

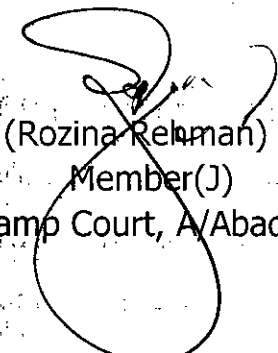
19.02.2021

Muhammad Arshad Khan Tanoli Advocate, counsel for appellant present.

He requested for withdrawal of the instant appeal on the ground that the grievance of appellant has been redressed. To this effect, his statement was recorded on the margin of order sheet and signature was also obtained thereon.

In view of above, the instant appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.

Announced:  
19.02.2021

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




*It is submitted that the  
Appellant has died. Case is  
withdrawn.*

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 1956 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/03/2020	<p>The appeal of Mr. Muhammad Javed Khan received today by post through Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 17/3/2020</p>
2-		<p>This case is entrusted to touring S. Bench A.Abad for preliminary hearing to be put up there on <u>20.11.20</u></p> <p style="text-align: right;"> Chairman</p>
20.11.2020		<p>Appellant has not forth come, however, clerk of counsel for appellant is present and requested for adjournment on the ground that learned counsel for appellant is not available today. Adjourned to 19.02.2021 on which date file to come up for preliminary hearing before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT ABBOTTABAD</p>

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

Service Appeal No. 1956/2020

Muhammad Javed Khan son of Ali Akbar Khan, Kanungo Abbottabad.

**VERSUS**

Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue (SMBR) KP Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL**

**INDEX**

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1.	Service appeal alongwith affidavit	1 to 7	
2.	Copy of transfer order	8	"A"
3.	Copy of repatriation order of the appellant	9	"B"
4.	Copy of departmental appeal dated 22/11/2019	10	"C"
5.	Copy of order dated 03/06/2019	11	"D"
6.	Copy of result of departmental examination of 2019	12	"E"
7.	Copy of departmental examination of Naib Tehsildar certificate of the appellant	13	"F"
8.	Wakalatnama	14	

  
...APPELLANT

Through

Dated: 13/03 /2020

  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

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

Service Appeal No. 1956/2020

Muhammad Javed Khan son of Ali Akbar Khan, Kanungo Abbottabad.

**Khyber Pakhtunkhwa  
Service Tribunal**

**VERSUS**

Diary No. 2139

Dated 17/3/2020

1. Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue (SMBR) KP Peshawar
2. Commissioner Hazara Division Abbottabad.
3. Deputy Commissioner Abbottabad.
4. Settlement Officer Abbottabad.
5. District Accounts Officer, Abbottabad.
6. Chanzeb Khan Kanungo posted as Naib Tehsildar Settlement Havelian, District Abbottabad.

**...RESPONDENTS**

**Filed to-day**

**Registrar**

17/3/2020

**SERVICE APPEAL UNDER ARTICLE 4 OF  
KPK SERVICES TRIBUNAL ACT 1974 FOR  
DECLARATION TO THE EFFECT THAT THE  
APPELLANT WAS SERVING AS NAIB  
TEHSILDAR SETTLEMENT VIDE ORDER  
NO.7846-7851 DATED 12/07/2019 BUT  
RESPONDENTS' DEPARTMENT HAS NOW  
REPATRIATED THE APPELLANT FROM**

SETTLEMENT HAVELIAN TO REVENUE DEPARTMENT AS KANUNGO AND RESPONDENT NO. 6 (KANUNGO) HAS BEEN POSTED AS NAIB TEHSIDLAR SETTLEMENT HAVELIAN VIDE IMPUGNED ORDER NO. 16359-65/DLR-V(SO)DM DATED 18/11/2019 WHICH IS PERVERSE, DISCRIMINATORY, PREMATURE AND AGAINST THE LAW. HENCE THE IMPUGNED ORDER DATED 18/11/2019 IS LIABLE TO BE SET-ASIDE.

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL OF THE APPELLANT, IMPUGNED REPATRIATION ORDER NO. 16359-65/DLR-V(SO)DM DATED 18/11/2019 MAY BE SET-ASIDE AND RESPONDENTS DEPARTMENT MAY GRACIOUSLY BE DIRECTED TO RESTORE THE APPELLANT AS NIAB TEHSIDLAR SETTLEMENT HAVELIAN, ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEMS APPROPRIATE MAY ALSO BE GRANTED TO THE APPELLANT

---

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*Respectfully Sheweth;-*

The facts forming the background of the instant service appeal are appended below;-

1. That the appellant was posted as Naib Tehsildar Settlement vide order No. 7846-7551 dated 12/07/2019. Copy of transfer order is attached as Annexure "A".
2. That the appellant has been repatriated from the post of Nabi Tehsildar Settlement Havelian and transferred the respondent No. 6 in place of the appellant, as Niab Tehsildar Settlement Havelian, vide impugned order 16359-65/ DLR/LR-V/SO(M) dated 18/11/2019. Copy of repatriation order of the appellant is attached as Annexure "B".
3. That the appellant filed departmental appeal against the impugned order No. 16359-65/ DLR/LR-V/SO(M) dated 18/11/2019. Copy of departmental appeal dated 22/11/2019 is attached as Annexure "C".
4. That the departmental appeal of the appellant yet to be replied by the department, hence the instant

service appeal in file<sup>1</sup> inter-alia on the following grounds.

**GROUND S;**

- a) That the repatriation order of the appellant and transfer of respondent No. 6 in place of the appellant is perverse, discriminatory, premature and against the law and the same is liable to be set-aside.
  
- b) That respondent No. 6 was earlier repatriated from the post of Naib Tehsildar Havelian to DC Office Abbottabad on the basis of a complaint against him vide order dated 03/06/2019. Copy of order dated 03/06/2019 is annexed as Annexure "D". Therefore respondent No. 6 once repatriated on the complaint cannot be posted against the same post within a period of 06 months. Therefore, impugned repatriation order of the appellant dated 18/11/2019 is liable to be set-aside.

- c) That it is pertinent to note that the appellant has qualified the departmental examination of Naib Tehsildar conducted in the year 2019, whereas the respondent No. 6 has been declared failed in the departmental examination of Naib Tehsildar. Copy of result of departmental examination of 2019 is annexed as Annexure "E".
- d) That as per departmental examination wherein, the appellant has been declared qualified as the right to be promoted against the vacant post of Naib Tehsildar Settlement Havelian. Copy of departmental examination of Naib Tehsildar certificate of the appellant is annexed as Annexure "F".
- e) That the appellant has illegally been repatriated by the respondents department being qualified candidate/ employee for the post of Naib Tehsildar. Therefore, the impugned repatriation order dated 18/11/2019 is liable to be cancelled.



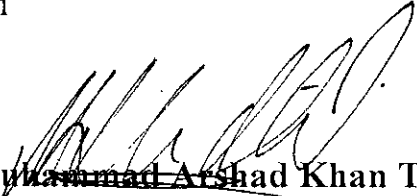
- f) That service appeal is within the period of limitation and this Honourable Court has jurisdiction to entertain the appeal of the appellant under Article 212 of the constitution of Islamic Republic of Pakistan 1973.

It is therefore humbly prayed that on acceptance of the instant service appeal of the appellant impugned repatriation order no. 16359-65/DLR-V(SO)DM dated 18/11/2019 may be set-aside and respondents department may graciously be directed to restore the appellant as Niab Tehsidlar Settlement Havelian. Any other relief which this Honourable Court deems appropriate may also be granted to the appellant

Dated: 13/03 /2020

Through

  
...APPELLANT

  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing service appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable tribunal.

  
...APPELLANT

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

Service Appeal No. \_\_\_\_\_/2020

Muhammad Javed khan son of Ali Akbar Khan, Kanungo Abbottabad.

**VERSUS**

Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue (SMBR) KP Peshawar & others.

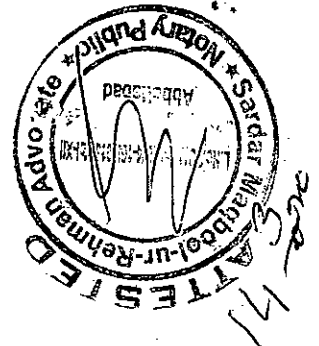
**....RESPONDENTS**

**SERVICE APPEAL**

**AFFIDAVIT**

I, Muhammad Javed khan son of Ali Akbar Khan, Kanungo Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

  
**DEPONENT**



Annex - A P



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE AND ESTATE DEPARTMENT  
PHONE: # 091-9210057  
FAX: 091-9213989  
E-MAIL: LANDRECORD.KPK@GMAIL.COM

P-8

Facebook ID: [www.facebook.com/landrecord.kpk](http://www.facebook.com/landrecord.kpk) Twitter ID: @Landrecord.kpk

Peshawar dated the 12/07/2019

OFFICE ORDER

No.LR-IV/Abbottabad/Vol.II: 7846 The Competent Authority is pleased to transfer Mr. Javed Khan Naib Tehsildar Lower Tanawal, Abbottabad and post him as Settlement Naib Tehsildar Havelian Abbottabad with immediated effect till further order in best interest of public.

By order of  
Senior Member  
Board of Revenue

Ends. No.LR-IV/Abbottabad/Vol.II: 7847-851

Copy forwarded to the:-

1. Commissioner, Hazara Division, Abbottabad.
2. Deputy Commissioner, Abbottabad.
3. Settlement Officer, Abbottabad.
4. District Accounts Officer, Abbottabad.
5. PS to Senior Member Board of Revenue Khyber Pakhtunkhwa.
6. Officials/ Officers concerned.

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

**ATTESTED**

M. A. 2  
Director of Records/  
Chief Settlement Officer

Annex - B



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE AND ESTATE DEPARTMENT

PHONE # 091-9210057

FAX # 091-9213989

E-MAIL: LANDRECORD.KPK@GMAIL.COM

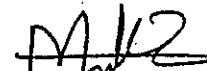
P-9

Facebook ID: [www.facebook.com/landrecord.kpk](http://www.facebook.com/landrecord.kpk) Twitter ID: @Landrecord.kpk

Dated Peshawar the 18/11/2019

OFFICE ORDER.

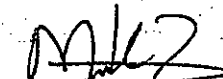
No. 16359-65/DLR/LR-V/SO (M) With the approval of competent authority Mr. Javed Khan, Kanungo working as Settlement Naib Tehsildar Havelian is hereby repatriated to his parent office and on the recommendation of Commissioner, Hazara Division, Abbottabad Mr. Chanzeb Khan, Kanungo is hereby posted as Settlement Naib Tehsildar Havelian in his own pay and scale with immediate effect till further order.

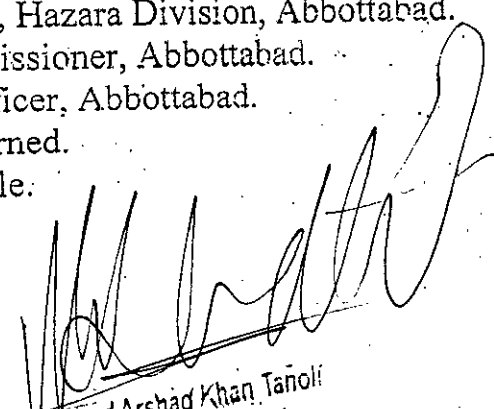
  
Director Land Records /  
Chief Settlement Officer

Endst: No. & Date even.

Copy forwarded to the:-

1. Commissioner, Hazara Division, Abbottabad.
2. Deputy Commissioner, Abbottabad.
3. Settlement Officer, Abbottabad.
- ✓ 4. Official concerned.
5. Office order file.

  
Director Land Records /  
Chief Settlement Officer

  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist

**TESTED**

# Annex - C

بخدمت جناب چیف سیکریٹری صاحب صوبہ خیبر پختونخواہ، پشاور۔

P-18

محکمہ اپیل بر خلاف متازعہ آرڈر نمبر 16359-65/DLR/LR-V/SO(M)

مورخہ 18-11-2019 جاری کردہ ڈائریکٹر لینڈ ریکارڈ/چیف سیکرٹری آفیسر، پشاور۔

استدعا: متازعہ آرڈر مذکورہ مورخہ 18-11-2019 منسوخ فرمایا جاوے۔

گزارشات ذیل عرض ہیں:-

(1) یہ کہ مسائل بحیثیت نائب تحصیلدار (OPS) لوئر تاول ایبٹ آباد سے نائب تحصیلدار بندوبست بروئے آرڈر نمبر 7846-7851 مورخہ 12-07-2019 ہوا تھا، یہ کہ مسائل کی تعیناتی بحیثیت نائب تحصیلدار بندوبست حویلیاں ایبٹ آباد ہونے سے کسی بھی شخص کی سناریائی متاثر نہیں کرتی ہے صرف تقریباً 4 ماہ بعد مجھے دوبارہ بحیثیت گروا اور اپنے آبائی ضلع ایبٹ آباد (متازعہ آرڈر مذکورہ نمبر 16359-65/DLR/LR-V/SO(M) مورخہ 18-11-2019 جاری کردہ ڈائریکٹر لینڈ ریکارڈ/چیف سیکرٹری آفیسر، پشاور) کر دیا گیا، جو کہ سراسر غلط، خلاف قانون، اور مسائل کے حقوق کے برعکس ہے اور قابل منسوخ ہے۔

(2) یہ کہ مسائل کی جگہ جس شخص مسمی (چن زیب خان) کو تعینات کیا گیا ہے مذکورہ شخص کو بروئے آرڈر نمبر 6868-77 مورخہ 03-06-2019 شکایات کی بناء پر اس جگہ سے ہٹایا گیا تھا اور ڈپٹی کمشنر صاحب ایبٹ آباد کو انکو آری کا کہا گیا تھا، انکو آری کرنے کے بجائے دوبارہ مذکورہ شخص کو اسی جگہ اسائل کی جگہ نائب تحصیلدار بندوبست حویلیاں تعینات کر دیا گیا ہے، جو کہ سمجھ سے باہر ہے۔ (نقل آرڈر نمبر 6868-77 مورخہ 03-06-2019 لف ہے)

لہذا مندرجہ بالا حقائق کی روشنی میں آپ جناب سے گزارش ہے کہ متذکرہ بالا متازعہ آرڈر نمبر

16359-65/DLR/LR-V/SO(M) مورخہ 18-11-2019 کو منسوخ فرمایا جائے۔

المقوم: 22-11-2019

الحاضر  
جاوید خان حال  
رابطہ نمبر: 0345-9551322  
Advocate High Court  
Office No. 33 Adjacent to  
District Court Abbottabad

Muhammad Arshad  
Advocate High Court  
Office No. 33 Adjacent to  
District Court Abbottabad

**ATTESTED**

P-11

GOVERNMENT OF KHYBER PAKHTUNKHWA  
 BOARD OF REVENUE  
 REVENUE AND ESTATE DEPARTMENT  
 PHONE: 001-9210057  
 FAX: 001-9218989  
 E-MAIL: LANDRECORD@KPK.GOV.PK

Website: [www.lcrecord.gov.pk](http://www.lcrecord.gov.pk) | Twitter: @Landrecordpk | Facebook: @lcrecordpk

# Annex-D

No. LR-V/Settle. Oper./Ad. 6868

The Competent Authority is pleased to order the following posts/transfer amongst the Naib Tehsildars in the Settlement Operation, Abbottabad as per detail given below with immediate effect in the interest of general public:-

S.No.	Name of official	From	To	Remarks
01	Mr. Chan Zeb, Kanungo, DC Abbottabad	Settlement Naib Tehsildar (OPS) Havailian (Abbottabad)	Reposted to his parent office i.e. DC office Abbottabad	Under complaint.
02	Mr. Amir Shehzad, Naib Tehsildar	Waiting for posting in the office of Commissioner, Hazara Division, Abbottabad	Settlement Naib Tehsildar, Havailian (Abbottabad)	Vide No.01.

Approved by  
Competent Authority

Encl: 1 R-V/Settle. Oper./Ad. 6868

Copy forwarded to the -

- 1) Commissioner, Hazara Division, Abbottabad with reference to letter No.CHD/Estt:419/1681-82, dated 20.05.2019
- 2) Deputy Commissioner, Abbottabad with the request to conduct an inquiry to probe into the complaint/allegations against Mr. Chan Zeb, Kanungo, Abbottabad as mentioned in the complaint received from Minister's Complaint Cell and verdicts of Daily "MOHAASIB" and "AKI BHAAF" dated 16.05.2019 (copies enclosed), fix responsibility and recommend action against delinquent official within 30 days.
- 3) Settlement Officer, Abbottabad.
- 4) District Accounts Officer, Abbottabad.
- 5) PS to Minister for Revenue & Estate Department, Khyber Pakhtunkhwa.
- 6) Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 7) Officials concerned for compliance.
- 8) Office order file.

Muhammad Asad Khan Tareq  
 Advocate High Court  
 Office No. 33 Adjacent  
 Dist Bar Abbottabad

**ATTESTED**

M. A. R.  
 Director Land Records/  
 Chief Settlement Officer.

Departmental Examination of Naib Tehsildar 2019

P-12  
Annex-E

R. No.	Name & Father Name, Designation	Domicile	Paper-I	Paper-II	Paper-III	Paper-IV	Paper-V	Paper-VI	Remarks
NT19-101	Abdul Qayyum, Settlement Office, Havelian	Abbottabad	A	A	A	A	A	A	Failed
NT19-102	Abdul Razaq S/O Abdul Khaliq, Kanningo	Abbottabad	62	53	60	45	57	54	Passed
NT19-103	Abdul Wahheed S/O Meer Dad, Kanningo	Abbottabad	A	A	A	A	A	A	Failed
NT19-104	Azher Mehmood, Kanningo	Abbottabad	48	33	51	42	51	51	Failed
NT19-105	Ghazal Khan, Kanningo	Abbottabad	61	50	60	34	60	50	Failed
NT19-106	Dil Nawaz, Settlement Tehsildar	Abbottabad	A	A	A	A	A	A	Failed
NT19-107	Dil Nawaz, Kanningo	Abbottabad	51	49	50	33	50	50	Passed
NT19-108	Haji Muhammad Saeed S/O Ghulam Haider	Abbottabad	A	A	A	A	A	A	Failed
NT19-109	Ishfaq Khan S/O Saad Khan, Peshi Kanningo	Abbottabad	58	51	60	50	52	56	Passed
NT19-110	Javed Khan, Kanningo	Abbottabad	50	40*	47	16	42	50	Passed by 701/151
NT19-111	Khalid Hussain, Kanningo	Abbottabad	36	40*	44	45	41	50	Passed by 701/151
NT19-112	Mehboob S/O Muhammad Naseem Qureshi, Kanningo	Abbottabad	71	47	59	48	55	56	Passed
NT19-113	Muhammad Akmal Khan, Kanningo	Abbottabad	51	36	50	29	52	51	Failed
NT19-114	Muhammad Raza, Kanningo	Abbottabad	49	33	39	33	46	50	Failed
NT19-115	Nisar Ahmad Khan, Kanningo	Abbottabad	A	A	A	A	A	A	Failed
NT19-116	Pervaiz Iqbal, Kanningo	Abbottabad	51	49	51	49	54	56	Passed
NT19-117	Sardar Hamayun S/O Sardar Gulab, Kanningo	Abbottabad	A	A	A	A	A	A	Failed
NT19-118	Shafiqat Bano, Kanningo	Abbottabad	57	43	51	34	29	42	Failed
NT19-119	Syed Asad Ali Shoh	Abbottabad	60	70	62	59	70	57	Passed
NT19-120	Pervaiz Iqbal, Kanningo	Abbottabad	60	41	50	46	47	50	Passed
NT19-121	Abdul Haseeb S/O Abdul Wahheed, NT (R.No. 171)	Bajaur	A	A	A	A	A	A	Failed
NT19-122	Abdul Malik S/O Shah Zada	Bajaur	A	A	A	A	A	A	Failed
NT19-123	Ghulam Saeedullah S/O Ghulam Habib Khan	Bajaur	A	A	A	A	A	A	Failed
NT19-124	Khalid Khan S/O Iftikhar Khan	Bajaur	A	A	A	A	A	A	Failed

Muhammad Arshad Khan, Advocate High Court  
Office No: 33 Adjacent to  
Distt 3ar Abbottabad

**ATTESTED**

Handwritten signatures and initials.

DK

6666

Director Land Records

کورٹ فیس

وکالت نامہ

Service Tribunal KPK Peshawar بعد اہل  
 Muhammad Tared بنام Govt KPK Smispec عنوان  
 Appellant منجانب  
 Service Appellant نوعیت مقدمہ

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام  
 Adv: Muhammad Arshad Khan Tanali Adv Hc

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخنتہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصیغہ مفلسی کے دائرہ کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

بمقام:

Accepted