile	Date of Birth	Qualification	Date of 1st entry into Govt Service	Remarks
162	Rab Nawaz						
163	Jamshed Ali	M. Farran Khan	Peshawar	18/04/1981		25/09/2017	
164	Janas Khan	Saraf Khan	Peshawar	10/02/1985		25/09/2017	
			Peshawar	04/04/1985		25/09/2017	

بخدمت جناب ڈپٹی کمشنر صاحب پشاور بہ دائم اقبال بلند

Annex - D

درخواست / اپیل - ناراضگی برخلاف سناری لیٹ محرمہ 29/12/2017 دفتر ہذا

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

- 1- یہ کہ سائل سال 2000ء سے بطور پٹواری حلقہ سلمان خیل میں اپنی ڈیوٹی احسن طریقے سے سرانجام دے رہا ہے۔
- 2- یہ کہ سائل سناری لیٹ محرمہ 29/12/2017 مندرجہ ذیل وجوہات کی بناء پر تبدیل کرنے کا خواہاں ہے۔

وجوہات:-

- 1- یہ کہ دفتر ہذا نے مورخہ 31/12/2013 کو متعلقہ محکمہ کے سائل سمیت دیگر پٹواریان کی سناری لیٹ جاری کی تھی، جس میں سائل کا نمبر 46 تھا۔
- 2- یہ کہ دفتر ہذا نے پروموشن کیلئے مورخہ 22/02/2016 کو متعلقہ محکمہ کے پٹواریان کو بمطابق قانون ڈیپارٹمنٹل پروموشن کمیٹی (D.P.C) کیلئے پیش کیا۔ جس میں سائل کو سیریل نمبر 9 پر رکھا، جبکہ سائل سے پہلے سینئر پٹواریان کو پروموشن کیا گیا۔
- 3- یہ کہ یہاں یہ امر قابل ذکر ہے، کہ مذکورہ محکمہ نے مورخہ 29/12/2017 کو جو سناری لیٹ جاری کی، اس میں سائل کو تمام پٹواریان سے سناری لیٹ میں جونیئر رکھا۔ جس سے سائل بمطابق سناری لیٹ مورخہ 31/12/2013 سینئر تھا، اور اسی طرح مذکورہ بالا محکمہ نے سال 2017ء میں جن پٹواریان کو ڈیپارٹمنٹل پروموشن کمیٹی (D.P.C) کیلئے Consider کیا، ان میں سے بمطابق سناری لیٹ جاری کردہ مورخہ 30/09/2017 میں سیریل نمبر 30 پر رکھا، جو کہ سراسر غلط، خلاف واقعات اور حقوق من سائل پر کالعدم ہے۔ اور جس کی تصحیح کیلئے سائل بذریعہ درخواست ہذا عرض رساں ہے۔

لہذا استدعا ہے، کہ منظور کی درخواست / اپیل ہذا سناری لیٹ محرمہ 30/09/2017 کی تصحیح کرنے کا حکم صادر فرمائیں۔ تاکہ سائل کے قیمتی حقوق کا تحفظ ممکن ہو سکے۔

المترجم:- 18/01/2018

DK

ADC (P) 22/1

العارض: سائل
سید فضل شاہ حلقہ پٹواری سلمان خیل پشاور

ADC / DC

Office of the Deputy Commissioner

1336

18/1/18

ready to ADC
put up - file

25/1/18

Attested
Applicant

**THE DEPUTY COMMISSIONER, PESHAWAR**

Tel: 091-9212301-02, Fax: 091-9212303, DCPeshawar

No. 1100-05 /DC(P)/DKDated 31 -May-2019**ORDER**

On the recommendation of Departmental Promotion Committee held on 31.5.2019, Mr. Fazli Rabi s/o Ghulam Rabbani, Patwari (BPS-09) of this office is hereby promoted as Kanungo (BPS-11) with immediate effect.

On promotion the above official will remain on probatin for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Khyber Pakhtunkhwa Civil Servant (Appointment/Promotion/Transfer) Rules 1989.


(MUHAMMAD ALI ASGHAR)
DEPUTY COMMISSIONER

Endst: No. and Date even.

Copy forwarded to the:-

1. Commissioner, Peshawar Division Peshawar.
2. Additional Deputy Commissioner, Peshawar.
3. Assistant Commissioner, Peshawar.
4. Accounts Officer of this office for further necessary action.
5. Mr. Fazli Rabi s/o Ghulam Rabbani Patwari (BPS-9).


DEPUTY COMMISSIONER

Attached

Appellant



THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, DCPeshawar

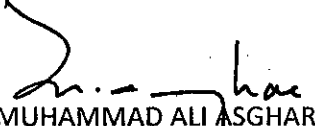
No. 1094-99 /DC(P)/DK

Dated 31 -May-2019

ORDER

On the recommendation of Departmental Promotion Committee held on 31.5.2019, Mr. Qaiser-ud-Din s/o Abdul Hakeem, Patwari (BPS-09) of this office is hereby promoted as Kanungo (BPS-11) with immediate effect.


On promotion the above official will remain on probatin for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Khyber Pakhtunkhwa Civil Servant (Appointment/Promotion/Transfer) Rules 1989.


(MUHAMMAD ALI ASGHAR)
DEPUTY COMMISSIONER

Endst: No. and Date even.

Copy forwarded to the:-

1. Commissioner, Peshawar Division Peshawar.
2. Additional Deputy Commissioner, Peshawar.
3. Assistant Commissioner, Peshawar.
4. Accounts Officer of this office for further necessary action.
5. Mr. Qaiser-ud-Din s/o. Abdul Hakeem Patwari (BPS-9).


DEPUTY COMMISSIONER

Attest

Appellant



THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, DCPeshawar


No. 1106-11 /DC(P)/DK

Dated 31 -May-2019

ORDER

On the recommendation of Departmental Promotion Committee held on 31.5.2019, Mian Noorul Haq s/o Mian Shamsul Qamar, Patwari (BPS-09) of this office is hereby promoted as Kanungo (BPS-11) with immediate effect.

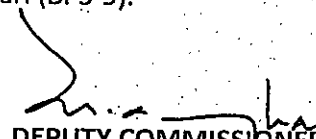
On promotion the above official will remain on probatin for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Khyber Pakhtunkhwa Civil Servant (Appointment/Promotion/Transfer) Rules 1989.


(MUHAMMAD ALI ASGHAR)
DEPUTY COMMISSIONER

Endst: No. and Date even.

Copy forwarded to the:-

- 1. Commissioner, Peshawar Division Peshawar.
- 2. Additional Deputy Commissioner, Peshawar.
- 3. Assistant Commissioner, Peshawar.
- 4. Accounts Officer of this office for further necessary action.
- 5. Mian Noorul Haq s/o Mian Shamsul Qamar Patwari (BPS-9).


DEPUTY COMMISSIONER

Attested

Appellant

To

The Worthy Commissioner,
Peshawar Division, Peshawar.

Subject: **DEPARTMENTAL APPEAL AGAINST THE ORDERS DATED 31-05-2019 PASSED BY THE DEPUTY COMMISSIONER, PESHAWAR WHEREBY FAZAL RABI, QAISER-UD-DIN AND MIAN NOOR-UL-HAQ PATWARIS WERE PROMOTED AS KANUNGOS (BPS-11) IN UTTER VIOLATION OF LAW AND THE APPELLANT BEING THE SENIOR MOST EMPLOYEE (PATWARI) WAS DEPRIVED OF HIS DUE RIGHT OF PROMOTION.**

Prayer in Appeal

By accepting this appeal, the impugned orders dated 31-05-2019 may very graciously be declared as illegal, unlawful and without lawful authority to the extent of Fazal Rabi, Qaiser-ud-Din and Mian Noor-ul-Haq Kanungos and the appellant may kindly be promoted against the said post being deserved and eligible employee of the Department with consequential benefits. The Competent Authority further be directed to rectify such seniority lists issued at the back of appellant after 31-12-2013.

Dy. No

5790

28/6/19

RESPECTED SIR,

The appellant respectfully submits the departmental appeal inter-alia on the following factual and legal grounds:

FACTS

1. That the appellant joined the services of Revenue and Estate Department in-capacity as Patwari vide office order No. 715-38 dated 28-04-2000. He assumed the charge of said

AT. 6/19

Appellant

post accordingly. He has 19 years unblemished service record to his credit.

(Copy of appointment order is appended as Annex-A)

2. That the appellant was performing his duty with great zeal, zest and devotion. No complaint whatsoever was received against him to his superiors.
3. That the Competent Authority notified final seniority list of Patwaris (as stood on 31-12-2013) wherein the appellant was placed at serial No. 46 while Fazal Rabi, Qaiser-ud-Din and Mian Noor-ul-Haq (Patwaris) were shown at serial No. 50, 54 and 59. This clearly shows that the appellant was made senior than the above named employees. The said seniority list was not challenged by any employee of the Department and as such the same has attained finality in the eye of law.

(Copy of final seniority list is appended as Annex- B)

4. That the Competent Authority vide letter No. 3154 dated 09-11-2017 notified Tentative Seniority List of Patwaris (as stood on 30-09-2017) wherein the above three Patwaris who were junior than appellant in the final Seniority List were made senior to him and placed them at Serial No. 20, 22 and 27 whereas, the appellant was shown at Serial No. 32.

(Copy of tentative seniority list is appended as Annex- C)

5. That the appellant felt aggrieved by the said list, submitted an application for rectification of the said seniority list but his

grievance was neither redressed nor any information whatsoever was given to him.

(Copy of application is appended as Annex- D)

6. That it is strange to note that the Competent Authority vide order dated 31-05-2019 promoted the above junior Patwaris as Kanungo and the appellant being senior and deserved employee was deprived of his due right of promotion.

(Copy of promotion orders are appended as Annex- E, F and G)

GROUND OF APPEAL

- A. That the Competent Authority has not treated appellant in accordance with law, rules and policy on the subject and acted in violation of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973**. Therefore, the impugned order is not sustainable in the eye of law.
- B. That the Competent Authority was under statutory obligation to have considered the case of appellant in its true perspective and also in accordance with the provisions of rule 17(1)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules, 1989. But he failed to do so and promoted the junior employees as Kanungos and deprived the appellant despite the fact that he was senior than appellant in the final seniority list (as stood on 31-12-2013) duly notified on the basis of merit position. This seniority list was not assailed before any forums and as such the same has attained finality. But the Competent Authority has overlooked this important aspect of the case without any cogent and valid reasons. Therefore, the impugned orders are against the spirit of administration of justice.

- C. That the Competent Authority has acted in arbitrary manner by not considering the appellant for promotion being the senior most Patwari with unblemished service record spreading over 19 years and also fulfilled the criteria as laid down in the relevant service rules. But he was unlawfully ignored from gaining such promotion. Therefore, the impugned orders are not tenable under the law.
- D. That the junior Patwaris were promoted out of turn which is not only against the Constitution but also against the injunction of Islam. Reliance can be placed on judgment of august Supreme Court of Pakistan reported in **2010-PLC-(CS)-page-924-citation-(m)**. It would be advantageous to reproduce herein the relevant citation for facility of reference: -

(m) Civil service---

----Promotion---Out-of-turn promotion---
----Scope----

Out of turn promotion is not only against the Constitution, but also against Injunctions of Islam. Out of turn promotion in a public department generates frustration and thereby diminishes the spirit of public service. It generates undue preference in a public service. Element of reward and award is good to install the spirit of service of community, but it should not be made basis of accelerated promotion.

It is also well settled law that the decision of august Supreme Court is binding on each and every organ of the state by virtue of **Article 189 and 190 of the Constitution of Islamic Republic of Pakistan 1973**. Reliance in this respect can also be placed on the judgment reported in **1996-SCMR-284-citation(c)**. The relevant citation is as under: -

(c) Constitution Of Pakistan (1973)---

---Arts. 189 & 190--- Decision of Supreme Court---Binding, effect of--Extent--Law declared by Supreme Court would bind all Courts, Tribunals and bureaucratic set-up in Pakistan.

That the Competent Authority has acted in derogation of law by promoting the junior Patwaris and deprived the appellant who was the most senior employee of the Department. Therefore, the impugned orders are not warranted under the law.

- E.** That justice is not only confined to judicial system. Every person dealing with the right of people is bound to act justly, fairly, honestly and also in accordance with law otherwise, he should be made answerable to law and should be proceeded against for an appropriate action by his superiors. Reliance can be placed on the judgment of august Supreme Court of Pakistan reported in 2003-SCMR-page-1140-citation (c). the relevant citation is reproduced as under: -

(c) Administration of justice---

---Concept---Administration of justice is not confined only to judicial system--- Every person discharging functions in relation to rights of people is bound to act fairly, justly and in accordance with law---Exercise of powers by public functionaries in derogation of direction of law would amount to disobeying the command of law and Constitution--If a person holding a public office is found to have proceeded in violation of law or his acts and conduct amounted to misuse of his official authority, he should be made answerable to law and should be

**proceeded against for an appropriate
action by his superiors.**

In view of the above dictum of august Supreme Court of Pakistan, Competent Authority was legally bound to have acted within the four corners of Constitution and law. But he failed to do so and promoted the junior Patwaris as Kanungos and deprived the appellant of his fundamental right of promotion. Hence, the impugned orders are liable to be set aside on this count alone.

- F.** That the impugned orders are suffering from legal infirmities and as such caused grave miscarriage of justice to the appellant.
- G.** That the impugned orders are against law, facts of the case and norms of natural justice. Therefore, the same ~~is~~ not tenable under the law.

In view of the above narrated facts and grounds, the impugned orders dated 31-05-2019 may very graciously be declared as illegal, unlawful and without lawful authority to the extent of Fazal Rabi, Qaiser-ud-Din and Mian Noor-ul-Haq Kanungos and the appellant may kindly be promoted against the said post being deserved and eligible employee of the Department with consequential benefits. The competent Authority further be directed to rectify such seniority lists issued at the back of appellant after 31-12-2013.

APPELLANT



Dated: 28/06/2019

Syed Tajamul Hussain
Patwari, office of the Deputy Commissioner,
Peshawar.



Annex - I

32

THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, DCPeshawar

No. 2815/DC(P)/DK


Dated: 07-October-2019

OFFICE ORDER.

On the recommendation of Departmental Promotion Committee firmed up in its meeting held on 07/10/2019, the Competent Authority is pleased to promote **Syed Tajumal Hussain S/o Syed Akbar Hussain Patwari (B-09)** of this office to the post of Kanungo (BPS-11) with immediate effect.

On promotion the above official will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Khyber Pakhtunkhwa Civil Servant (Appointment/ Promotion/Transfer) Rules 1989.

The Official is directed to report to District Kanungo Office for further posting.



(MUHAMMAD ALI ASGHAR)
DEPUTY COMMISSIONER


Endst: No. and Date Even:

Copy forwarded to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa, Board of Revenue, Revenue & Estate Department.
2. Commissioner Peshawar Division Peshawar.
3. Addl. Deputy Commissioner, Peshawar.
4. Assistant Commissioner Officer, Peshawar.
5. Accounts Officer of this office Peshawar for necessary action.
6. Official concerned for strict compliance.

Attested


Appellant


DEPUTY COMMISSIONER

Before the Honble Chairmen, KPK Service Tribunal, Peshawar

بعدالت

Service Appeal

(Appellant) 2 مختار

بنام Syed Tajamal Hussain - مورخہ
VS - مقدمہ
SMBR & others - دعویٰ
جم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام Residence کیلئے Residence

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برادگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ

پر و اختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جاتہ التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا اوقات نامہ لکھ دیا کہ سندر ہے۔

Appellant

المرقوم 10-10-2019
20
واہ العیہ
16/10/19

کے لئے منظور ہے۔

بمقام

بعدالت خدیجہ بنت خواجہ سید سہیل احمد اور
طیبا بیگم

BC-10-7605

2021ء پنجاب ایڈولٹریٹ

موزخہ 2021-01-11

سید جمال الحسن
قائد بنام
حکومت خدیجہ بنت خواجہ سہیل احمد اور
طیبا بیگم اور
دفتر طبی مشورہ لاہور

مقدمہ - s. Appeal No. 1366/2019
دعویٰ
جزم

باعث تحریر آنکہ

آن مقام لاہور کیلئے محمد اسحاق صاحب سہیل احمد اور
طیبا بیگم کے
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی ایک کارروائی متعلقہ طے کیا گیا ہے۔
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم گیارہ ماہ جنوری 2021ء

العبد و العبدہ

شاور کے لئے منظور ہے۔
Attested & Accepted
Advocate Supreme Court of Pakistan
BC-10-7605
CNIC No 17301-1537861-5
Cell 0343-9025029

سید جمال الحسن

بمقام

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

APPEAL No.1366/2019

Mr. Syed Tajummal Hussain, Kanungo, Office of Deputy Commissioner Peshawar
.....(Appellant)

VERSUS

1. The Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. The Commissioner, Peshawar Division Peshawar.
3. The Deputy Commissioner Peshawar.
4. Fazal Rabi Girdawar Circle Badber, Peshawar.
5. Qaiser-ud-Din Girdawar Circle, PDA office Peshawar.
6. Mian Noor-ul-Haq Girdawar Circle Land Acquisition Branch, o/o DC Peshawar.
.....(Respondents)

INDEX

S.No.	Description	Annex	Page
1	Parawise comments		1&2
2	Affidavit		3
3	Photocopy of Page No.3 to 5 of service book of Mr. Tajummal Hussain Kanungo (appellant)	Annex-A	4 to 6
4	Details of appointment/position of appellant and respondent No.4 to 6 regarding their seniority and Photocopies of Page No.3 to 5 of service book of respondents No. 4 to 6	Annex-B	7 to 15

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Appeal No.1366/2019

Mr. Syed Tajummal Hussain, Kanungo, Office of Deputy Commissioner Peshawar
.....(Appellant)

VERSUS

1. The Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. The Commissioner, Peshawar Division Peshawar.
3. The Deputy Commissioner Peshawar.
4. Fazal Rabi Girdawar Citrlcek Badber, Peshawar.
5. Qaiser-ud-Din Girdawar Circle, PDA office Peshawar.,
6. Mian Noor-ul-Haq Girdawar Circle Land Acquisition Branch, o/o DC Peshawar.
.....(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 to 3

Respectfully Sheweth,

Preliminary Objections.

1. That the appellant in the instant case has no locus standi or cause of action to institute present appeal.
2. That the appellant has not come to this honourable Tribunal with clean hands.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in the present form.
5. That the instant appellant is barred by law.
6. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
7. That this Honorable Tribunal has no jurisdiction to adjudicate upon the matter.

OBJECTION ON FACTS.


1. Correct to the extent that the appellant was appointed as Patwari and submitted his arrival report on 17-05-2000 according to the service book record (Annex-A).
2. Correct to the extent that a tentative seniority list was issued for the Patwaris but many Patwaris including the appellant did not objected the same within the stipulated period and hence was considered as final at that time accordingly.
3. As per rules, the seniority list are to be revised every year and as such the tentative seniority list was again circulated in the year 2017 which was prepared according to the date of appointments of the officials. As the appellant was appointed after the appointment of respondents No.4 to 6, hence was placed at appropriate place in the seniority list (Details attached as Annex-B).
4. Incorrect. The seniority list was based on facts and hence his appeal was rejected.
5. Incorrect. The appellant plea is very strange as he is claiming seniority over his seniors for which he has no right to claim in the eyes of law.

6. Incorrect. As the appeal was not based on facts therefore was rejected.
7. Incorrect. The appellant is claiming seniority over his seniors.
8. That the appellant has no cause of action and locus standi to file the subject appeal.

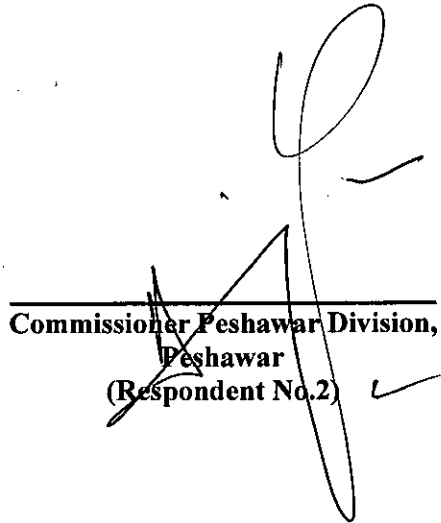
REPLY ON GROUNDS

- A. Incorrect. The appellant has no base to file the instant appeal. The impugned order is in accordance with law/rules.
- B. Incorrect. The seniority list of 2013 was for that period. The new seniority list clearly show the place of each official accordingly.
- C. Incorrect. The appeal of the appellant was based on malafide and claiming seniority over his seniors.
- D. Incorrect. As per Para-3 above. There is no question of out of turn promotion.
- E. Incorrect. All the rules and regulations framed for the purpose were followed. Detail reply already given in Paras ibid.
- F. Incorrect. The appeal was based on malifide intention and claiming his seniority illegally, hence the departmental appeal was rejected as per law/rules.
- G. Incorrect. All the prescribed procedure were followed.
- H. Incorrect. The impugned orders are in accordance with law/rules..


It is therefore prayed before the honourable tribunal that appeal in hand having no weight may very humbly be dismissed with cost.



Deputy Commissioner
Peshawar
(Respondent No.3)



Commissioner Peshawar Division,
Peshawar
(Respondent No.2)



Senior Member Board of Revenue
Khyber Pakhtunkhwa, Peshawar
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

APPEAL No.1366/2019

Mr. Syed Tajummal Hussain, Kanungo, Office of Deputy Commissioner Peshawar
.....(Appellant)

VERSUS

1. The Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. The Commissioner, Peshawar Division Peshawar.
3. The Deputy Commissioner Peshawar.
4. Fazal Rabi Girdawar Circle Badber, Peshawar.
5. Qaiser-ud-Din Girdawar Circle, PDA office Peshawar.
6. Mian Noor-ul-Haq Girdawar Circle Land Acquisition Branch, o/o DC Peshawar.

.....(Respondents)

AFFIDAVIT

I, Ubaidullah, Superintendent Deputy Commissioner Office Peshawar do hereby solemnly affirm and declare that the contents of accompanying Para-wise Comments on behalf of respondents No.1 to 3 are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

DEPONENT



(Ubaidullah)

Superintendent

Deputy Commissioner's Office Peshawar

Note:—The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name Syed Tajam ul Hussain Shah

2. Race Afghani

3. Residence Vill: Bazid, Kund, P. O. Badkher, Mahallah Zaid Grah, Teh. & Distt. Peshawar

4. Father's name and residence Syed Akbar Hussain Shah

5. Date of birth by Christian era as nearly as can be ascertained 4th, March, 1972

6. Exact height by measurement 5 — 6

7. Personal marks for identification A. wound marks on right-hand.

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger.

Ring Finger

Middle Finger.

Fore Finger

Thumb.

9. Signature of Government servant

[Handwritten signature]

10. Signature and designation of the Head of the Office, or other Attesting Officer.

[Handwritten signature]
for Deputy Commissioner
Peshawar

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
Patwari (BPS-5) 1400-66-2390	Officiating Permanent	-	1400/-	-	-	17 ⁵ / ₂₀₀₀	
— 11 —	— 11 —	-	1466 ¹ / ₂	-	-	01 ¹² / ₂₀₀₀	
<u>Revised Entry</u>							
			Basic Pay in (B-5) Rs. 1400/-			17 ⁵ / ₂₀₀₀	
			132/- Two Adv. Dncts:			2000	
			1532/-				
			Basic Pay in (B-5) Rs 1598/-			1 ¹² / ₂₀₀₀	
			Basic Pay in (B-5)	1664/- (Ex:st)		1 ¹² / ₂₀₀₁	
			2500/- (Revised)				
A							
<p>Granted leave for (24) days vide office order No. 1794-96/DORLE/DK dt: 9/7/2002 w.e. from 08/12/2001 to 31/12/2001 on full pay.</p>							
<p>For District Officer November 2002 A. K. Pachauri</p>							

9	10	11	12	13		14	15
Signature and name of the head of the office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
				Period	Government to which debit to		
<p><i>[Signature]</i> Deputy Commissioner Peshawar</p>	<p>30/11/2000</p>	<p>Annual Increment</p>	<p><i>[Signature]</i> Deputy Commissioner Peshawar</p>			<p>Appointed as Patwar vide D.C. Psh. order No. 715-38/DK, dt: 28.4.2000</p>	
<p><i>[Signature]</i> Deputy Commissioner Peshawar</p>	<p>4/30/2001 (A.N)</p>	<p>Transferred to PDA, Psh.</p>	<p><i>[Signature]</i> Deputy Commissioner Peshawar</p>			<p>17.5.2000 (Free Noon)</p>	
<p>Granted Two Advance Increments for Higher Qualification as (B.A) vide Office order No 383-85/DOR & E.E.A dt: 21-11-2001 w.e.f: 17-5-2000.</p>						<p>Service verified from 17-5-2000 to 30-11-2000 from the office copies of pay Bills and other record.</p>	<p><i>[Signature]</i> Deputy Commissioner Peshawar</p>
<p><i>[Signature]</i> Deputy Commissioner Peshawar</p>			<p><i>[Signature]</i> Deputy Commissioner Peshawar</p>				
<p>PDR. No 413 dt: 11/3/2002</p>						<p>Service verified from 01-12-2000 to 30-4-2001 from the office copies of pay Bills and other record.</p>	<p><i>[Signature]</i> Deputy Commissioner Peshawar</p>
<p>Drawn Rs 3210/66 as arrears of pay w.e.f. 17/5/2000 on a/c of granting two advance increments for Higher Qualification as (B.A) w.e.f. 17/5/2000 to 28/2/2001.</p> <p><i>[Signature]</i> Asstt. Accountant General N.W.F.P. Peshawar 13/5</p>						<p>Transferred to PDA, Psh. as Patwar vide D.C. Psh. order No. 651-59/DK, dated 25.4.2001 & relieved on 30-4-2001 (A.N).</p>	
<p>TIL No-35 dt 15/10/01 Drawn Rs 2690/09 in a/c of 4/ Salary for 24 days</p> <p><i>[Signature]</i> Accounts Officer Peshawar</p>						<p><i>[Signature]</i> Deputy Commissioner Peshawar</p>	

[Signature]
 A.G. NW.F.P. Peshawar

Annex-B

Details of appointment/position of appellant and respondent No.4 to 6

S.No.	Name of official	Date of appointment
1	Syed Tajummal Hussain (appellant)	17-05-2000
2	Fazl-e-Rabi (respondent No.4)	06-05-2000
3	Qaiser-ud-Din (respondent No.5)	15-05-2000
4	Mian Noo-ul-Haq (respondent No.6)	10-05-2000

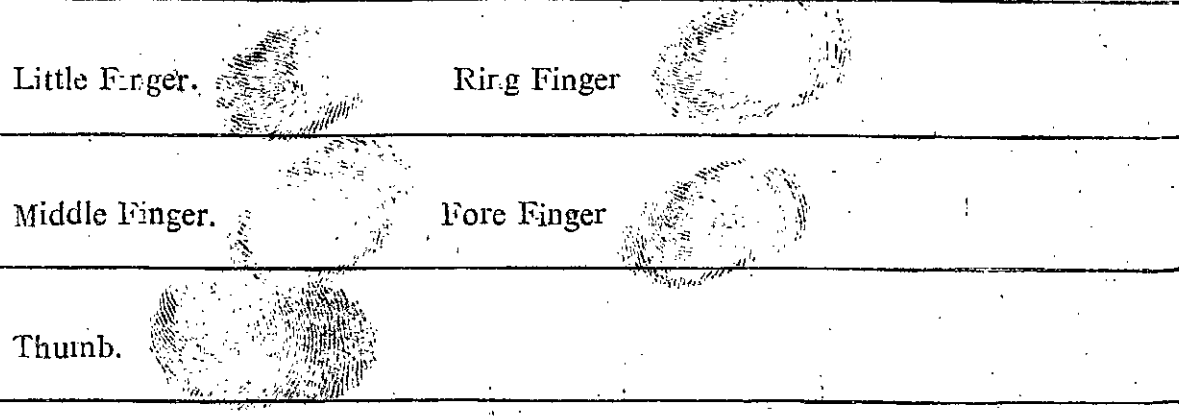
Note:—The entries in this page should be renewed or re-attested at least, every five years and the Signature at Nos 9 and 10 should be dated.

- 1. Name ... *Fozal Rabbi*
- 2. Race ... *Afghan*
- 3. Residence ... *Chaghav Matti Tehsil and Distt: Peshawar*
- 4. Father's name and residence ... *Ghulam Rabbani*
- 5. Date of birth by Christian era as nearly as can be ascertained ... *(10-3-1968)*

6. Exact height by measurement ... *(5'6)*

7. Personal marks for indentification ...

8. Left hand thumb and Finger impression of (non-gazetted) officer



9. Signature of Government servant

10. Signature and designation of the Head of the Office, or other Attesting Officer.

[Signature]
[Signature]
 Commissioner
 Peshawar

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
Patwari H/Tahsil-I (1400-66-2390)	OFFG: Temporary	-	1400/-	-	-	65 2000	E.N.
— II —	— II —	-	1466/-	-	-	01 2000	
Patwari 1400-66-2390	— II —	-	1466/-	-	-		
	TR NO. 172						
Patwari (B5) (200-100-5100)	— II —	-	1532 2300/-	(E.S.) (R.5)	-	112 2000	

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of appointment	Signature of Government servant
Patwari H/Jobbd-I (1400-66-2390)	OFFG Temporary	-	1400/-	-	-	6/5 2000	F.N.
— 11 —	— 11 —	-	1466/-	-	-	01 12 2000	
Patwari 1400-66-2390	—	-	1466/-	-	-		
	TR NO. 172						
Patwari (B5) (2000-100-5100)	—	-	1534 2300/-	(E.S.) (R.S.)	-	1/12 2001	

Signature and designation of the head of office or other attesting officer in Form 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government			
					Period			Government to which debit to
<i>[Signature]</i> Deputy Commissioner, Peshawar	30/11/2000	Increment	<i>[Signature]</i> Deputy Commissioner, Peshawar			Appointed as Patwarri vide O/Order No. 715-38/DK dated 28-4-2000 and took over charge on 06-5-2000 Fore Noon		
<i>[Signature]</i> Deputy Commissioner, Peshawar	31/3/2001	Transferred to P.C. Division Pesh. D.D.O.	<i>[Signature]</i> Deputy Commissioner, Peshawar					
		Service verified for 06/5/2000 to 31/3/2001 from the office copies of pay Bills and other office record.	<i>[Signature]</i> D.D.O., Peshawar			Service verified from 06-5-2000 to 30-11-2000 from the office copies of pay Bills and other office record.	<i>[Signature]</i> Deputy Commissioner, Peshawar	
		Reported Arrival for duty on 24/2/2001 (F.N)	<i>[Signature]</i> Executive Engineer, Peshawar Canals Division, Peshawar			Service for the period from 24/2/2001 to 12/4/2001 verified from the office copies of Pay Bills and Accounts maintained in this Office.		
		Reported departure on 12/4/2001 (A.N)	<i>[Signature]</i> Executive Engineer, Peshawar Canals Division, Peshawar					
		Service verified from 13/4/2001 to 30/4/2002 from the office copies of pay Bills and other office record.	<i>[Signature]</i> Executive Engineer, Peshawar Canals Division, Peshawar					
	30/11/2001	Increment and Revised Basic Pay Scales (01.12.2001).	<i>[Signature]</i> Deputy Commissioner, Peshawar				For Director, Revenue & Estate, Peshawar	
	30/11/2002	Increment	<i>[Signature]</i> Deputy Commissioner, Peshawar					

Note:—The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name .. Daisey-Uddin

2. Race .. Afghann

3. Residence .. Masho Khel Mohl: Ajoub Khel
Teh: & Distt: Peshawar

4. Father's name and residence .. Abdul Hakim Khan

5. Date of birth by Christian era as nearly as can be ascertained .. (15-3-1969)

6. Exact height by measurement .. (5-5)

7. Personal marks for indentification ..

8. Left hand thumb and Finger impression of (non-gazetted) officer ..

Little Finger.

Ring Finger

Middle Finger.

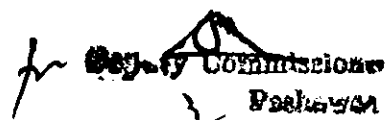
Fore Finger

Thumb.


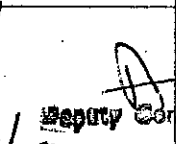
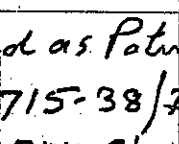
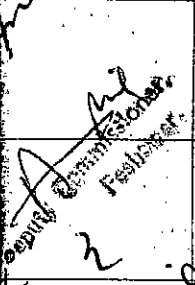
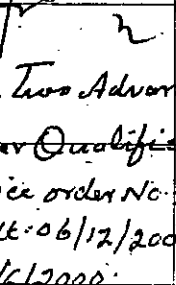
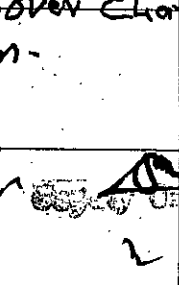
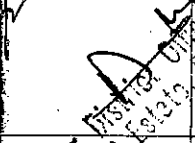
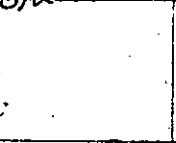
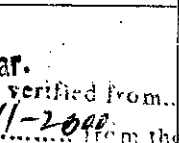
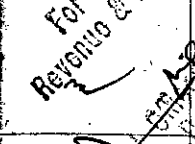
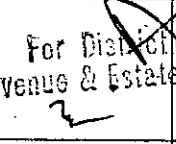
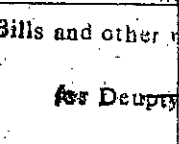
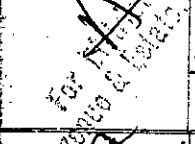
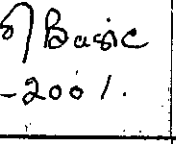
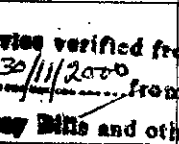
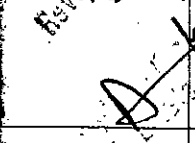
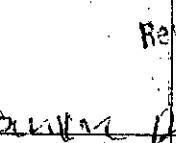
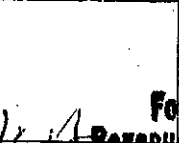
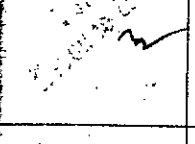
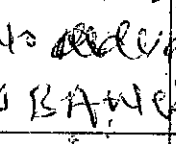
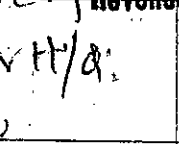
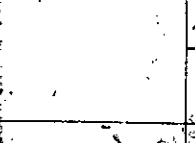
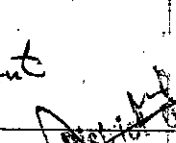
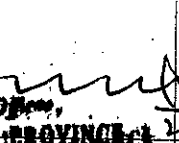

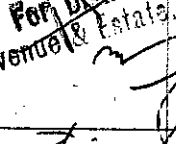
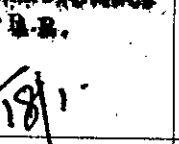
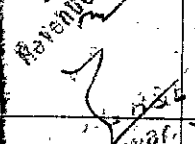
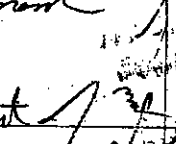
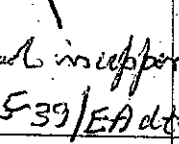
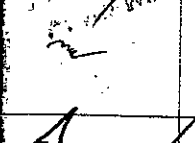
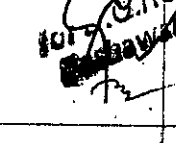
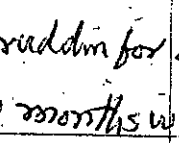
9. Signature of Government servant



10. Signature and designation of the Head of the Office, or other Attesting Officer.


Deputy Commissioner
Peshawar

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of appointment	Signature of Government servant
Patwari H/Kajpur Dhar	Offgr 1400-66-2300 (B-5) Permanent.	-	1400/-	-	-	15/5/2000	
— 11 —	— 11 —	-	1466/-	-	-	01/12/2000	
		<u>Revised Entry</u>					
Basic Pay on 15-5-2000 Rs		1400/-	Two Adv: Increment for (B-A)				
Basic Pay on 01-6-2000 Rs		1321/-					
Basic Pay on 01-12-2000 Rs		1532/-	1-12-2000				
— 11 —		-	1664/-	-	-	1/12/2000	
Patwari (B-5) Scale: (2100-100-5100)		-	2500/-	-	-	1/12/2001	
— 11 —		-	2600/-	-	-	1/12/2002	
— 11 —		-	2700/-	-	-	1/12/2003	
— 11 —		-	2800/-	-	-	01/12/2004	

9	10	11	12	13 Leave		14	15
Signature and designation of the head of the office or other attesting officer in columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period		
	30/11/2000	Annual Increment			Appointed as Patwari vide office order No. 715-38/DK dt: 28/4/2000 and took over charge on 15/5/2000 Fore Noon.		
	31/5/2000	Granted Two Advance Increments for Higher Qualification as (B.A) vide office order No. 500-503/DOR & E/EA dt: 06/12/2001 with effect from 01/6/2000.					
	30/11/2001	Annual Increment			For District Officer, Revenue & Estate, Peshawar. Service verified from 15-5-2000 to 30-11-2000 from the office copies of pay Bills and other records.		
	30/11/2001	Revision of Basic Pay Scales-2001.			For District Officer, Revenue & Estate, Peshawar. Service verified from 01/12/2000 to 30/11/2001 from the office copies of pay Bills and other records.		
	30/11/2001	Revision of Basic Pay Scales-2001.			For District Officer, Revenue & Estate, Peshawar. Service verified from 01/12/2000 to 30/11/2001 from the office copies of pay Bills and other records.		
	30/11/2001	Revision of Basic Pay Scales-2001.			For District Officer, Revenue & Estate, Peshawar. Service verified from 01/12/2000 to 30/11/2001 from the office copies of pay Bills and other records.		
	30/11/2001	Revision of Basic Pay Scales-2001.			For District Officer, Revenue & Estate, Peshawar. Service verified from 01/12/2000 to 30/11/2001 from the office copies of pay Bills and other records.		
	30/11/2002	Increment			Drawn as: 2942/25 on A/C 11. Two advance increments for H/O as B.A. dt: 16/12/2001 to 31/12/2001		
	30/11/2003	Increment			15/01/2001		
	30/11/2004	Increment			Sanctions accorded in upper age limit vide office order No. 45539/EA dt: 27/3/2002 in favour of Qureshuddin for a period of one year and two months w.e.f: 15/3/1999 to 15/3/2000		
	30/6/2005	Revised Pay Scales 01-07-2005			for D.O. R&E Peshawar		

Note:—The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name

Mian Noorul Haque

2. Race

Mian Khela

3. Residence

Faqir Kali Mah: Mian Khela Tehsil
and Distt. Feshawar.

4. Father's name and residence

Mian Shamsul Qamar.

5. Date of birth by Christian era as
nearly as can be ascertained

(12-3-1972)

6. Exact height by measurement

(5-6)

7. Personal marks for identification

8. Left hand thumb and Finger impres-
sion of (non-gazetted) officer

Little Finger.



Ring Finger



Middle Finger



Fore Finger



Thumb.



9. Signature of Government servant

10. Signature and designation of the
Head of the Office, or other Attesting
Officer.

[Signature]
JOINTLY COMMISSIONERS
FESHAWAR

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
Pat: H / Shri Kira (1400-66-2390) (B.S)	07/80 Permanent	-	1400/-	-	-	10 ⁵ / ₂₀₀₀	
— 11 —	— 11 —	-	1466 1/2	-	-	01 ¹² / ₂₀₀₀	
Patwari (B.S) (2100-100-5100)	— 11 —	-	1532/- (E.S) 2300/- (R.S)	-	-	1 ¹² / ₂₀₀₁	
— 11 —	— 11 —	-	2400/-	-	-	1 ¹² / ₂₀₀₂	
— 11 —	— 11 —	-	2500/-	-	-	1 ¹² / ₂₀₀₃	
— 11 —	— 11 —	-	2600/-	-	-	01 ¹² / ₂₀₀₄	
(B-05) Patwari (2415-115-8465)	— 11 —	-	2990/-	-	-	1 ⁷ / ₂₀₀₅	

Signature of the official attesting column

Handwritten signatures and initials in the right margin, including "Patwari" and "Pat" repeated vertically.

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government		
				Period	Government to which debitale		
<i>[Signature]</i> Commissioner Peshawar	30/11/2000	Annual Grant	<i>[Signature]</i> Deputy Commissioner Peshawar				Appointed vide office order No. 715-38/DK Dt: 28/4/2000 and took over charge on the Fore Noon of 10/5/2000.
<i>[Signature]</i> Commissioner Peshawar	30/11/2001	Increment and Revised Basic Pay Scales (01-12-2001)	<i>[Signature]</i> Deputy Commissioner Peshawar				Service verified from 10-5-2000 to 30-11-2001 from the office copies of pay Bills and other record.
<i>[Signature]</i> Deputy Commissioner Peshawar	30/11/2002	Increment	<i>[Signature]</i> Deputy Commissioner Peshawar				Service verified from 01/12/2000 to 30/11/2002 from the office copies of pay Bills and other record.
<i>[Signature]</i> Deputy Commissioner Peshawar	30/11/2003	Increment	<i>[Signature]</i> Deputy Commissioner Peshawar				Service verified from 01/12/2002 to 30/11/2003 from the office copies of pay Bills and other record.
<i>[Signature]</i> Deputy Commissioner Peshawar	30/11/2004	Increment for D.O.R&E Peshawar	<i>[Signature]</i> Deputy Commissioner Peshawar				Service verified from 01-12-2002 to 30-11-2004 from the office copies of pay Bills and other record.
<i>[Signature]</i> Deputy Commissioner Peshawar	30/6/2005	Revision of Pay Scales of 01-07-2005	<i>[Signature]</i> Deputy Commissioner Peshawar				Service verified from 01-12-2004 to 30-11-2005 from the office copies of pay Bills and other record.
<i>[Signature]</i> Deputy Commissioner Peshawar	30/11/2005	Increment	<i>[Signature]</i> Deputy Commissioner Peshawar				

2001
OFFICE OF THE ACCOUNTANT
NWFP PESHAWAR
PAY FIXED IN THE REVISED BASIC
PAY SCALES 2004
OF RS. 2300/- P.M.W.E.F. 1-12-2004
AT RSP. 2300/- P.M.W.E.F. 1-12-2004
With Next Increment on
Accounts Officer
Pay Fixation Party NWFP Peshawar

ACCOUNTANT GENERAL N.W.F.P.
 DISTRICT
 PAY ROLL SYSTEM

Pers #: 00045115
 Name: MIAN MOORUB HAQ
 Dsg: PATWARI
 NIC No: 13790553237

PAYMENT ADVICE
 P Sec: 001 Month: July 2005
 PR4032 - DDD FOR DIST OFFICER REVE
 Min: Relief Rehab & settlement
 NTN: G
 GPF #: LEB 010760
 Old #: 99992118174

GPS 05 Active Temporary		DEPTT CODE	PR4032
PAYS AND ALLOWANCES:			
0001-Basic Pay			2,990.00
1001-House Rent Allowance 452			1,087.00
1210-Convey Allowance 2005			460.00
1300-Medical Allowance			425.00
1555-Stationery Allowance			5.00
1571-Basta Allowance			15.00
1770-Spl. Additional allowance			350.00
1030-Special Relief All(2005)			390.00
1031-Adhoc Relief (2005)			390.00
Gross Pay and Allowances			6,112.00
DEDUCTIONS:			
GPF Balance	11,507.00		
3501-Benevolent Fund		Subrc:	180.00
3604-Group Insurance			35.00
			44.00
			6
			259.00
		NET AMOUNT PAYABLE	5,853.00
QUALIFYING SERVICE		D. O. B	LIF Quota:
YRS	MON	12.03.1972	Payment through DDD.
05 Years	02 Months	023 Days	



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 69 /ST

Dated: 12/01 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The Deputy Commissioner,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 1366/2019 SYED TAJAMAL HUSSAIN.

I am directed to forward herewith a certified copy of Judgement dated 21.11.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

VAKALATNAMA

NO. _____ /20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

Tajamud Hussain

Appellant
Petitioner
Plaintiff

VERSUS

Revenue Deptt

Respondent (s)
Defendants (s)

I/WE Tajamud Hussain

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

on
Hussain
SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT