

26.04.2019


Petitioner in person and Addl. AG alongwith M/S Muhammad Arif, Superintendent and Kiramat Shah, Programmer for the respondents present.

Representatives of respondents submitted implementation report, which is placed on record. Petitioner requests for adjournment to go through the implementation report. To come up for further proceedings on 20.06.2019 before S.B.

  
Chairman

20.06.2019

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Javed Iqbal, Assistant for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned to 05.08.2019 for further proceedings before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

05.08.2019

Counsel for the petitioner and Mr. Muhammad Jan, DDA alongwith Mr. Attaullah, Assistant Secretary for respondents present.

Learned counsel for petitioner requests for consigning the present proceedings to record room as the relief granted to petitioner by the Tribunal has been satisfied by the respondents.

Order Accordingly.

Announced:  
05.08.2019

  
Chairman

12.03.2019

Counsel for the petitioner Mr. Noor Muhammad Khattak, Advocate present and submitted Vakalat Nama. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Arif, Superintendent for the respondents present. Implementation report not submitted. Learned Additional AG seeks further adjournment. Adjourned to 21.03.2019 for implementation report before S.B.



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

21.03.2019

Nemo for the petitioner. Mr. Kabirullah Khattak learned Addl: AG for the respondents present. Due to general strike of the bar, the case is adjourn. To come for further proceeding on 04.04.2019 before S.B.



Member

~~04~~04.2019

None for the petitioner present. Addl: AG for respondents present. Due to general strike of the bar, the case is adjourned. Case to come up for further proceedings on 26.04.2019 before S.B.

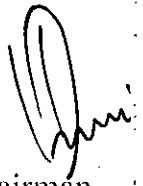


(Ahmad Hassan)  
Member

03.12.2018

Counsel for the petitioner present. Mr. Muhammad Arif, supdt alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present.

Representative of respondent no.1 has produced copy of letter dated 09.11.2018 whereby the Deputy Commissioner Malakand (respondent no.3) was required to settle the matter by implementing the order of Tribunal, however, the reply was awaited. No one is in attendance on behalf of respondent no.3, therefore, the matter is adjourned to 17.01.2019 before S.B. Fresh notice be issued to respondent no.2 and 3 for the said date requiring implementation the judgment.

  
Chairman

17.1.2019

Petitioner in person and Addl. AG alongwith Muhammad Ibrahim Finance Officer for the respondents present.

The representative of respondents requests for further time to execute the judgment under implementation. Adjourned to 12.03.2019 on which date the requisite report shall also be submitted.

  
Chairman

19.09.2018

Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional AG for the respondents present and requested for adjournment. Adjourned. To come up for implementation report on 24.10.2018 before S.B.

*MA*  
(Muhammad Amin Khan Kundi)  
Member

24.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 11.10.2018.

*f. ali*  
Reader

14-11-2018

Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 3-12-2018.

*f. ali*  
Reader

FORM OF ORDER SHEET

Execution Petition No. 122 /2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	19.04.2018	<p>The Execution Petition of Mr. Jehanzeb submitted to-day by Syed Nouman Ali Bukhari Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 19/4/18</p>
2-	<p>15/5/18</p> <p>21.05.2018</p>	<p>This Execution Petition be put up before S. Bench on-</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p> <p>Counsel for the petitioner present. Notice be issued to the respondents for implementation report for 07.08.2018 before S.B. <i>Notice of Stay application also in absent.</i></p> <p style="text-align: right;"><i>[Signature]</i> (Muhammad Amin Khan Kundi) Member</p>
07.08.2018		<p>Syed Noman Ali Bukhari, Advocate counsel for the petitioner present. Mr. Kabirullah Khattak, Advocate for present. No representative of the respondents is present, hence, fresh notice be given to the him for submission of implementation report on 19.09.2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Execution Petition No. 122 /2018  
In Service Appeal 305/2017

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 444

Dated 19/4/2018

Jehanzeb Kanungo (BPS-11)  
Office of the Deputy Commissioner  
Malakand.

(PETITIONER)

VERSUS

1. The Senior Member Board of Revenue, KPK Peshawar.
2. The Commissioner Malakand Division, at Saidu sharif, Swat.
3. The Deputy Commissioner Malakand at Batkhela.

(RESPONDENTS)

**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 09.02.2018 OF THIS  
HONOURABLE TRIBUNAL IN LETTER AND  
SPIRIT.**

**RESPECTFULLY SHEWETH:**

1. That the appellant filed an appeal bearing No.305/2017 against the order dated 28.02.2017, whereby the appellant was removed from the service.
2. That the said appeal was finally heard by the Honourable Tribunal on 09.02.2018 and the Honourable Tribunal was kind enough to accept the appeal and directed the respondent department. **(Copy of judgment is attached as Annexure-A)**
3. That since the receipt of the judgment, the petitioner waited for more than 90 days but the respondent department failed to take any action according to the judgment dated 09.02.2018 of this Honorable Tribunal.

4. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.
6. That the petitioner has having no other remedy except to file this execution petition.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 09.02.2018 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.

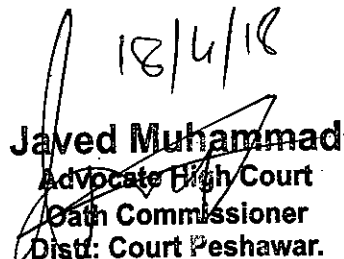
  
PETITIONER  
Jehanzeb

THROUGH:

  
SYED NOMAN ALI BUKHARI  
ADVOCATE, HIGH COURT

**AFFIDAVIT:**

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able Tribunal.

18/4/18  
  
Javed Muhammad  
Advocate High Court  
Oath Commissioner  
Dist: Court Peshawar.

  
Depoient

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 305/2017

Date of Institution ... 29.03.2017  
Date of Decision ... 09.02.2018



Jehanzeb Kanungo (BPS-11) Office of the Deputy Commissioner Malakand.  
... (Appellant)

VERSUS

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar and  
two others. ... (Respondents)

MR. NOOR MUHAMMAD KHATTAK, ... For appellant  
Advocate

MR. MUHAMMAD JAN, ... For respondents.  
Deputy District Attorney

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBER

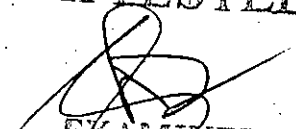
JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the learned  
counsel for the parties heard and record perused.

FACTS

2. The appellant was promoted on acting charge basis as Kanungo on  
4.12.2015. He then figured in the final seniority list of Kanungos District Malakand

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,



as it stood on 31.12.2015 at S. No. 5. On 15.11.2016 a meeting of DPC was held wherein some posts of Kanungos were filled on regular basis. In that meeting in the Working Papers the present appellant was not promoted for the reason that the promotion of the appellant on acting charge basis was made without DPC which needed verification. Against this promotion order, the appellant filed a departmental appeal on 07.12.2016 which was rejected on 28.2.2016. Thereafter, he filed the present service appeal on 29.3.2016.


### ARGUMENTS.

3. The learned counsel for the appellant argued that the only reason shown in the meeting of DPC dated 15.11.2016 was that the appellant was promoted on acting charge basis without DPC. That there was no other reason shown for deferring the appellant from promotion. That the reason shown in the DPC had nothing to do with the regular promotion of the appellant who was entitled for regular promotion. That any defect in promotion on acting charge basis would have no bearing on the regular promotion in light of Rule 7 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

4. On the other hand, the learned Deputy District Attorney argued that this was not the only reason of deferring the appellant from promotion but the appellant is also junior to other three Patwaris namely Aslam Khan, Muhammad Ali and Syed Saleem Shah as per seniority list of the Patwaris. That the departmental appellate authority in the order dated 28.2.2016 had mentioned this fact.

5. Replying the arguments of the learned Deputy District Attorney, the learned counsel for the appellant argued that in the seniority list Mr. Aslam Khan who was

**ATTESTED**

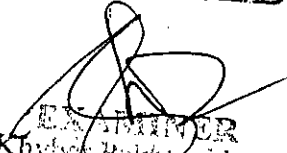
  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal

at S.No. 1 was superseded due to his unwillingness for promotion and due to non-passing of departmental examination in the said DPC. That the other two Patwaris namely Muhammad Ali and Syed Saleem Shah are from Charsadda and that in view of the judgment of this Tribunal in case entitled "*Zahir Muhammad Vs. Senior Member Board of Revenue and others*" bearing appeal No. 1318/2011, decided on 26.12.2017, this Tribunal has elaborately discussed that the posts of Patwari and Kanungo are district cadre posts and no person outside of District Cadre can serve legally in the district cadre post. That on that score too, the case of the appellant is worthy of acceptance.

### CONCLUSION.

6. The appellant was promoted on acting charge basis on 4.12.2015 and he figured at S.No. 5 of the list of Kanungos of District Malakand as it stood on 31.12.2015. The only reason shown in the working papers for deferring him was his previous acting charge appointment without DPC and no other reason was shown. This reason to our mind has got no legal basis for regular promotion to the post of Kanungo. However, for the first time in the departmental appeal, the appellate authority added that there were certain patwaris who were senior to the appellant. As pointed out by the learned counsel for the appellant that the other two patwaris mentioned above belonged to Charsadda and it is not discernable from the record that how these two patwaris were enlisted in the district cadre posts of Malakand. This issue has elaborately been discussed by this Tribunal in Zahir Muhammad case mentioned above and while relying on the judgment of the august Supreme Court of Pakistan it has been held that no person from outside cadre can be given seniority

**ATTESTED**

  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

over the persons from the concerned cadre. In that very case of Zahir Muhammad appellant alongwith Muhammad Ghufraan were given seniority over Faiz Muhammad for this sole reason and it was also decided that no limitation would attract in matter of seniority. This Tribunal therefore, by accepting the appeal, direct the department to see whether the two persons from Charsadda mentioned above are senior to the appellant and if so should examine their cases that how these two persons were inducted in the district cadre post of Malakand. As per judgment of august Supreme Court mentioned in Zahir Muhammad's case no absorption is allowed from another cadre. And if they were absorbed from another cadre then should decide the issue of seniority of appellant viz-viz those two persons in the light of judgment of Zahir Muhammad mentioned above. And if appellant then figures in a position in seniority list on 15.11.2016 which make<sup>s</sup> him entitled for promotion, he may be considered for promotion from due date. This exercise be completed within a period of ninety days of the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

(NIAZ MUHAMMAD KHAN)  
CHAIRMAN

Muhammad Amin Khan  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

**ANNOUNCED**  
09.02.2018

Date of Presentation of Application	12-02-2018
Number of Volumes	1600
Copying Fee	10.00
Urgent	2.00
Total	12.00
Name of Copyist	
Date of Completion of Copy	12-02-18
Date of Delivery of Copy	12-02-18

Certified to be true copy  
EX. MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

مورخہ  
مقدمہ  
دعویٰ  
جرم

2 منجانب  
بنام

Jehanzels  
U.S.

SAMI BR

باعث تحریر آنکہ

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

آن مقام پیشاور کیلئے سعید و نصیر علی بخاری

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یا پٹرنہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرے، اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے۔

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائ التوائے مقدمہ کے

سبب سے و ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہر

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

20

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المرقوم

الع د گ و الع د

کے لئے منظور ہے۔

مقام

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

Execution Petition No. \_\_\_\_\_/2018  
In Appeal No: 305/2017

Mr. Jehanzeb

V/S

Revenue Department

.....

**APPLICATION FOR RESTRAINING THE RESPONDENTS FROM  
MAKING PROMOTION TO THE POST OF KANUNGO OR RESERVED  
POST FOR THE APPELLANT TILL THE FINAL DECISION OF THE  
EXECUTION PETITION.**

**RESPECTFULLY SHEWETH:**

1. That the above titled Execution Petition is pending before this august Tribunal.
2. That the appellant filed this execution petition for implementation of judgment dated 09.02.2018 in service appeal no 305/2017.
3. That now the respondents department has requisitioned the information in respect of some Kanoongos for promotion to the post of Kanoongo/District Revenue Accountant/Naib Tehsildar and conducting DPC before finalizing the issue of the appellant which is total violation of the judgment of this Hon'ble Tribunal.
4. That all the conduct of the respondents is based on malafide and against the cause of justice. More so, the respondents legally can not be allowed to conduct DPC before finalizing the case of the appellant as directed by this Honorable Tribunal.

It is, therefore, most humbly -prayed that the promotion of the Kanoongos may be suspended or reserve seat for the appellant till the final decision of the main.

Execution Petition. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of appellant.

  
**PETITIONER/Applicant**  
Jehanzeb

THROUGH:

  
**(SYED NOMAN ALI BUKHARI)**  
ADVOCATEs, HIGH COURT

**AFFIDAVIT:**

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

  
**DEPONENT**

21/5/18  
**Javed Muhammad**  
Advocate High Court  
Commissioner  
Distt: Court Peshawar.



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

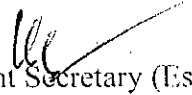
No. Estt: VII//S.A No. 022/Jehanzeb/36879  
Peshawar dated the 09/11/2018

To

The Deputy Commissioner,  
Malakand.

**SUBJECT: SANCTION ACCORDED FOR THE DEFENSE OF SERVICE APPEAL  
NO. 305/2017 TITLED AS JEHAZEB KANUNGO VS SMBR & OTHERS  
BEFOREKP SERVICE TRIBUNAL.**

I am directed to refer to your letter No. 12717/1/13/Estt; dated 04.09.2018 and to request you to implement the orders of Service Tribunal dated 09.02.2018 and decide the matter in accordance with policy/rules and regulation please.

  
Assistant Secretary (Estt)



**OFFICE OF THE DEPUTY COMMISSIONER**  
**MALAKAND**

3

Dated the: 17/04/2019

**ORDER: -**

No. \_\_\_\_\_/1/2/Estt: In compliance of the orders dated 09.02.2018 passed by the Khyber Pakhtunkhwa Service Tribunal in Appeal No. 305/2017 titled as Jehanzeb Kanungo VS SMBR & Others and subsequent recommendation of Departmental Promotion Committee Members during a meeting held on 02.04.2019 under the chairmanship of Deputy Commissioner, Malakand, the services of Mr. Jehanzeb, as Kanungo (BPS-11) on Acting Charge Basis have been regularized with effect from 15.11.2016 and his seniority as Kanungo (Regular) will be revised accordingly.


**DEPUTY COMMISSIONER,**  
**MALAKAND.**

Endt: No. 7830-38 /1/2/Estt:

Copy for information is forwarded to: -

1. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar with a copy of above mentioned seniority.
2. The Additional Deputy Commissioner, Malakand please.
3. The Assistant Secretary (Estt), Board of Revenue, Peshawar with reference to his letter No. Estt:VII/S.A No.922/Jehanzeb/36879 dated 09.11.2018.
4. The Secretary to Commissioner, Malakand Division, Saidu Sharif, Swat.
5. The District Accounts Officer, Malakand.
6. The Accounts Officer, D.C. Office, Malakand.
7. The Accounts Assistant, D.C. Office, Malakand.
8. The Official concerned.
9. Office order file.

  
**DEPUTY COMMISSIONER,**  
**MALAKAND.**

  
**Attested**  
**Reader for**  
**Deputy Commissioner,**  
**Malakand**





(4)

**OFFICE OF THE DEPUTY COMMISSIONER**  
**MALAKAND**

**MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING**  
**REGARDING PROMOTION OF JUNIOR CLERK (BPS-11) AS SENIOR CLERK (BPS-14), REGULARIZATION OF KANUNGO (BPS-11) ON ACTING CHARGE BASIS, IMPLEMENTATION OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ORDERS DATED 09.02.2018 & 26.12.2017 PASSED IN THE APPEALS TITLED AS JEHANZEB KANUNGO VS SMBR & OTHERS AND MUHAMMAD GHUFRAN & ANOTHER VS SMBR & OTHERS RESPECTIVELY.**

A meeting of the Departmental Promotion Committee was held on 02.04.2019 at 02.00 pm under the chairmanship of Deputy Commissioner, Malakand to consider the subject matters which was attended by: -

1. The Deputy Commissioner Malakand (Chairman)
2. The Additional Deputy Commissioner Malakand (Member-I)
3. Establishment Asstt: Commissioner's Office, Malakand Division. (Member-II)

By opening the session, the chairman welcomed the participants and highlighted the aims & objectives of the meeting.

Initially, the promotion case of Mr. Malik Shah, Junior Clerk (BPS-11) as Senior Clerk (BPS-14) was brought under joint deliberation and after going through all the relevant record at hand as well as rules & regulations as admissible, the afore-named individual was recommended to be promoted as Senior Clerk (BPS-14) against the vacant post.

Moving ahead, the committee perused the second agenda item regarding regularization of services of Kanungos on Acting Charge Basis and resultantly, one incumbent, namely Mr. Tariq Nawaz, Kanungo (ACB) was regularized.

As far as the agenda items pertaining to the implementations of Khyber Pakhtunkhwa Service Tribunal orders are concerned, the following recommendations were made: -

**IMPLEMENTATION OF ORDERS PASSED BY THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL IN THE APPEAL NO.305/2017 TITLED AS JEHANZEB KANUNGO VS SMBR & OTHERS.**

01. In the light of sanction awarded by Board of Revenue vide its communique No. Estt:VII/S.A No.922/Jehanzeb/36879 dated 09.11.2018 to implement the orders dated 09.02.2018 passed by Khyber Pakhtunkhwa Service Tribunal in Appeal No.305/2017 titled as Jehanzeb Kanungo Vs SMBR & Others, Policy / Rules & Regulations as admissible in the instant case and the policy instructions issued time to time by the Provincial Government of Khyber Pakhtunkhwa through Board of Revenue including the recent one vide letter No. Estt:VII/S.A No.922/Jehanzeb/870 dated 12.03.2019, Mr. Jehanzeb, Kanungo (ACB) is promoted as Kanungo (BPS-11) on regular basis from due date i.e. the date of impugned DPC held on 15.11.2016, whereby his seniority will be determined as accordingly.
02. The point of anomaly raised by the learned tribunal regarding the appointment of outside district candidates, namely M/S Muhammad Ali & Syed Saleem Shah (belonging to District Charsadda) against the district cadre positions of Patwari in Malakand will be probed by constituting a departmental inquiry committee, headed by Additional Deputy Commissioner, Malakand at Batkhela and subsequently, the recommendations will be referred to the Board of Revenue for deciding the fate of responsible ones.
03. The individual(s), who has / have got any reservation against the decision of committee in this very case, are hereby allowed to approach proper forum for redressal of his / their grievances, besides in case of any requirement, this office will not hesitate to extend a supporting hand within the prescribed official parameters.

4

**Attested**  
Reader to  
Deputy Commissioner,  
Malakand

*[Signature]*

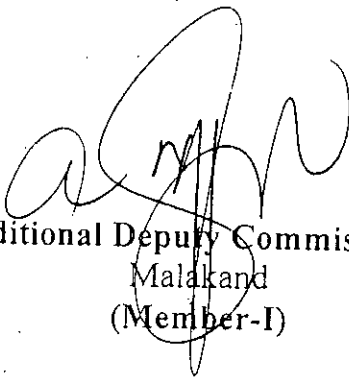
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IMPLEMENTATION OF ORDERS PASSED BY THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL IN THE APPEAL NO. 1317 OF 2017 TITLED AS MUHAMMAD GHUFRAN & ANOTHER VS SMBR & OTHERS.

01. In the light of Khyber Pakhtunkhwa Service Tribunal's orders dated 26.12.2017 in the appeal bearing No.1317 of 2017, titled as Muhammad Ghufuran & another Vs SMPR & Others and Policy Rules & Regulations / instructions issued on various occasions by the Provincial Government of Khyber Pakhtunkhwa through Board of Revenue, including the recent one vide letter No. Estt:VII/S.A No.922/Jehanzeb/8707 dated 12.03.2019, the services of private respondent No.4, namely Mr. Faiz Muhammad (Patwari from District Buner) cannot be absorbed against the district cadre post of Patwari in Malakand and therefore, his transfer / posting order No. 201245-5/Admn:I/PF/F dated 30.07.2009 is mala-fid ab-initio. Hence, having got substantial cause of action, the appellants, namely M/S Muhammad Ghufuran & Zahir Muhammad are hereby given seniority viz-a-viz private respondent No.4, namely Mr. Faiz Muhammad in the impugned seniority list issued on 31.12.2009.
02. Besides, the afore-taken decision of committee will be placed before the Commissioner, Malakand Division for reviewing / revisiting the Divisional Seniority List of Regular Kanungos (BPS-11) as accordingly.

The officials, recommended for promotion, will be on probation for a period of one year as provided under Section-6 (2) of the Khyber Pakhtunkhwa Civil Servants Act 1973 read with Rule-15 (1) of the Khyber Pakhtunkhwa, Civil Servant (Appointment, Promotion & Transfer) Rules 1989.

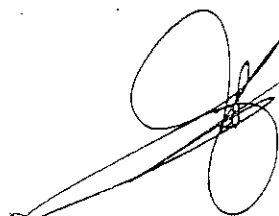
The meeting ended with a vote of confidence!



**Additional Deputy Commissioner,  
Malakand  
(Member-I)**



**Assistant (Estt.)  
Commissioner's Office,  
Malakand Division, Saidu Sha  
Swat.  
(Member-II)**



**Deputy Commissioner,  
Malakand  
(Chairman)**



**Attested  
Reader to  
Deputy Commissioner,  
Malakand**

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

C.M NO \_\_\_\_\_ /2019

IN

IMPLEMENTATION PETITION NO. 122 /2018

**JEHANZEB**

**VS**

**REVENUE DEPTT:**

**APPLICATION FOR RESTRAINING THE RESPONDENTS FROM PROMOTION TO THE POST OF NAIB TEHSILDAR TILL IMPLEMENTATION OF THE JUDGMENT DATED 9.2.2018 PASSED IN APPEAL NO.305/2017 TITLED JEHANZEB VS REVENUE DEPARTMENT**

**R.SHEWETH:**

1. That the above mentioned implementation petition is pending before this august Tribunal in which 12.3.2019 date is fixed for hearing.
2. That this august Tribunal has allowed appeal of the petitioner with the direction to the respondents consider the petitioner for promotion to the post of Naib Tehsildar (BPS-14) vide judgment dated 9.2.2018. Copy of the judgment is already attached with implementation petition.
3. That inspite of clear direction of this august Court the respondents were not willing to implement the judgment of this august Tribunal, where after the petitioner filed the above mentioned implementation petition before this august Tribunal.
4. That instead of implementing the judgment dated 9.2.2018 of this august Tribunal the respondents issued letter dated 4.2.2019 where by the respondents constitute/ convene Departmental Promotion Committee. Copy of the letter is attached as annexure  
..... **A.**
5. That the act of the respondents by constituting/ convening Departmental promotion committee for filling of the post of Naib Tehsildar is the clear violation of the judgment of this august Tribunal dated .....
6. That all the three ingredients necessary for the stay is in favor of the petitioner.

It is therefore most humbly prayed that on acceptance of this application the respondents may kindly be restrained from promotion against the post of Naib Tehsildar (BPS-14) till implementation of the judgment of this august Tribunal dated 9.2.2018 passed in appeal No.305/2017.

Dated: 11.3.2019

  
PETITIONER/APPLICANT

JEHANZEB

THROUGH:  
NOOR MOHAMMAD KHATTAK  
ADVOCATE  




**OFFICE OF THE DEPUTY COMMISSIONER**  
**MALAKAND**

A-3

No: 2104-10/1/2/Estt:

Dated the 04/02/2019.

To.

1. **Mr. Malik Shah,**  
Junior Clerk (BS-11), Assistant Commissioner's Office,  
PDMA Section, Batkhela.
2. **Mr. Muhammad Tariq,**  
Junior Clerk (BS-11), Land Acquisition Section.  
ADC Office, Malakand at Batkhela.
3. **Mr. Iswas Khan**  
Junior Clerk (BS-11), Diary & Dispatch Section,  
ADC Office, Malakand at Batkhela.
4. **Mr. Tariq Nawaz,**  
Kanungo (ACB), Tehsildar's Office, Dargai.
5. **Mr. Muhammad Ali, Patwari (BS-09),**  
Naib Tehsildar's Office, Dargai.
6. **Syed Salim Shah, Patwari (BS-09),**  
Tehsildar's Office, Batkhela.
7. **Mr. Jehanzeb, Kanungo (ACB),**  
At present: Naib Tehsildar (CCB), Baizai (Thana).

Subject: - **DEPARTMENTAL PROMOTION COMMITTEE MEETING.**

**Office Memo: -**

A meeting of Departmental Promotion / Selection Committee has been scheduled tentatively to be held on **13.02.2019 at 11:00 am** under the chairmanship of Deputy Commissioner, Malakand in the office of Deputy Commissioner, Malakand.

Being incumbents in the instant scenario, you are hereby directed to ensure your presence alongwith necessary service record with following nomenclature on the date, time and venue fixed: -

1. *Appointment order.*
2. *Promotion orders if applicable.*
3. *Another relevant particular, if supportive, form service point of view.*

**ADDITIONAL DEPUTY COMMISSIONER,**  
**MALAKAND.**

Endst: No. 2111 /1/2/Estt:

Copy for information is forwarded to the Deputy Commissioner, Malakand please.

**ADDITIONAL DEPUTY COMMISSIONER,**  
**MALAKAND.**

**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

\_\_\_\_\_ OF 2019

Jehanzeb

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Revenue Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Jehanzeb

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2019



**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**

**&**

**MIR ZAMAN SAFI**  
**ADVOCATES**

**OFFICE:**

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Mobile No. **0345-9383141**