

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.**

Service Appeal No. 1087/2019

Date of Institution ... 23.08.2019

Date of Decision... 03.03.2023

Ameer Ullah S/O Abdul Ajab Khan, Ex-Chowkidar Dar Revenue Academy,  
Tehsil & District Karak.

... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary/Senior Member  
Board of Revenue Civil Secretariat, Peshawar and 04 others.

... (Respondents)

-----

MR. HIDAYATULLAH KHATTAK,  
Advocate

--- For appellant.

MR. MUHAMMAD ADEEL BUTT,  
Additional Advocate General

--- For respondents.

MR. SALAH-UD-DIN  
MS. FAREEHA PAUL

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

**JUDGMENT:**

SALAH-UD-DIN, MEMBER:- The appellant has filed the instant service appeal under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 02.07.2019, whereby his departmental appeal against the order of his termination dated 19.06.2019 was rejected.



2. Precisely stated the averments as raised by the appellant in his appeal are that he was serving as Chowkidar in Revenue Academy since 2006; that in the year 2018, the Provincial government planned shifting of the Revenue Academy from Karak to Phase-III Chowk

Hayatabad Peshawar; that upon the application of the appellant, his services were transferred from Revenue Academy Karak to the office of Assistant Commissioner Karak vide order dated 10.10.2018; that the appellant was regularly performing his duty in the office of Assistant Commissioner Karak when he received copy of Notification dated 19.06.2019 issued by the Director Land Records, Khyber Pakhtunkhwa, whereby he was terminated from service; that the appellant challenged the order of his termination by way of filing of departmental appeal, however the same was also rejected, hence the instant service appeal.

3. Respondents were summoned, who appeared through their representative and contested the appeal by way of filing comments, wherein they raised certain legal as well as factual objections and mainly alleged that as the appellant is a contractual employee, therefore, this Tribunal has got no jurisdiction to entertain the instant appeal.

4. Arguments have already been heard and record perused.

5. According to the appointment order of the appellant so annexed with his appeal, he was appointed as Chowkidar (BPS-1) in relaxation of ban in light of amendment in the Contract Policy dated 10.08.2006. The appellant has been terminated from service vide Notification dated 19.06.2019 issued by the Director Land Records, Khyber Pakhtunkhwa, wherein too it has been mentioned that the appellant was a contract/temporary employee. During the course of arguments, learned Additional Advocate General has

contended that Khyber Pakhtunkhwa Regularization of Services of Employees of Settlement Operations and Revenue Academy Act, 2022 has been promulgated for regularization of services of employees of Revenue and Estate Department appointed on contract basis against the posts in Revenue Academy and Settlement Operations. He also produced copy of Notification dated 18.01.2023, whereby services of certain contract employees of Revenue Academy Peshawar have been regularized in light of the aforementioned regularization Act. The appellant had been terminated from service prior to coming in force of the Khyber Pakhtunkhwa Regularization of Services of Employees of Settlement Operations and Revenue Academy Act, 2022.



6. According to Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, any civil servant aggrieved by any final order, whether original or appellate, made by a departmental Authority in respect of any of the terms and conditions of his service can invoke the jurisdiction of the Service Tribunal through filing of an appeal. Civil Servant has been defined in Section 2 (b) of Khyber Pakhtunkhwa Civil Servant Act, 1973, which is reproduced as below for ready reference:-

*“2 (b) —civil servant means a person who is member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include-*

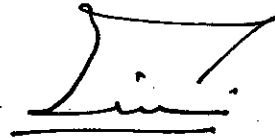
- (i) a person who is on deputation to the Province from the Federation or any other Province or other authority;*
- (ii) a person who is employed on contract, or on work charged basis or who is paid from contingences; or*

(iii) *a person who is a "worker" or "workman" as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workman's Compensation Act, 1923 (Act VIII of 1923)."*

7. The appellant is not a civil servant as defined under section 2 (b) of Khyber Pakhtunkhwa Civil Servants Act, 1973, therefore, the appeal filed by the appellant is not competent before this Tribunal for the reason that this Tribunal lacks jurisdiction in the matter.

8. Consequently, it is held that this Tribunal lacks jurisdiction in the matter, therefore, the appeal in hand is returned to the appellant for seeking remedy from competent forum available under the law. Office is directed to return the original appeal alongwith its enclosures to the appellant by retaining its copies and placing the same on the file. Parties are left to bear their own costs. File be consigned to the room.

ANNOUNCED  
03.03.2023



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)



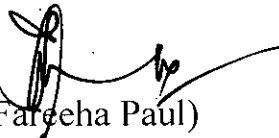
(FAREEHA PAUL)  
MEMBER (EXECUTIVE)

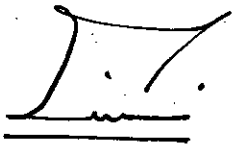
ORDER  
03.03.2023

Appellant in person present. Mr. Muhammad Adeel Butt,  
Additional Advocate General for the respondents present. Arguments  
have already been heard and record perused.

Vide our detailed judgment of today, separately placed on  
file, it is held that this Tribunal lacks jurisdiction in the  
matter, therefore, the appeal in hand is returned to the appellant for  
seeking remedy from competent forum available under the law. Office  
is directed to return the original appeal alongwith it enclosures to the  
appellant by retaining its copies and placing the same on the file.  
Parties are left to bear their own costs. File be consigned to the room.

ANNOUNCED  
03.03.2023

  
(Farzeha Paul)  
Member (Executive)


  
(Salah-Ud-Din)  
Member (Judicial)

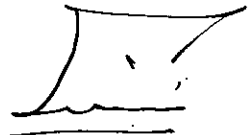
28.02.2023

Appellant alongwith his counsel present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested that he wants to address further arguments on the point of jurisdiction, therefore, an adjournment may be granted. Adjourned. To come up for further arguments on 02.03.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED  
K.P.3T  
Postwar


  
(Fareeha Paul)  
Member (E)


  
(Salah-ud-Din)  
Member (J)

02.03.2023

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Arguments heard. To come up for order on 03.03.2023 before the D.B.

  
(Fareeha Paul)  
Member (E)

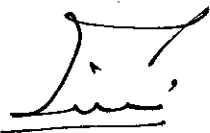
  
(Salah-ud-Din)  
Member (J)

15.02.2023

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments on 17.02.2023 before the D.B.


  
(Fareeha Paul)  
Member (E)


  
(Salah-ud-Din)  
Member (J)

17.02.2023

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Arguments heard. To come up for order on 28.02.2023 before the D.B.


  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

31<sup>st</sup> Oct., 2022

Counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned To come up for arguments on 29.11.2022 before the D.B.


  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

29<sup>th</sup> Nov. 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Granted. To come up for arguments on 15.02.2023 before the D.B. *Last opportunity*

*granted*  
  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

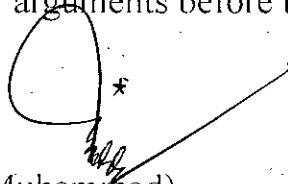
**SCANNED**  
**KPT**  
**Peshawar**



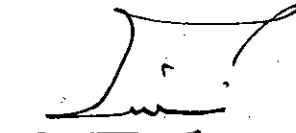
14.10.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 31.10.2022.



(Mian Muhammad)  
Member (E)




(Salah-ud-Din)  
Member (J)

31<sup>st</sup> Oct., 2022

Counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned To come up for arguments on 13.12.2022 before the D.B.




(Fareeha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman

03.11.2021 Junior to counsel for appellant present.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

Former submitted copy of cause list of Hon'ble Peshawar High Court and requested for adjournment as senior counsel is busy before the Hon'ble High Court. Request is accorded. To come up for arguments on 08.02.2022 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

8-2-2022

Due to retirement of the Hon'ble Chairman the case is adjourned to come up for the for the same as before on 30-5-2022

  
Reader

30<sup>th</sup> May, 2022

Learned counsel for the appellant present. Mr. Naseer ud Din Shah, Assistant AG for the respondents present.


Learned counsel for the appellant seeks adjournment in order to properly assist the Court. Adjourned. To come up for arguments on 03.08.2022 before the D.B.

  
(Mian Muhammad)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

3-8-2022


Proper DB not available the case is adjourned to 14-10-2022

  
Reader

02.02.2021

Appellant is present alongwith his counsel namely, Mr. Hidayatullah Khattak, Advocate. Mr. Asif Masood Shah, Deputy District Attorney, for the respondents is also present.

Learned counsel for appellant submitted that he is going to submit application for placing on record certain documents which are illegible and he is going to prepare their legible copies and thus requested for adjournment. The request is acceded to, the appeal is adjourned to 08.04.2021 on which date file to come up for arguments before D.B.

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

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

08.04.2021


*Due to demise of Honorable Chairman  
The Tribunal is defunct, therefore, the case is  
adjudged to 27.07.2021 for the same as before.*


*Reeder*

27.07.2021

Appellant alongwith his counsel Mr. Hidayatullah Khattak, Advocate, present. Mr. Abdul Qayum, Additional Assistant Commissioner (Karak) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant submitted application for placing on file documents consisting of 09 sheets, which is allowed and documents are placed on file. Copy of the documents also handed over to learned Additional Advocate General. Learned counsel for the appellant sought adjournment for arguments. Adjourned. To come up for arguments before the D.B. on 03.11.2021.

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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

24.08.2020

Appellant with counsel present.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

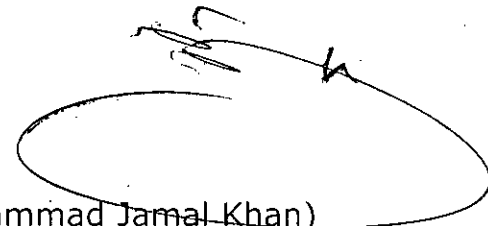
Again, a request was made for adjournment in order to submit reply which request is acceded but on cost of Rs.2000/- to be paid on the next date. To come up for written reply/comments on 21.10.2020 before S.B.

Member (J)

21.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, learned counsel for appellant is not available today. Mr. Kabirullah Khattak, Additional Advocate General alongwith representatives of the department Mr. Iftikhar Hussain, Assistant and Mr. Fareed Ullah, Senior Clerk are present.

Comments on behalf of respondents No. 1 to 5 submitted which is placed on record. Adjourned to 01.12.2020 on which date to come up for rejoinder and arguments before D.B.



(Muhammad Jamal Khan)  
Member (Judicial)

01.12.2020

Due to COVID-19, the case is adjourned to 02.02.2021 for the same as before.



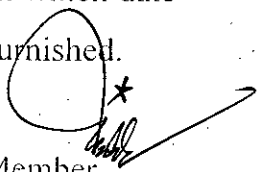
Reader

27.01.2020 Clerk to counsel for the appellant present. Written reply not submitted. Muhammad Arif Superintendent representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 03.03.2020 before S.B.

  
Member

03.03.2020 Appellant in person and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and submit written reply. Adjourned to 09.04.2020 on which date the requisite reply/comments shall positively be furnished.

  
Member


09.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 01.07.2020 for the same. To come up for the same as before S.B.

  
Reader

01.07.2020 Appellant in person present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Written reply on behalf of respondents<sup>is</sup> still awaited. Learned AAG seeks adjournment to furnish written reply/comments; granted by way of last chance. To come up for written reply/comments on 24.08.2020 before S.B.


  
Member (J)

22.10.2019

Appellant in person present.

Request for adjournment as his counsel is indisposed today.

Adjourned to 04.12.2019 for preliminary hearing.

  
Chairman

04.12.2019

Counsel for the appellant present.

In pursuance to a query regarding status of appellant as a civil servant, learned counsel today produced copy of his appointment order dated 10.10.2006 which is made part of the record.

He contended that the impugned order dated 19.06.2019 was passed without holding any departmental proceedings/enquiry against the appellant. In that regard he referred to condition No. 1 and 2 contained in the appointment order and stated that service of appellant was made subject to the NWFP Civil Servants Act, 1973. In that backdrop, he was entitled to fair treatment in accordance with the relevant rules and also an opportunity of setting-forth his defence. The respondents ignored the rights of appellant while passing the impugned order and rejecting the departmental appeal, it was added.

Instant appeal is admitted for regular hearing subject to all legal exceptions regarding the status of appellant as well as delay, if any, in filing of instant service appeal. 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 27.01.2020 before S.B.

Appellant Required  
Security & Process Fee

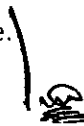
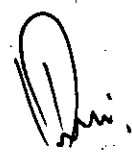
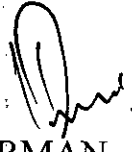
  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- 1087/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/08/2019	<p>The appeal of Mr. Amir Ullah presented today by Mr. Hidayatullah Khattak 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 23/8/19</p>
2-	24/08/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/10/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
03/10/2019		<p>Learned counsel for the appellant requests for time to further documents the brief by providing copies of appointment order of appellant and his date of confirmation.</p> <p>Adjourned to 22.10.2019 before S.B.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 1087/2019

Ameer Ullah.....**Appellant**

**V E R S U S**

Govt. of Khyber Pakhtunkhwa through Secretary/Senior member Board of Revenue & others.....**Respondents**

**I N D E X**

S#	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-6
2.	Addresses of parties		7
3.	Copies of the Application and Transfer Order dated 10.10.2018 <del>01.10.2018</del>	A	8-11
4.	Copy of the order dated 19.06.2019	B	12
5.	Copies of the departmental Appeal and rejection order	C	13-15
6.	Wakalatnama		16

  
Appellant

Through

Dated 22/08/2019

  
**Hidayatullah Khattak**  
Advocate High Court  
Cell No.0300-9357757



1

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

Service Appeal No. 1087/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1194

Dated 23/8/2019

Ameer Ullah Son of Abdul Ajab Khan,  
Ex-Chowkidar Dar Revenue Academy,  
Tehsil & District Karak.....

**Appellant**

**V E R S U S**

- 1) Govt. of Khyber Pakhtunkhwa through Secretary/Senior member Board of Revenue Civil Secretariat, Peshawar
- 2) Principal Revenue School/Academy Phase-III Chowk Hayatabad, Peshawar
- 3) Director Land Record Khyber Pakhtunkhwa
- 4) Deputy Commissioner Karak
- 5) Assistant Commissioner Karak

.....**Respondents**

**APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974 AGAINST THE ORDER DATED  
02.07.2019 WHEREBY THE DEPARTMENTAL  
APPEAL OF THE APPELLANT AGAINST THE  
ORDER DATED 19.06.2019 WHEREIN THE  
PENALTY OF TERMINATION OF SERVICE WAS**

Filed to-day

Registrar

23/8/19

**IMPOSED HAS BEEN REJECTED FOR NO  
VALID GROUNDS.**

---

**Prayer in Appeal**

**On acceptance of this service appeal,  
the orders dated 02.07.2019 and  
19.06.2019 may please be set aside and  
the appellant may please be reinstated  
into service with all back and  
consequential benefits,**

**Any other relief, this Hon'ble Tribunal  
which deems fit and appropriate tha  
may also be awarded in favour of the  
appellant**

---

**Respectfully Sheweth:-**

1. That the appellant was working/performing his duty as Chowkidar in the Revenue Academy Since 2006 and performed his duty upto the entire satisfaction of his superior and no complaints has been filed again him.

2. That in the year 2018, the Provincial govt. plan to shift the revenue academy from Karak to ~~Phase-III~~ to phase-III Chowk Hayatabad, Peshawar
3. That the appellant submitted an application before the respondent No. ~~4~~ and ~~3~~ to transfer the services of the appellant to the office of Assistant Commissioner Karak from respondent No. ~~2~~ <sup>Respondent no 5.</sup> the office of principal Revenue Academy Karak/Peshawar and respondent No. ~~4~~ was kind enough to transfer the services of appellant from Revenue Academy Karak to the Office of Assistant Commissioner Karak vide office order dated 10.10.2018. (Copies of the Application and Transfer Order dated 10.10.2018 dated 19.03.2019 are attached as annexure "A").
4. That accordingly the Appellant was performing his duty in the office of Assistant Commissioner Karak, respondent No. ~~5~~ appellant suddenly received office order No.7229/LR-1/1281 Endst No.7230-237/LR-1/12.

(Copy of the order dated 19.06.2019 is attached as annexure "B")

5. That the appellant filed departmental Appeal against the order dated 19.06.2019 which was also rejected on 02.07.2019 communicated/ received by hand on 05.08.2019 to appellant for no ground. (Copies of the departmental Appeal and rejection order are attached as annexure "C").
6. That now the appellant approaches this Hon'ble Tribunal on the following ground:

**G R O U N D S:**

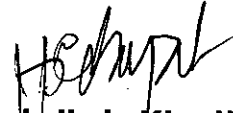
- A. That the impugned orders dated 02.07.2019 and 19.06.2019 passed by the respondents are patently illegal, against facts and evidence available on file, hence liable to be reserved and set aside.
- B. That no fact findings inquiry, issuance of show cause notices whatsoever has been issued to the appellant as prescribed in the services law and judgments of the superior court.

- C. That the appellant till date is performing his duty in the office of the Assistant Commissioner Karak respondent No.4 and no question of absence from duty arise in the case of appellant.
- D. That the appellant has been badly condemned unheard which is against the settled provision of law, judgments of the higher forums and equity.
- E. That all the impugned proceedings in shape of one sided inquiry has been conducted at the back of the appellant which is against the law and judgments of higher forums.
- F. That any other grounds will be raised at the time of arguments with the permission of this Hon'ble Court.

It is, therefore most humbly prayed that on acceptance of this service appeal, the impugned orders dated 02.07.2019 and 19.06.2019 may please be set aside and the appellant be reinstated into services with all

back benefits and be allowed to perform his duty in the office of Assistant Commissioner (Respondent No.4).

Appellant  
Through

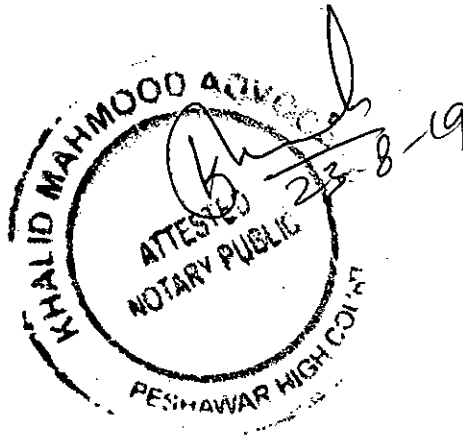


**Hidayatullah Khattak**  
Advocate High Court

Dated 22/08/2019

**AFFIDAVIT**

I, Ameer Ullah, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




**DEPONENT**

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

Service Appeal No. \_\_\_\_\_/2019

Ameer Ullah.....**Appellant**

**V E R S U S**

Govt. of Khyber Pakhtunkhwa through Secretary/Senior member Board of Revenue & others.....**Respondents**

**ADDRESSES OF PARTIES**

**APPELLANT:**

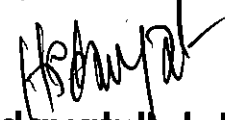
Ameer Ullah Son of Abdul Ajab Khan, Ex-Chowkidar Dar Revenue Academy, Tehsil & District Karak

**RESPONDENTS:**

- 1) Govt. of Khyber Pakhtunkhwa through Secretary/Senior member Board of Revenue Civil Secretariat, Peshawar
- 2) Principal Revenue School/Academy Phase-III Chowk Hayatabad, Peshawar
- 3) Director Land Record Khyber Pakhtunkhwa
- 4) Deputy Commissioner Karak
- 5) Assistant Commissioner Karak

Through

  
Appellant

  
**Hidayatullah Khattak**  
Advocate High Court

Dated 22.08.2019

خدمت جناب ڈیپٹی کمشنر صاحب ضلع ٹرک

عنوان: درخواست بابت تھریڈنگ سروس

جناب عالی!

عوڈبائے تزارش کی جاتی ہے کہ میں ٹیوار ریوینو اکیڈمی رزرو  
میں بطور جوڈیئر خدمات سے ریٹائر ہو گیا ہوں۔ میں ضلع  
ٹرک کا باشندہ ہوں چونکہ صوبائی حکومت نے ریوینو اکیڈمی  
ٹیسٹ اور منتقلی کرنے کا اعلان کیا ہے۔ جبکہ میں ایک ممبر  
اور سابق ایگرا ہوں۔ تیسوار میں ٹوری کرنا چاہتا ہوں۔  
مجموعی ٹرک میں نائب ٹیچر کے صدر اسامیاں خالی ہیں۔ آپ  
صامیان سے تزارش ہے کہ میری ٹوری ریوینو اکیڈمی سے تھریڈنگ  
کراؤ دفتر بنا کرنے کے احکامات ہمارے فرمائیں۔ شکریہ  
میں خواہتا ہوں

الغری



ایکٹا لبرار علی امیر اللہ جوڈیئر ریوینو اکیڈمی رزرو

Amir  
- EA  
1963

ATTESTED



خدمت جناب ڈپٹی کمشنر صاحب ضلع لکڑ

درخواست بابت تھیرلی سروس

ضابطہ عالیہ  
کہ یہ من سامیل شواری رولونو اللہی لکڑ  
میں رجسٹرڈ ہو لیدار ڈپٹی سہرا جام

دنیاموں  
کہ یہ صوبائی حکومت نے رولونو اللہی لکڑ  
میں سیارہ منتقل کرنے کا اعلان کیا ہے۔

کہ یہ من سامیل ایک غریب شخص ہے اور  
کوڑھے بیمار والدین کا اکلوتا سیارہ  
ہے۔ سیارہ میں ڈپٹی سہرا جام دیلی سے

کوڑھے والدین کی رگھواری والا کوئی اور نہ ہے  
کیونکہ تحصیل لکڑ میں نائب قاضی خدی  
اسامیوں خالی ہے۔

لہذا اس سے خود جان بچا کر  
کہ من سامیل کی کوڑھی رولونو اللہی سے تھیرلی  
کے تحصیل لکڑ میں خالی نائب قاضی کی کسی  
اسامیوں ڈپٹی لکڑ کی اسقامات دی جاسکے۔

19/3/2018

محمد رشید ولد محمد الحق خان  
کو لیدار رولونو اللہی لکڑ

Ahio

ATTESTED

10

**OFFICE OF THE PRINCIPAL REVENUE ACADEMY,**  
**KARAK.**

Office order:-

Dated: 10.10.2018.

No: 948 /AC/RA/KK. Mr. Amir Ullah chowkidar Revenue Academy Karak is hereby directed to perform duty in the office of the Assistant Commissioner / Principal Rev: Academy Karak with immediate effect in the interest of general public till further order.

Principal Revenue Academy/  
Assistant Commissioner,  
Karak

Endst: of even No: & date:

Copy forwarded to Official concerned for compliance.

Principal Revenue Academy/  
Assistant Commissioner,  
Karak

**ATTESTED**

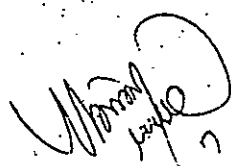
11

OFFICE OF THE PRINCIPAL REVENUE ACADEMY,  
KARAK.

Office order:-

Dated: 10.10.2018.

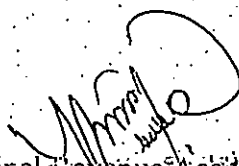
No: 948 /AC/RA/KK. Mr. Amir Ullah chowkidar Revenue Academy Karak is hereby directed to perform duty in the office of the Assistant Commissioner / Principal Rev: Academy Karak with immediate effect in the interest of general public till further order.



Principal Revenue Academy/  
Assistant Commissioner,  
Karak

Endst: of even No: & date:

Copy forwarded to Official concerned for compliance.



Principal Revenue Academy/  
Assistant Commissioner,  
Karak

**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
 (DIRECTOR LAND RECORDS & REVENUE)  
 REVENUE AND STATE DEPARTMENT  
 PHONE: 091-9210057 FAX: 091-9212429

**NOTIFICATION**

Dated Peshawar the 19/06/2019

Amroze L. An

No. 7229 /LR-I/12SL. Whereas; Mr. Ameerullah ~~or~~ Abdul Ajab while posted as Chowkidar (BS-03) in Revenue School/Academy Peshawar was proceeded against under the prevailing Policy/Rules for non-compliance of the orders of the competent authority as he was directed to report for official duty at the said School/Academy vide communication letters dated 27.02.2018 and dated 16.04.2018 respectively, but he failed to comply with till 17.06.2019 without any information or prior permission as per report of the Principal/Instructor of the School/Academy ibid.

AND WHEREAS: he was issued show cause/notice, but he did not bother to comply with and remained absent from duty till 17.06.2019.

AND WHEREAS: being contract/temporary employee, he was given final notice and given opportunity to mend his way but yet to report as such was show caused/Noticed.

AND WHEREAS: I, Muhammad Khulid, Zaman, Director Land Records, Board of Revenue, Khyber Pakhtunkhwa, after having examined the charges, evidence produced & recommendation of Principal Revenue School/Academy.

AND THEREFORE: I, as Competent Authority in exercise of the power under Rule/Policy, the services as Chowkidar Revenue School/Academy of Mr. Ameerullah ~~or~~ Abdul Ajab are hereby terminated with immediate effect.

Director Land Records,  
 Khyber Pakhtunkhwa

Endst: No. 7230-237 /LR-I/12SL.

Copy forwarded to the:-

- 1) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2) Deputy Commissioner, Karak.
- 3) Principal Revenue School/Academy, Peshawar.
- 4) Assistant Commissioner (Revenue), Karak.
- 5) District Accounts Officer, Karak.
- 6) Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 7) Official concerned.
- 8) Office order file.

Director Land Records,  
 Khyber Pakhtunkhwa

**TESTED**

12-A

BETTER COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTOR LAND RECORDS/CHIEF SETTLEMENT OFFICER  
REVENUE AND ESTATE DEPARTMENT  
PHONE# 091-920057 FAX 0919213987

Dated Peshawar the 19/06/2019

**NOTIFICATION**

**NO 7229/LR-I/1281** Where, Mr. Ameerullah s/o Abdul Ajab While posted as Chowkidar (BPS-03) in Revenue School/Academy Peshawar was proceeded against under the prevailing Policy/Rules For non-compliance of the orders of the competent authority as he was directed to report for official duty at the said school/Academy vide communication letters dated 27/02/2018 and dated 16/04/2018 respectively, but he failed to comply with till 17.06.2019 without my information or prior permission as per report of the Principal/Instructor of the School/Academy ibid.

**AND WHEREAS;** he was issued Show cause/notice but he did not bother to comply with and remained absent from duty till 17.06.2019.

**AND WHEREAS :** being contract/temporary employee, he was given final notice and given opportunity to mend his way but yet to report as such was show cause/Noticed.

**AND WHEREAS:** I Muhammad Khalid Zaman, Director Land records. Board of Revenue, Khyber Pakhtunkhwa . after having examined the charge, evidence produced & recommendation of Principal Revenue School/Academy.

**AND THEREFORE:** I as content Authority in exercise of the power under Rule/policy the service as Chowkidar Revenue School/ Academy of Mr. Ameerullah s/o Abdul Ajab are hereby terminated with immediate effect.

**DIRECTOR LAND RECORDS  
Khyber Pakhtunkhwa**

ENDST; NO 7230-237/LR-I/1280....

**Copy forwarded to the;**

1. Accountant General, Khyber Pakhtunkhwa , Peshawar
2. Deputy Commissioner, Karak.
3. Principal Revenue School/Academy, Peshawar.
4. Assistant Commissioner (Revenue) Karak.
5. District Accounts Officer, Karak.
6. Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
7. Official concerned.
8. Officer order file.

**DIRECTOR LAND RECORDS  
Khyber Pakhtunkhwa**

*Attyll  
Attyll  
to be trans copy*

13

Anexes

To

Senior Member Board of Revenue,  
Director Land Records/Chief Settlement Officer  
Revenue & Estate Department  
Govt. of Khyber Pakhtunkhwa, Peshawar

Subject: **REPRESENTATION/APPEAL AGAINST THE IMPUGNED  
NOTIFICATION NO.7229/LR-I/1281 DATED  
19.06.2019**

Respected Sir

The petitioner submits as under:

1. That the petitioner/appellant was serving as Chowkidar (BSP-03) in Revenue Academy Karak since 2006.
2. That the petitioner/appellant has been terminated from service vide impugned order dated 19.06.2019, which is to be set aside on the following grounds:

**GROUND S:**

- I- That the service of the appellant has been terminated without complying the legal and codal formalities enshrined in E&D Rules 1973.
- II- That the appellant/petitioner has been condemned unheard which is against the settled law of natural justice and equity.
- III- That the impugned order dated 19.06.2019 is against the spirit of natural justice.


**ATTESTED**

14

- IV- That there is no complaint whatsoever against the appellant.
- V- That alleged notices mentioned in the impugned order dated 19.06.2019, are one sided and not received to the appellant.
- VI- That the appellant has completed half of his services i.e. 13 years in the Revenue Department without any complaints.
- VII- That the order dated 19.06.2019 is patently illegal and unconstitutional as the higher forum has laid down certain principles for it which has not been complied in the case of the appellant.

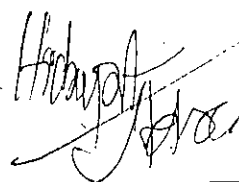
Therefore, it is humbly submitted that the impugned order dated 19.06.2019 may please be set aside and the appellant may please be reinstated on the post according to law and rules with all back benefits

Dated 08.07.2019

Appellant  
  
Amirullah  
S/o Abdul Ajab Khan  
R/o Faqir Khel, Tor Dhand, Karak  
Cell No. 0333 9714158

Through

Counsel



  
**ATTESTED**



15

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

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

No. 8243 /LR-I/K.C/Amirullah  
Peshawar Dated 2 /07/2019

To,

✓ Mr Amirullah,  
Ex-chowkidar Revenue Academy.

SUBJECT: REPRESENTATION/APPEAL AGAINST THE IMPUGENED NOTIFICATION NO.7229/LR-I/128 DATED 19.06.2019

Memo:

I am directed to refer to your departmental appeal dated 08.07.2019 on the subject noted above and to state that your appeal has been examined and filed by the competent authority.

DIRECTOR LAND RECORDS,  
KHYBER PAKHTUNKHWA

Endst: No. 8244-45 LR-I/K.C/Amirullah  
Copy forwarded to the:-

- 1) Principal, Revenue Academy, Peshawar.
- 2) PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.

DIRECTOR LAND RECORDS,  
KHYBER PAKHTUNKHWA

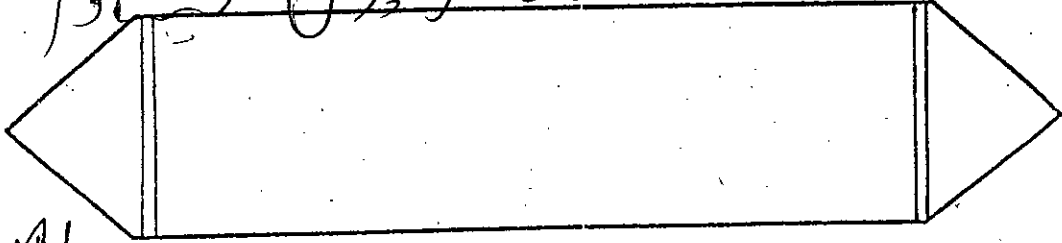
*Also inform him telephonically.*

*Received on 5/8/2019  
by Hand*

**REGISTERED**



# بعدالت سرپرست سر بیوی لکھنؤ



20 جناب امیر اللہ  
امیر اللہ بنام حکومت

موزخہ  
مقدمہ  
دعوی  
جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
آن مقام لکھنؤ کیلئے امیر اللہ بنام حکومت کے  
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 ثالت ہ فیصلہ بر حلف دیئے جواب دہی اور قبالی دعوی اور  
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیدار عرضی دعوی 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 منسوخ  
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 لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ التوائے مقدمہ کے سبب سے وہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

\_\_\_\_\_ گواہ العبد

CNIC 14202-2723817-7

کے لئے منظور ہے۔

بمقام

لکھنؤ

GOVERNMENT OF N.W.F.P.  
DIRECTORATE OF LAND RECORDS

Peshawar dated the 10/10/2006

OFFICE ORDER

No. /LR-1/128-11. The Competent Authority is pleased to order for appointment of Mr. Amirullah son of Abdul Ajab, Resident of Tehsil & District Karak as Chowkidar (BPS-01) in the Revenue Academy Karak, against the vacant post in relaxation of ban in the light of amendment in the Contract Policy dated 10.08.2006 with the following terms and conditions:

1. He shall, for all intents and purposes, be Civil Servants except for the purpose of pension or gratuity. In lieu of pension and gratuity, he will be entitled to receive such amount contributed by him towards contributory provident Fund (C.P.F) along-with the contributions made Government to his account in the said fund, in the prescribed manner.
2. He will be governed by the NWFP Civil Servants Act, 1973, all the laws applicable to the Civil Servants and Rules made there-under.
3. He will initially be on probation for a period of two years extendable up to three years.
4. His services will be liable to termination at any time without assigning any reason before the expiry of the period of his probation/extended period of probation, if his work during this period is not found satisfactory. In such an event, he will be given a month's notice of termination from the service or one month's pay in lieu thereof. In case he wish to resign at any time a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
5. His services shall be liable to termination during initial/extended period of probation without any notice.
6. He will join duty at his own expenses and he will not be entitled to any TA/DA on his first appointment as Chowkidar (BPS-10).
7. His inter-se-seniority will be fixed on merit later on.
8. He will produce Medical Fitness Certificate from the Authorized Medical Authority.

If the above terms and conditions of appointment are acceptable to him he should report his arrival to the Department immediately. The offer of appointment shall be deemed to be cancelled if he failed to report his arrival within fifteen days from the date of issuance of this order.

Sd/  
Director  
Land Record, N.W.F.P.

Endst: No.2432-39/LR-1/128-H.

Copy of the above is forwarded to:-

1. P.S. to Senior Member, Board of Revenue, NWFP.
2. Section Officer-V, Chief Minister's Secretariat, NWFP, with reference to his letter dated 11.09.2006.
3. The Accountant General, NWFP.
4. Principal, Revenue Academy Karak.
5. District Accounts Officer Karak.
6. Applicant concerned.
7. Personal File.
8. Office order file.

Sd/  
Director  
Land Record, N.W.F.P.

ANNEX - A/A

گھور جا۔ یہ ہے کہ اگر اس میں ترمیم ہو  
حیرت انگیز اور شگفتہ

عنوان = ریفریجریٹ اور علاقائی تقورات

اپریل ۱۵۸۶ آف ۲۰۱۹ تقورات

اصولاً بنام صوبائی حکومت

تہا۔ عالی۔ صورت بیان گذارش ہے کہ سائل  
کو مندرجہ بالا عنوان اپریل صورت تقورات  
درکار ہے

لینڈ اسٹریٹ کے تہ سائل کو صورت  
تقورات کی علاقائی کما اجازت فرمائی

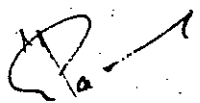
طریقہ التعمیر و ترمیم صورت ۱۲/۱۶  
تعمیر مارٹاہ و لہ عزیز خان

کنڈریٹ - ۱۵/۱۲/۱۹  
Attached

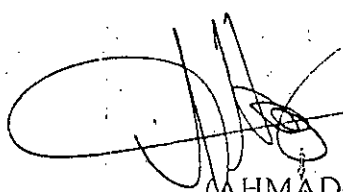
15

appellant and instructions of Governor, Khyber Pakhtunkhwa dated 11.05.2012 were equally applicable in his case. Respondents have also not been able to rebut the claim of the appellant that he served in FATA for more than eight years as regular employee. A government servant having rendered more than eight years service could not be shown exit door by a single stroke of pen. He should have been dealt with according to the invogue rules and observance of codal formalities confirmed therein. As right of defense was not afforded to him, thus, condemned unheard. Action on the part of respondents was arbitrary, erratic, illegal and unlawful. In the present case factual controversy is involved and can only be resolved by conducting regular/proper enquiry under the prevalent rules.

7. As a sequel to the above, the instant appeal is accepted, impugned order dated 31.05.2016 is set aside and the appellant is reinstated in service. The respondents are directed to conduct proper enquiry strictly in accordance with law and rules within a period of ninety days after the date of receipt of this judgment and thereafter pass orders as deemed appropriate. The issue of back benefits shall be subject to the final outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.




(MUHAMMAD HAMID MUGHAL)  
MEMBER



(AHMAD HASSAN)  
MEMBER

**ATTESTED**

ANNOUNCED  
11.07.2019

Certified to be a true copy  
  
 Secretary  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

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

**Service Appeal No.1087 of 2019**

Ameer Ullah s/o Abdul Ajab Khan, Ex-Chowkidar Revenue Academy Peshawar ..... Appellant

**VERSUS**

1. Govt: of Khyber Pakhtunkhwa through Secretary/Senior Member, Board of Revenue, Civil Secretariat, Peshawar.
2. Principal Revenue School/Academy Phase-III Chowk Hayatabad, Peshawar.
3. Director Land Records, Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner, Karak.
5. Assistant Commissioner, Karak ..... Respondents

**Comments on behalf of Respondents No. 1 to 5 are as under:-**

**PRELIMINARY OBJECTIONS.**

- a. That the Appellant was a contractual employees and has no right to claim regular service as such his appeal is not entertainable in this Hon'able court.
- b. That the Appellant was earlier removed from service on the ground of his misconduct, misbehavior, lethargic attitude and his willful absence.
- c. That the Appellant has got no cause of action.
- d. That the Appellant has not come with clean hands to this Honourable court.
- e. That the Appellant has no locus standi to bring the present petition.
- f. That the Appellant has no legal grounds in support of their petition.
- g. That the appeal is bad on account of non-joinder and mis-joinder of necessary parties.

**FACTS.**

1. Incorrect. When the appellant was serving against the contractual post of Chowkidar, many reports/complaints with regard to his willful absence, lethargic attitude & misconduct were received against the appellant. Some of them are annexed as (Annexures A, B, & C). Besides, explanations were also called for vide (Annexures - D & E). Furthermore, once he was removed from service on the grounds of his misconduct, lethargic attitude, misbehavior, willful absentees, etc, however, was re-instated on the directions of the Hon'able Court. His overall performance was not to the entire satisfaction. Even his attitude & behavior to his colleagues was also not good.
2. Shifting the Academy in the year 2018 is incorrect. However, part-II of this para is correct to the extent that since the Revenue Academy was temporarily established in a building owned by Technical Education Karak where a Khushal Khan Khattak University was established, therefore, the Respondent Department constructed a new building at Phase-III Chowk Hayatabad, Peshawar and accordingly shifted the said Revenue Academy with its HR to the said newly constructed Revenue Building at Peshawar on 11/03/2019 (Annexure-F).
3. Totally incorrect and misleading. The appellant was a contractual employee and since the Charge of the Respondent No.2 (being vacant) was temporarily assigned to Respondent No.5, therefore, the appellant was directed to perform his duties with him vide order dated 10.10.2018 (Annexure-G). Since the appellant was reluctant to perform duty, therefore, a written direction was issued vide order referred to above. Besides, contractual services are not transferable against regular service. The services of the appellant were never transferred to any other department or office. However, at the time of terminating his services, he was serving in Revenue Academy at Peshawar.
4. Incorrect. Since the post of Principal Revenue Academy was vacant, therefore, additional charge of the said post was temporarily assigned to Assistant Commissioner Karak. Besides, clear cut directions/instructions, the appellant never performed his duty with Assistant Commissioner, therefore, he relieved all the officials of the Academy including the appellant vide letter No.128/AC/Gen:/KK, dated 25.01.2019 (Annexure-H). Later on, when the Academy was shifted

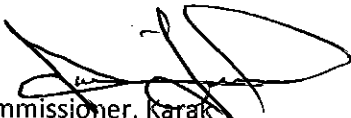
to Peshawar on 11/03/2019, which is full facilitated with residential accommodations, communication, Roads, transportation, water, Electricity etc, the appellant even did not perform a single day duty. As such after fulfilling the codal formalities, the appellant was terminated from service being contractual employee.

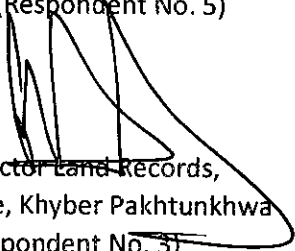
5. Correct to the extent that when the services of the appellant (being contractual employee) were terminated on the ground of misconduct & lethargic attitude, he filed appeal, which was rejected by the Appellate Authority (**Annexure-I**). The said rejection was duly delivered/received by him well in time.
6. Since the appellant was a contractual employee, therefore, was terminated on the grounds as specified in Para-1 above as such has no right to prefer appeal before this Hon'able court.

**GROUNDS.**

- A. Incorrect. The appellant was given repeated opportunities to be careful, mend his ways and perform his duty but he did not comply. Therefore, after fulfilling codal formalities, the services of the appellant were terminated. Since the services of the appellant were not covered by the Civil Servants Act 1973, therefore, his appeal is not entertainable in this Hon'able tribunal.
- B. Incorrect. Since the services of the appellant were contractual and not regular, therefore, Govt: of Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules 2011 are not applicable to the appellant, hence, there was no need to issue any show cause notice.
- C. Incorrect. Though directions/instructions were issued to the appellant to perform his duty, but the appellant even did not perform a single day duty with Respondents No. 1 to 5, but was reluctant, therefore, his services were terminated on the ground of misconduct and willful absence. Earlier, the appellant was removed from service on the same grounds (**Annexure-J**), but was reinstated on the directions of the Hon'able Court. However, the appellant did not mend his ways at all, therefore, was terminated being contractual employee.
- D. Incorrect. All other contractual employees including the appellant were being equally treated and no legal right of any one is violated to file the instant appeal.
- E. Incorrect. The appellant was time and again warned to be careful but he did not comply, therefore, was proceeded accordingly.
- F. The Respondents may kindly be allowed for any additional grounds/provision of evidences at the time of arguments.


Keeping in view the above scenario, the appeal of the appellant being contractual employee and having no force of law may very kindly be dismissed with cost.

  
Assistant Commissioner, Karak  
(Respondent No. 5)

  
Director Land Records,  
Revenue, Khyber Pakhtunkhwa  
(Respondent No. 3)

  
Deputy Commissioner, Karak  
(Respondent No. 4)

  
Principal, Revenue Academy Peshawar  
(Respondent No. 2)

  
Senior Member,  
Board of Revenue, Khyber Pakhtunkhwa  
(Respondent No. 1)

23/

Office of the Principal,  
Revenue Academy, Karak.  
No: 63 /Rev: A.  
Dated: 5/7 /2008.

To:- The Director Land Records  
NWFP, Peshawar,

Subject:- Absence from duty by Amir Ulah Chowkidar, Revenue  
Academy, Karak.

Memo:-


Mr. Amir Ullah Chowkidar was appointed in the Revenue Academy Karak vide your office order No: 1526-33-1/12-G dated 09.6.2007.

The official concerned is in-disciplined and has developed a trend to approach the high ups and brings political pressure upon his bosses by one way or the other.

On a written complaint by his colleague chowkidar, the official concerned found absent from duty, an enquiry was conducted against him vide office order No: 3780/RA dated 17.8.2007(photo copy attached). After enquiry he was placed under observation vide office order No: 3793-96/RA dated 14.9.2007 (Photo copy attached). It is further added that his colleague chowkidar again submitted a written complaint regarding his absence from duty.(photo copy attached)

During my surprise checks on various dates, he has been continuously found absent. He has been advised verbally by the undersigned to mend his ways but to no avail. His salary for May 2008 was even withheld for two days with a view that the official concerned will seek lesson but he is incorrigible. The official concerned has not yet completed probation period of 3 years yet. It merits mention here that valuable official equipments / records lies in the revenue academy. The post is therefore a very important and calls full attention on the part of chowkidar which does not exist in the above named official.

In view of the above, it is requested that before happen of an accident, the official concerned may be removed from service with immediate effect.

  
Principal,  
Revenue Academy, Karak.

Registered

DISTRICT COORDINATION OFFICE  
KARAK

No. 2087/PS/Administration

Dated Karak the 06 /10/2009

To The Director  
Land Record NWFP,  
Peshawar.

Subject:- COMPLAINT AGAINST AMIR ULLAH CHOWKIDAR REVENUE  
ACADEMY KARAK.

Memo.

Various complaints against Amir Ullah Chowkidar of Revenue Academy Karak have been received by the undersigned regarding his involvement in sabotage activities. Due to his involvement in political affairs, the District Administration has faced serious law & order problems on several occasions. Besides, the above named official is habitual absentee from duty and does not perform the duty of class-IV servant. The above allegations are proved during recent surprise visit of the undersigned to Revenue Academy. The District Officer / Principal Revenue Academy Karak were directed to take disciplinary action against the officials concerned.

In view of above, the said official is hereby relieved of his duties as Chowkidar at Revenue Academy Karak and directed to report to you for further posting and with the request to initiate disciplinary proceedings against him under RSO-2000.

  
DISTRICT COORDINATION OFFICER  
KARAK.



Office of the Principal,  
Revenue Academy, Karak.  
No: 210 /Rev:Acad:  
Dated: 11/5 /2009.

49  
✓  
AC/EA  
Rt. Process.  
D Co 102  
15/5/09

To:- The Director Land Records,  
NWFP, Peshawar.

Subject: Disciplinary action against Amir Ullah Chowkidar Revenue Academy, Karak.  
Memo:-

Kindly the inaction, misconduct and negligence in duty committed by Mr. Amir Ullah Chowkidar Revenue Academy, Karak is brought in your notice with following lines:-

1. On 7.5.2009, Distt : Nazim, District Coordination Officer, and Distt : Officer Revenue & Estate, -Karak paid visit to Revenue Academy Karak in pursuance of complaint made by the student. During course of visit, the officers noted with great concern, the dirty and filthy look of the Academy. The rubbish were lying in the veranda of the Academy. The District Coordination Officer, District Nazim, Karak issued directions of stoppage of the salaries of class-IV of the Academy with immediate effect. The officers also desired early cleansing of the Academy area.
2. On 09.5.2009, your good office also conducted inspection of the Academy. On the close of your tour program, all the class-IV were directed to start the cleansing of the Academy area. One of the class-IV servants namely Amir Ullah Chowkidar refused compliance with the orders issued by the competent authority. The devil-dare Chowkidar stated in the presence of other staff that he was not subordinate to District Coordination Officer, Karak.
3. This is also important to pinpoint that the said Chowkidar bears patchy record of service. He was earlier proceeded against departmentally and one of the departmental actions taken against the Chowkidar culminated in imposing penalty of stoppage of his 03 annual increments. He was discharge of the charges in another enquiry as he sought apology.
4. Chowkidar Amir Ullah is not only habitual absentee but he is also acting in the manner pre-judicial to the services discipline. The lethargic conduct of Chowkidar warrants harsh action. His services have not yet been confirmed. He is still in probation period. He failed to deliver to the satisfaction of Senior Officers during probation period. Any leniency into the action against Chowkidar Amir Ullah would amount to encouragement of the inefficient Civil servant.
5. In view of the position explained above, he may be removed from service by dispensing with conduct of enquiry proceedings, because he committed gross misconduct in view of the senior Officer and he is still probationer please.

Endst. of even No: & Date:

Copy forwarded to:-

1. The Distt : Coordination Officer, Karak.
2. The Secretary Board of Revenue, NWFP, Peshawar.
3. The PS to SMBR, Board of Revenue, NWFP, Peshawar.
4. The District Nazim Karak.

No 3932/09  
16/5/09  
Principal,  
Revenue Academy, Karak.

Principal,  
Revenue Academy, Karak.

268

Mohammad Atiq  
Principal Revenue Academy, Peshawar  
Phase-III Chowk Hayatabad, Peshawar

SPB/...

**EXPLANATION**

You have been repeatedly directed on telephone to attend the newly office of the Revenue Academy, Phase-III Chowk Hayatabad, Peshawar, whereas you are found absent from duty.

This act on your part renders you liable, as to why strict disciplinary action should not be taken against you under the efficiency & Discipline Rules-2011.

Your reply should reach the undersigned within three days of this receipt otherwise it will be presumed that you have nothing to put in your defence, and in that case, an ex-parte action will be taken against you under the relevant rules.

Principal Revenue Academy,  
Phase-III Chowk Hayatabad, Peshawar.

End of No. and date even.

Copy forwarded PA to the Director Land Records, Khyber Pakhtunkhwa.

Principal Revenue Academy,  
Phase-III Chowk Hayatabad, Peshawar.

Office of the Principal  
Revenue Academy Karak

No 3764 /Princ.  
Dated 15/7 /2007.

113

To: Amir Ullah  
Chowkidar Revenue Academy Karak.

Subject:- EXPLANATION

Memo:

On 13-7-2007 at 11.45 to 12.30 the undersigned conducted surprise check of Revenue Academy Karak, but you were found absent from duty without application/permission of the undersigned. your such action on the part of a Govt. official is clearly misconduct/violation of rules.

You are hereby called to explain in writing that why you should not be proceeded under the Removal from Service (Special Powers) Ordinance 2000. your reply should reach the undersigned within three days.

*gc*  
Principal  
Revenue Academy, Karak.

*u*  
*[Signature]*

15/7

257



Phone: 091-9210057

E-Mail: landrecord.kpk@gmail.com

fb.com/landrecord.kpk

@LandrecordKP

Peshawar dated the 11 /03/2019.

NOTIFICATION.

No. 3693 /LR-I/Revenue Academy/Pesh.. The Competent Authority is pleased to transfer the Revenue Academy from Karak to the newly constructed building at Phase-III Chowk Hayatabad Peshawar.

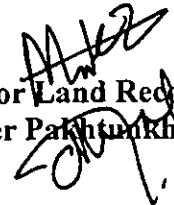
Consequently, the shifting of concerned staff of the said Academy/Revenue School is ordered from Karak to the said newly constructed Revenue School/Academy with immediate effect for smooth running the said Academy/School.

Approved by  
Senior Member

Endst: No. LR-I/Revenue Academy/Pesh:/ 3694-98

Copy forwarded to the :-

1. Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Principal Revenue Academy, Peshawar with the remarks to direct all the concerned staff to report to the newly established Revenue School/Academy Peshawar.
3. Budget Officer, (PAC/Coord: ), Finance Department with the request to shift all the posts with its budgetary provision from Karak to Peshawar under relevant head of account please.
4. Budget & Accounts Officer, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
5. PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

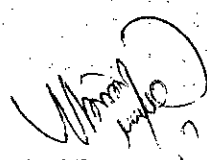
  
Director Land Records,  
Khyber Pakhtunkhwa.

**OFFICE OF THE PRINCIPAL REVENUE ACADEMY,**  
**KARAK.**

Office order:-

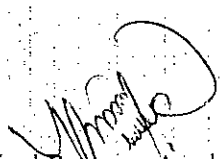
Dated: 10.10. /2018.

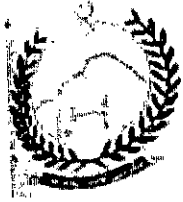
No: 948 /AC/RA/KK. Mr. Amir Ullah chowkidar Revenue Academy  
Karak is hereby directed to perform duty in the office of the Assistant  
Commissioner / Principal Rev: Academy Karak with immediate effect in the  
interest of general public till further order.

  
Principal Revenue Academy/  
Assistant Commissioner,  
Karak

Endst: of even No: & date:

Copy forwarded to Official concerned for compliance.

  
Principal Revenue Academy/  
Assistant Commissioner,  
Karak



Assistant Commissioner  
Karak

No. 128 /AC/Gen./KK

Dated Karak the 25-1- /2019

To,  
The Director Land Records,  
Khyber Pakhtunkhwa, Peshawar.

Subject:  
Memo:


**BUDGET CALL CIRCULAR FOR THE FINANCIAL YEAR 2019-20.**

Please refer to Budget & Accounts Officer No 40133-52 date 21.12.2018.

As your good honour is well aware that all staff of Rev: Academy Karak has been directed to report to your office vide No 1114/AC Karak dated 15/11/2018 and they have been relieved. They are not performing duty here any more.

Therefore, following correspondence letters are attached in original for further processing please.

1. Bud-I/BCC/2018-19.40133-52 dated 21.12.2018
2. VI/Admn/PMRU/Vol-III/2018/40283-337 dated 24.12.2018
3. SO-Lit/SWD/1-100-2014/5096 dated 24.12.2018
4. BOIX.FD/4-3-RE-Meeeting 2018-19 dated 18.12.2018.
5. BOIX.FD/4-3-RE-Meeeting 2018-19 dated 21.12.2018
6. Ad:VI/PMRU/vol-III/2017/38437-55 dated 04.12.2018.
7. 38860-67/A&A/A.Accounts-2014-15/PAC dated 07.12.2018.
8. A&A/A.Accounts/2015-16/PAC/39723-39 dated 17.12.2018.

  
Assistant Commissioner  
Karak  
23/1/19



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE AND ESTATE DEPARTMENT

PHONE # 091-9210057

FAX # 091-9213989

E-MAIL: LANDRECORD.KPK@GMAIL.COM

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

No. 8243 /LR-I/K.C/Amirullah  
Peshawar Dated 2 /07/2019

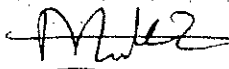
To,

✓ Mr Amirullah,  
Ex-chowkidar Revenue Academy.

SUBJECT: REPRESENTATION/APEAL AGAINST THE IMPUGENED  
NOTIFICATION NO.7229/LR-I/128 DATED 19.06.2019

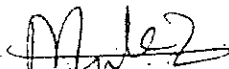
Memo:

I am directed to refer to your departmental appeal dated 08.07.2019 on the subject noted above and to state that your appeal has been examined and filed by the competent authority.

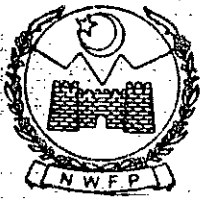
  
DIRECTOR LAND RECORDS,  
KHYBER PAKHTUNKHWA

Endst: No. 8244-45 LR-I/K.C/Amirullah  
Copy forwarded to the:-

- 1) Principal, Revenue Academy, Peshawar.
- 2) PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.

  
DIRECTOR LAND RECORDS,  
KHYBER PAKHTUNKHWA

*Also inform him  
telephonically.*



OFFICE OF THE  
DIRECTOR LAND RECORDS/INSPECTOR  
GENERAL OF REGISTRATION, NWFP.

No. \_\_\_\_\_ /  
Peshawar dated the... 06/02/2010

OFFICE ORDER.

No. \_\_\_\_\_ /Enq:/Amirullah/KC. WHEREAS, on the written report/ complaint of District Coordination Officer, Karak and Principal, Revenue Academy, Karak vide their letters No. 2087/PS/Administration, dated, 06/10/2009 and No. 63/Rev:/A, dated, 05/07/2009 respectively, an Enquiry Committee was constituted comprising District Officers (R&E)/Collectors, Karak and Kohat vide No. 1315-16/LR-I/128-J, dated, 04/11/2009 to conduct proper enquiry as required under Section-5 of the NWFP Removal from Service (Special Power) Ordinance-2000.

AND WHEREAS, the Enquiry Committee, after detailed examination/scrutiny, were of the opinion and came to conclusion that Mr. Amirullah, Chowkidar did not perform his duties with keen interest, efficiently and honestly as well as often remained absent and found guilty of misconduct, and made recommendation to be proceeded against under NWFP Removal from Service (Special Power) Ordinance-2000 vide No. 492-93/DOR/PA, dated, 07/12/2009.

AND WHEREAS, Mr. Amirullah, Chowkidar, was given the opportunity of personal hearing and was called upon to show cause within the prescribed time as to why disciplinary action as required under Section-3 of the NWFP Removal from Service (Special Power) Ordinance-2000 should not be initiated against him vide No. 1807, dated, 14/12/2009 in response of which he submitted written reply which was found un-satisfactory.

AND WHEREAS, besides imposing penalty of stoppage of 3 increments vide office order No. 9612-16/LR-I/Rev: Academy, KK dated, 27-11-2008 (in earlier similar nature enquiry) complaints were still coming against him.

NOW, THEREFORE, I, (Rasheed Ahmed) as Competent Authority is satisfied that the charges brought against Mr. Amirullah, Chowkidar stands proved and in exercise of the powers conferred upon me by Section-3 of the NWFP, Removal from (Special Power) Ordinance-2000, as amended from time to time, read with Section 8 (A) of the NWFP Government Servants E&D Rules - 1973 do hereby impose the major penalty of "Removal from service" on Mr. Amirullah, Chowkidar, Revenue Academy, Karak with immediate effect.

DIRECTOR LAND RECORDS,  
N.W.F.P.

Endst: No. 147-56 /Enq:/Amirullah/KC.

Copy for information and necessary action is forwarded to the:-

- 1) Private Secretary to Senior Member, Board of Revenue, NWFP.
- 2) District Coordination Officer, Karak with reference to his letter No.2087/PS/Administration, dated, 06/10/2009.
- 3) District Officers (R&E)/Collectors, Karak and Kohat with their letter No. 492-93/DOR&E/PA.  
Principal Revenue Academy, Karak. ✓



20

**SHOW CAUSE NOTICE**

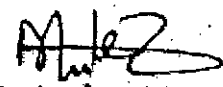
I, **Muhammad Khalid Zaman**, Director Land Record Khyber Pakhtunkhwa, as competent authority under Rules / Policies, do hereby serve you **Amir Ullah Chowkidar (BPS-03)** in Revenue Academy Peshawar as follow:-

1.
  - (i) that consequent upon the report of Principal / Instructor Revenue Academy Peshawar vide No. 008-9/RA/Shif: RA to Pesh:) dated 15.05.2019 against you as well others for which you were given Notice for joining duty at newly established Revenue Academy Peshawar vide communication letters dated 27.02.2018 and 16.04.2018; and
  - (ii) on going through the findings and recommendations of the report of Principal / Instructor Revenue Academy Peshawar, the material on record and other connected papers.

I am satisfied that your these acts and omissions come under the purview of misconduct & inefficiency as such make you liable to be proceeded against under the relevant Rules/Policies.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service as required under the rules /policies.
3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimated whether you desire to be heard in person.
4. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the report of Principal Revenue Academy Peshawar is enclosed.

(Muhammad Khalid Zaman)

  
Director Land Record  
Khyber Pakhtunkhwa

**Amir Ullah,**  
Naib Qaid Revenue Academy Peshawar  
R/O Thor Dand Tehsil & district Karak.

W.B. 21 (7)

**GOVERNMENT OF N.W.F.P.**  
**DIRECTORATE OF LAND RECORDS**

Peshawar dated the 10/10/2006.

**OFFICE ORDER**

NO. /L.R-1/128-II. The Competent Authority is pleased to order for appointment of Mr. Amirullah son of Abdul Ajab, Resident of Tehsil & District Karak, as Chowkidar (BPS-01) in the Revenue Academy Karak, against the vacant post in relaxation of ban in the light of amendment in the Contract Policy dated 10.08.2005 with the following terms and conditions:

1. He shall, for all intents and purposes, be Civil Servants except for the purpose of pension or gratuity. In lieu of pension and gratuity, he will be entitled to receive such amount contributed by him towards contributory provident fund (C.P.F.) along-with the contributions made by Government to his account in the said fund, in the prescribed manner.
2. He will be governed by the NWFP, Civil Servants Act, 1973, all the laws applicable to the Civil Servants and Rules made there-under.
3. He will initially be on probation for a period of two years extendable up to three years.
4. His services will be liable to termination at any time without assigning any reason before the expiry of the period of his probation/extended period of probation, if his work during this period is not found satisfactory. In such an event, he will be given a month's notice of termination from the service or one month's pay in lieu thereof. In case he wish to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
5. His services shall be liable to termination during initial/extended period of probation without any notice.
6. He will join duty at his own expenses and he will not be entitled to any TA/DA on his first appointment as Chowkidar (BPS-01).
7. His inter-se-seniority will be fixed on merit later on.
8. He will produce Medical Fitness Certificate from the Authorized Medical Authority.

If the above terms and conditions of appointment are acceptable to him he should report to this Department immediately. The offer of appointment shall be deemed to be cancelled if he failed to report his arrival within fifteen days from the date of receipt of this order.

*ell*  
Director,  
Land Records, N.W. F. P.

ENDST: NO. 2432-39/L.R-1/128-II.

Copy of the above is forwarded to:-

1. P.S. to Senior Member, Board of Revenue, NWFP.
2. Section Officer-V, Chief Minister's Secretariat, NWFP, with reference to his letter dated 11/09/2006.
3. The Accountant General, NWFP.
4. Principal, Revenue Academy Karak.
5. District Accounts Officer Karak.
6. Applicant concerned.
7. Personal file.
8. Office order file.

*ATTESTED BY*  
Advocate

*Director*  
Director,  
Land Records, N.W. F. P.

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

MR. JUSTICE NASIR-UL-MULK  
MR. JUSTICE TARIQ PARVEZ

**CIVIL PETITION NO. 739-P OF 2010**

(on appeal from the judgment of the KPK  
Service Tribunal, Peshawar (dated 29.09.2010  
passed in Appeal No.943 of 2010)

Senior Member Board of Revenue, KPK etc ...**Petitioners.**

**VERSUS**

Amirullah

...**Respondents.**

For the Petitioners:

Mr. Lal Jan Khattak, Addl. AG.  
Mr. Naseem Khan, Principal, Revenue  
Academy, Karak.

For the Respondent:

N.R.

Date of Hearing:

31.08.2012.

**ORDER**

**NASIR-UL-MULK, J.**—The respondent, a Chowkidar, was removed from service on the allegation of being habitual absentee and for indulging and sabotaging political activities. The Service Tribunal, KPK, by the impugned judgment upheld the charge against him but modified the penalty to stoppage of annual increments for a period of two years. The Petitioner, Senior Member Board of Revenue, through this petition for leave to appeal, has assailed the modification of the penalty. The representative of the Department had produced before us another notice dated 10.06.2011 issued to the respondent subsequent to the present proceedings regarding his continued habit of remaining absent from duty and warned him that in case he fails to mend his ways, disciplinary action may be taken against him.

REGISTERED

2. The learned Additional Advocate General does not want to press this petition in view of the said notice and warning. The Department is at liberty to proceed against the respondent, if the facts so justifies. In view of the petition is, therefore, dismissed as not pressed.

Sd/- Nasir-ul-Mulk,  
Sd/- Tariq Farveez,

For file to be true copy

Muhammad 03/09/2012  
Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar

PESHAWAR  
31st August, 2012.  
Hudassar

*[Signature]*  
31/8

584-P/12  
Date of presentation 31/08/12  
No. of Petition 600  
No. of Pages 6  
Amount of Fee 5  
372  
319/12  
319/12

Mr. Amirullah, Respondent

Amount Paid  
Balance

PKR4004  
 PERS 8: 00361993  
 Name: AMIR ULLAH  
 CHOWKIDAR

CHIC No. 1420277230177  
 GPF Interest Applied  
 04 Active Temporary

PAYS AND ALLOWANCES:		PKR4004
0001-Basic Pay	14,740.00	
1000-House Rent Allowance	1,458.00	
1210-Convey Allowance 2000	1,785.00	
1300-Medical Allowance	1,500.00	
1516-Dress/ Uniform Allowance	150.00	
1567-Washing Allowance	150.00	
2148-15% Adhoc Relief All-2011	322.00	
2199-Adhoc Relief Allow 810%	220.00	
2211-Adhoc Relief All 2016 10%	1,161.00	
Gross Pay and Allowances	25,916.00	

DEDUCTIONS:		
GPF Balance 100,393.00	Subrc: 830.00	
3501-Benevolent Fund	300.00	
4004-R. Benefits & Death Comp:	451.00	

Total Deductions 1,581.00  
 24,335.00

D.O.B 03.12.1980 LFP Quota: NATIONAL BANK OF PAKKARAK CITY  
 12 Years 02 Months 020 Days 11069-3

PKR4004  
 PERS 8: 00362993  
 Name: AMIR ULLAH  
 CHOWKIDAR

CHIC No. 1430277230177  
 GPF Interest Applied  
 04 Active Temporary

PKR4004  
 PERS 8: 00362993  
 Name: AMIR ULLAH  
 CHOWKIDAR

CHIC No. 1430277230177  
 GPF Interest Applied  
 04 Active Temporary

PAYS AND ALLOWANCES:		PKR4004
2224-Adhoc Relief All 7011 10%	1,474.00	
2247-Adhoc Relief All 2016 10%	1,474.00	
2264-Adhoc Relief All 2019 10%	1,474.00	
Gross Pay and Allowances	4,422.00	

DEDUCTIONS:		
GPF Balance 100,393.00	Subrc:	

Total Deductions 1,581.00  
 24,335.00

D.O.B 03.12.1980 LFP Quota: NATIONAL BANK OF PAKKARAK CITY  
 12 Years 02 Months 020 Days 11069-3

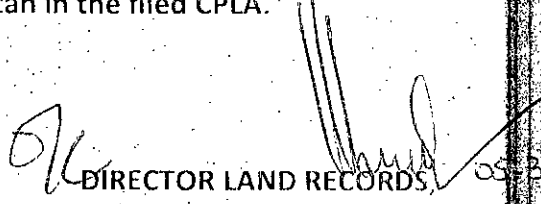
Modify  
as per decision  
of ST

DIRECTORATE OF LAND RECORDS  
KHYBER PAKHTUNKHWA.

Peshawar dated the 5/03/2011.

OFFICE ORDER.


No. 687 /LR-I/Amirullah. In pursuance of the Judgment of Khyber Pakhtunkhwa Service Tribunal, Peshawar dated, 29/09/2010 and order sheet dated, 28/02/2011, the penalty of Removal from Service in respect of Amirullah, Chowkidar Revenue Academy, Karak is hereby modified in to stoppage of two increments for the period of two years from the date of issuance of Judgment dated 29-09-2010 subject to the order/decision of August Supreme Court of Pakistan in the filed CPLA.

  
DIRECTOR LAND RECORDS,  
KHYBER PAKHTUNKHWA.  
Phone: #.091-9210057

Encl: No. 688-97 /LR-I/Amirullah.

Copy for information and necessary action is forwarded to the:-

- 1) Secretary to Government of Khyber Pakhtunkhwa, Law Department.
- 2) Advocate General, Khyber Pakhtunkhwa.
- 3) Advocate on Record, Supreme Court of Pakistan at Peshawar.
- 4) Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference their judgment quoted above.
- 5) District Coordination Officer, Karak.
- 6) Principal, Revenue Academy, Karak.
- 7) Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 8) District Officer (R&E)/Collector, Karak.
- 9) District Accounts Officer, Karak.
- 10) Official concerned.

  
DIRECTOR LAND RECORDS,  
KHYBER PAKHTUNKHWA.  
Phone: #.091-9210057

A  
BILL

*to provide for the regularization of services of certain employees  
appointed on contract basis against the posts in the Settlement Operations  
and Revenue Academy*

**WHEREAS** the Revenue and Estate Department has appointed certain employees on contract basis against the posts in the Revenue Academy and Settlement Operations for the purpose of Land Settlement in various Districts of the Province of Khyber Pakhtunkhwa, however, the services of such employees are not regularized like other employees of Government whose services had been regularized from time to time through legislation;

**AND WHEREAS** it is expedient to provide for the regularization of services of the aforesaid employees, in the public interest;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. **Short title, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Regularization of Services of Employees of Settlement Operations and Revenue Academy Act, 2022.

(2) It shall apply to all the employees as defined in clause (b) of section 2 of this Act.

(3) It shall come into force at once.

2. **Definitions.**--- In this Act, unless the context otherwise requires,-

(a) **“contract appointment”** means appointment of a duly qualified person for a specific period made otherwise than in accordance with the prescribed method of recruitment;

(b) **“employees”** mean duly qualified persons, who were appointed on contract basis, against a post, in,-

(i) Settlement Operation Chitral;

(ii) Re-Settlement Operation Abbottabad, Mansehra and Nowshera; and

✓ (iii) Revenue Academy Peshawar.

(c) **“Government”** means the Government of Khyber Pakhtunkhwa;

(d) **“law or rules”** means law or rules, for the time being in force, governing the selection and appointment of civil servants;

(e) **“post”** means a temporary post on a regular or current side budget; and

(f) **“Scrutiny Committee”** means the Scrutiny Committee constituted under section 4 of this Act.

Deputy Legislation Officer  
Government of Khyber Pakhtunkhwa  
Law Department

**3. Regularization of services of employees.**--- (1) Notwithstanding anything contained in any law or rules, the employees, who holds posts till the commencement of this Act, shall be deemed to have been validly appointed, on regular basis, from the date of their initial appointment, subject to verification of their qualifications and other credentials by the Security Committee.

(2) For the purpose of regularization of the employees under this Act, the following general conditions shall be observed, namely:

- (a) the service promotion quota of all service cadres shall not be affected;
- (b) the employees shall possess the same qualification and experience as required for a regular post;
- (c) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds, before the commencement of this Act; and
- (d) the services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.

(3) On regularization:

- (a) the employees at sub-clause (i) of clause (b) of section 2 of this Act shall be adjusted against the equivalent posts on revenue side in District Chitral (Upper and Lower);
- (b) the employees at sub-clause (ii) of clause (b) of section 2 of this Act shall be adjusted by creating a separate Settlement dying cadre; and
- (c) the employees at sub-clause (iii) of clause (b) of section 2 of this Act shall be adjusted against the posts held by them in the Revenue Academy.

**4. Scrutiny Committee.**--- There shall be a Scrutiny Committee, which shall consist of the following, namely:

- |     |  |             |
|-----|--|-------------|
| (a) | Secretary to Government,<br>Revenue and Estate Department;   | Chairperson |
| (b) | Director, Land Record;   | Member      |
| (c) | a representative of the Establishment<br>Department of Government not below<br>the rank of Deputy Secretary; and | Member      |
| (d) | a representative of the Finance<br>Department of Government not below the<br>rank of Deputy Secretary.           | Member      |

**5. Determination of seniority.**---The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined as per provisions of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and rules made thereunder.

Deputy Legislation Officer  
Government of Khyber Pakhtunkhwa  
Law Department



6. **Removal of difficulties.**---If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister of Khyber Pakhtunkhwa may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing such difficulty.

7. **Overriding effect.**---Notwithstanding anything to the contrary contained in any other law or rules, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.

### **STATEMENT OF OBJECTS AND REASONS**

The Revenue and Estate Department has appointed certain employees on contract basis against the posts in the Revenue Academy and Settlement Operations for the purpose of Land Settlement in various Districts of the Province of Khyber Pakhtunkhwa, however, the services of such employees are not regularized like other employees of Government whose services had been regularized from time to time through legislation.

It is desirable to provide for the regularization of services of the aforesaid employees, in the public interest. Hence, this Bill.

Deputy Legislation Officer  
Government of Khyber Pakhtunkhwa  
Law Department

Peshawar,  
dated the

31 / 05 / 2022



**MINISTER-IN-CHARGE**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF LAND RECORDS  
REVENUE AND ESTATE DEPARTMENT

E-Mail: [landrecord.kpk@gmail.com](mailto:landrecord.kpk@gmail.com)

Phone: 091-9210057

@LandrecordKP

fb.com/landrecord.kpk

Peshawar dated the 18/01/2023

**NOTIFICATION:**

**No.LR-V/SO/Reg/RAP/9085-96** In pursuance of the Khyber Pakhtunkhwa Regularization of Services of Employees of Settlement Operation and Revenue Academy Act, 2022 vide No.PA/Khyber Pakhtunkhwa/Bills-238-2022/11631 dated 12-06-2022 and decisions taken in the meeting of scrutiny committee in the meeting dated 17-01-2023, the services of the following employees of Revenue Academy Peshawar are hereby regularized w.e.f the date of their initial recruitment noted against each till the commencement of Act ibid on the terms & conditions given below:

S#	Name of Employee with Parentage	Domicile	Post (BPS)	Date of 1 <sup>st</sup> Appointment	Decision
1.	Shah Khalid s/o Shahbaz Khan	Mardan	Assistant (Accounts) (BPS-16)	22.10.2010	To be processed under section-6 of the Act (Does not possess prescribed qualification, BA Degree at the time of appointment).
2.	Muhammad Mustafa s/o Iham Khan	Bannu	Computer Operator (BPS-16)	01.11.2010	To be processed under section-6 of the Act (Does not possess prescribed qualification, DIT at the time of appointment).
3.	Mani Khan s/o Rozi Khan	Lakki Marwat	Cook (BPS-03)	08.04.2021	Approved
4.	Umar Daraz s/o Gul Abbas Khan	Karak	Mali (BPS-03)	31.08.2004	Approved
5.	Sameen Ullah s/o Saif ur Rehman	Peshawar	Sweeper (BPS-03)	25.07.2014	Approved

**TERMS & CONDITIONS:**

- Their services shall be governed by the Khyber Pakhtunkhwa Civil Servant Act, 1973, the Khyber Pakhtunkhwa Regularization of Services of the Employees of Settlement Operations and Revenue Academy Act, 2022, and such other laws and rules which may be framed, from time to time by the Government.
- Their services will be considered regularly and they will be eligible for pensionary benefits/deduction of GP/CP Funds etc. in terms of Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended from time to time and rules framed thereunder.
- Their services are liable to termination on one month notice from either side. In case of resignation without notice, their one month pay/allowances shall be forfeited to the Government.
- They shall possess the same qualification and experience required for the subject post on regular basis as specified in Section-3 (2) of the Act.
- Their regularization shall not affect the service promotion quota of any other service or cadre as specified in Section-3 (2) of the Act.
- They shall be entitled for seniority and pay from the date of initial appointment on Adhoc/Contract basis as specified in Section-5 of the Act.

- vii. They will be on Probation for a period of one year extendable for another year on any ground before confirmation of their services.
- viii. The employees who were not in service on the date of commencement of Khyber Pakhtunkhwa Regularization of Services of the Employees of Settlement Operations and Revenue Academy Act, 2022, will not be regularized.
- ix. They will possess the qualification and will qualify any training/course or departmental examination required for the post against which they are regularised.
- x. Principal Revenue Academy is directed to check/verify the educational documents/credentials of all the employees under regularization.

**Approved by**  
**Senior Member, Board of Revenue**  
**Khyber Pakhtunkhwa**

**Endst: No. & date even.**

Copy for information & necessary action is forwarded to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
3. Commissioner Peshawar Division.
4. Accountant General, Khyber Pakhtunkhwa.
5. PSO to Chief Minister, Khyber Pakhtunkhwa.
6. PSO to Chief Secretary, Khyber Pakhtunkhwa.
7. Secretary-I, Board of Revenue, Khyber Pakhtunkhwa.
8. Manager Government Printing Press, Peshawar for publication in official gazetteer.
9. Deputy Commissioner, Peshawar.
10. Principal Revenue Academy, Peshawar.
11. Senior PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa.
12. PA to Director Land Records, Khyber Pakhtunkhwa.

**Director Land Records**  
**Khyber Pakhtunkhwa**