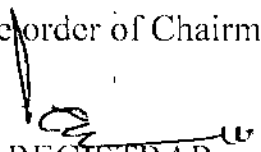


FORM OF ORDER SHEET

Court of _____

Case No.- 376 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/03/2023	<p>The appeal of Mr. Taj Ali presented today by Mr. Nasir Mehmood Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No 376 /2023

Taj Ali.....Appellant

V E R S U S

Government of KPK & others Respondents

I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal	-	1-5
2.	Affidavit	-	6
3.	Copy of the Appointment Order	A	7
4.	Copy of the promotion order	B	8
5.	copy of the Seniority List	"C"	9
6.	Copy of the Seniority List	"D"	10
7.	Copy of the Promotion Order	E	11-15
8.	Copy of Departmental Appeal	F	16-17
9.	Copy of the Rule 9 of APT Rules 1989	G	18-20
10.	Wakalat Nama		21

APPELLANT

Through



NASIR MAHMOOD
Advocate, Supreme Court
Of Pakistan

①

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No 376 /2023

TAJ ALI S/O MUHAMMAD HAZRAT
Kanungo District Mardan.

.....Appellant

V E R S U S

1. Government of KPK through Chief Secretary, Civil Secretariat, Peshawar.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. Tariq Ali, Naib Tehsildar, Mardan.

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974, FOR INACTION ON BEHALF OF THE
RESPONDENT AGAINST THE DEPARTMENTAL
APPEAL DATED 08.11.2022 WHICH WAS FILED
AGAINST THE PROMOTION ORDER DATED
21.10.2022 OF ONE TARIQ ALI.

Prayer in Appeal:

On acceptance of the instant Appeal, the promotion order dated 21.10.2022 to the extent of Tariq Ali may be declared to be illegal, thus set aside and the Appellant may kindly be promoted to the post of Naib Tehsildar with all back benefits from the date when his juniors was promoted

Respectfully Sheweth:-

2

The Appellant humbly submits as under:-

1. That the Appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.
2. That in compliance with Judgment of service Tribunal and one the recommendations of the Departmental Selection Committee Appellant was appointed as Patwari vide Order dated 14.07.2007 by District Officer (R&E) Mardan. **(Copy of the Appointment Order is attached as annexure A)**
3. That since then the Appellant is performing his duty to the best of his ability and with dedication and has earned good reputation in revenue hierarchy in short span of time. He did his job with zeal and zest and left no stone unturned in discharge of his official duties.
4. That by dint of hard work and dedication to duty, the appellant on the recommendations of the Departmental Selection Committee was promoted as Kanungo (BPS-11) vide order dated 09.11.2016 by Deputy Commissioner Mardan. **(Copy of the promotion order is attached as annexure B)**
5. That seniority list of the Kanungos was issued by Deputy Commissioner mardan on 19.01.2022

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wherein the name of the Appellant appeared at Serial No 3 whereas the name of the Tariq Ali Appeared at Serial No 4. **(copy of the Seniority List is attached as annexure C)**

6. That afterwards Seniority list of the Kanungos was issued by Commissioner Mardan Division, Mardan on 24.03.2022 wherein the name of the Appellant Appeared at Serial No 5 whereas the name of the Tariq Ali appeared at Serial No 5. **(Copy of the Seniority List is attached as annexure D)**

7. That the Hon'ble Senior Member Board of Revenue ignoring the above quoted rules has promoted the Junior of the Appellant which is absolutely illegal and against the rights of the appellant. **(Copy of the Promotion Order is attached as annexure E)**

8. That the Appellant being aggrieved wherefrom has filed Departmental Appeal on 08.11.2022, which was no responded by the respondents and after passing of the statutory period of 90 days, the instant Appeal is hereby filed within next 30 days before this Hon'ble Court, inter alia on the following grounds: **(Copy of Departmental Appeal is attached as annexure F)**

GROUNDS:-

A) That the Appellant is peaceful and law abiding citizen of Islamic Republic of Pakistan and is fully entitled to all the basic and fundamental rights as

enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.

- B) That under Rule 9 of the Civil Servants (Appointment, Promotion and Transfer Rules, 1989) where the appointing authority considered it to be in public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis. **(Copy of the Rule 9 of APT Rules 1989 is attached as annexure 3)**
- C) That the acts of the Respondents of by not promoting the Appellant against the post of Naib Tehsildar may be declare by this Hon'ble Tribunal to be illegal, because the respondents has violated the Rule 9 of the Civil servants (APT Rules 1989).
- D) That the fundamental rights of the Appellant has blatantly violated by the Respondents and the Appellant has been discriminated and has been denied his due rights under the Constitution of Islamic Republic of Pakistan, 1973.
- E) That the Appellant is not treated in accordance with law, rules and Regulations.

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F) That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

PRAYER:-

It is, therefore, most humbly prayed that, On acceptance of the instant Appeal, the prayer sought for in the heading of the Appeal may be allowed in favour of the Appellant.

Any other relief, not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

APPELLANT



Through


Dated: 05.08.2022



**NASIR MAHMOOD
Advocate, Supreme Court
Of Pakistan**

CERTIFICATE:

It is certified that no such like Appeal has earlier been filed before this Hon'ble Tribunal.



DEPONENT

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BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No _____/2023

Taj Ali.....Appellant

VERSUS

Government of KPK & others Respondents

AFFIDAVIT

I, **TAJ ALI S/O MUHAMMAD HAZRAT** Kanungo District Mardan, 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

OFFICE ORDER.

(7) *Amir* - *A*

In compliance with the judgement of NWFP Service Tribunal Peshawar as well as on the recommendations of Departmental Selection Committee meeting held on 14.7.2007 the following Candidate Patwaris are hereby appointed as Patwaris in BPS-5 against the vacant posts with immediate effect:

1. Mr. Amir Badshah s/o. Saib Rahim r/o. Saeikhano Kili Tehsil Takht Bhai District Mardan.
2. Mr. Liaqat Ali s/o. Muhammad Ali r/o. Mian Baisa Tehsil Takht Bhai District Mardan.
3. Mr. Taj Ali s/o. Muhammad Hazrat r/o. Dhang Dhang Tehsil and District Mardan.
4. Mr. Imroz Ali s/o. Sultan Ullah r/o. Tokar Tehsil Takht Bhai District Mardan.

Bahar
District Officer (R&E)
Mardan.

OFFICE OF THE DISTRICT OFFICER (REVENUE & ESTATE) MARDAN.

No. *297-2400* /S.LK/DIC Dated Mardan the *7-7-2007*.

Copies to:

1. The D.D.O(R) Mardan/Takht Bhai.
2. The D.D.O(J) Mardan/Takht Bhai.
3. The District Accounts Officer Mardan.
4. The Tehsildar Mardan Takht Bhai.
5. The Revenue Bill Clerk.
6. The officials concerned.

Bahar
District Officer (R&E)
Mardan.



AMER B
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OFFICE OF THE
DEPUTY COMMISSIONER
- MARDAN

No. 2415-34/16-DK/RA/DC(M)
Dated Mardan the 09/11/2016

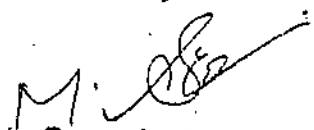
OFFICE ORDER

Consequent upon recommendation of the Departmental Promotion Committee, the Competent Authority is pleased to order the promotion of the following Patwaris (BPS-09) to the posts of Kanungos (BPS-11) with immediate effect.

1. Mr. Islam Pervez Patwari.
2. Mr. Nabi-Ur-Rehman Patwari.
3. Mr. Pir Mazhar Ali Shah Patwari.
4. Mr. Liaqat Ali Patwari.
5. Mr. Taj Ali Khan Patwari.
6. Mr. Tariq Ali Patwari.

The abovementioned officials shall be on probation for a period of one year as envisaged in Section 15 (1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

Posting orders will be issued later on.


Deputy Commissioner
Mardan

No. & Date Even:

Cc:

1. The Commissioner Mardan. Division Mardan for information please.
2. The Secretary-I, BoR, Khyber Pakhtunkhwa for information please.
3. The Addl Deputy Commissioner, Mardan for information.
4. The Assistant Commissioner Mardan/Takht Bhai for information.
5. All the Addl Assistant Commissioner Mardan/Takht Bhai.
6. The District Comptroller of Accounts, Mardan for information & necessary action please.
7. Accounts Officer, DC Office Mardan for necessary action.
8. Tehsildar Mardan/Katlang/Takht Bhai for information.
9. Officials concerned for information.


Deputy Commissioner
Mardan



(9)

Annex 2

OFFICE OF THE DEPUTY COMMISSIONER, MARDAN**TENTATIVE SENIORITY LIST OF KANUNGOS (BPS-11) OF DISTRICT MARDAN AS STOOD ON 31.12.2021:**

Sl. No.	Name of Kanungo	Date of Birth	Date of initial appointment	Date of promotion to the post of Kanungo
1.	Ali Azam	12.08.1964	29.06.2001	31.08.2016
2.	Noor Akbar	11.06.1964	28.02.2004	31.08.2016
3.	Taj Ali Khan	01.10.1969	25.07.2007	09.11.2016
4.	Tariq Ali	15.04.1982	01.10.2009	09.11.2016
5.	Said Akbar	12.01.1964	18.08.2009	13.12.2017
6.	Arshad Khan	01.02.1962	11.08.2011	03.01.2019
7.	Jehan Zeb Jr.	25.03.1966	23.06.2004	18.04.2019
8.	Shamsul Arifeen	01/01/1965	18/8/2009	18.04.2019
9.	Hanif Muhammad	6/11/1965	18/8/2009	14.11.2019
10.	Durre Kamil	02.01.1964	11.08.2011	06.07.2020
11.	Niaz Muhammad	03.02.1964	11.08.2011	06.07.2020
12.	Syed Zahir Ali Shah	07.04.1965	11.08.2011	06.07.2020
13.	Janat Gul	15.01.1967	11.08.2011	21.10.2021
14.	Inayat Ali Shah	30.07.1972	11.08.2011	21.10.2021

**DEPUTY COMMISSIONER
MARDAN**No. 148 /DC(M)/ RA-25/EA-35Dated Mardan the 19/01/2022**Copy forwarded to:**

1. The Commissioner Mardan Division Mardan for information please.
2. Addl Deputy Commissioner (G), Mardan.
3. The Tehsildar, Mardan/ Katlang/ Rustam/Takht Bhai/ G. Kapoora & DK Mardan for information and onward service upon all the Kanungos working under their control.

**DEPUTY COMMISSIONER
MARDAN**



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Final Seniority List of Confirmed Kanungos (BPS-11) of Mardan Division as Stood on 31/12/2021.

S/No	Nama of Kanungo	Date of Birth	Date of 1st Appointment	Date of Promotion to the Post of Kanungo	Remarks
01	Mir Aman	04/04/1964	15/12/1985	13/09/2019	In pursuance to the Judgment of Peshawar High Court Peshawar dated 06/04/1998, directions of the worthy Senior Member Board of Revenue Khyber Pakhtunkhwa vide letter no. 3204/Jud/SMBR dated. 26/11/2010 followed by Guidance vide letter no. Estt/VI/Mir Aman/Swab/14997-99 dated 16/06/2021, the official was granted promotion vide this office order no. 1205/DCS/DK/Mir Aman File dated 01/07/2021 and placed no.1 the seniority list of confirmed Girdawars (BPS-11) as his promotion may be treated w.e.f. the dated of earlier DPC i.e. 21/06/1995.
02	Wali Muhammad	04/04/1965	15/12/1985	16/12/2015	
03	Ali Azam	12/08/1964	29/06/2001	31/08/2016	
04	Noor Akbar	11/06/1964	28/02/2004	31/08/2016	
05	Taj Ali Khan	01/10/1968	25/07/2007	03/13/2016	
06	Tariq Ali	15/04/1982	01/10/2009	09/11/2016	
07	Riaz Ghanf	05/03/1962	15/12/1985	07/11/2017	
08	Turab Ali	13/01/1964	30/11/1988	07/11/2017	
09	Said Akbar	12/01/1964	18/08/2009	13/12/2017	
10	Arshid Khan	01/02/1962	11/08/2011	03/01/2019	
11	Jehan Iqbal	04/03/1963	01/11/1988	10/04/2019	In pursuance of letter of the Office of Deputy Commissioner Swabi, vide no. 310/DCS/DK/Seniority dated 17/03/2022, date of confirmation as Girdawar in respect of the official concerned is considered as 10/04/2019.
12	Jehanzeb (Jr)	25/03/1966	23/05/2004	18/04/2019	
13	Shamsul Arifeen	01/01/1985	18/08/2009	18/04/2019	
14	Hanif Muhammad	06/11/1965	18/08/2009	14/11/2019	
15	Dur-e-Kamil	02/01/1964	11/08/2011	08/07/2020	
16	Niaz Muhammad	03/02/1964	11/08/2011	08/07/2020	
17	Syed Zahir Ali Shah	07/04/1965	11/08/2011	08/07/2020	
18	Muhammad Arif	15/03/1971	21/06/2001	22/07/2020	
19	Sher Wali	10/03/1973	21/06/2001	22/07/2020	
20	Janat Gul	15/01/1967	11/03/2011	21/10/2021	
21	Inayat Ali Shah	30/07/1972	11/08/2011	21/10/2021	

DC OFFICE MARDAN	
D. by No. 3180	
24/3/22	
ADD (P)	
ADD (P)	
ADD (M)	
ADD (G)	
AAC	
A.O	
Supdt:	EA
PS	

No. 455 /Sec/EA/2-21
Copy forwarded to:-

- Deputy Commissioner Mardan & Swabi for information, please.
- Assistant Secretary (Estt) Board of Revenue & Estate Department Khyber Pakhtunkhwa for information.
- PS to Commissioner Mardan Division Mardan.


Secretary to Commissioner
Mardan Division Mardan
Dated Mardan the 24/03/2022

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	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.		
	021-9713299	Peshawar Dated (Bc) 10/27/2022	021-9713299

ORDER:-

No. Est: V/DIC/NT/2022/_____ On the recommendation of Departmental Promotion Committee meeting held on 10.10.2022, the Competent Authority is pleased to order the Promotion of the following Naib Tehsildars (ACB) Kanungo of Peshawar, Dikhan and Hazara Divisions to the post of Naib Tehsildar (BS - 14) on Regular Basis with immediate effect:-

S. No.	NAME OF OFFICIAL	Remarks
1	Mr. Abid Ali Naib Tehsildar (ACB)	Promoted to the post of Naib Tehsildar on regular basis.
2	Mr. Hussain Ali Naib Tehsildar (ACB)	Promoted to the post of Naib Tehsildar on regular basis.
3	Mr. Ali Azam (Kanungo)	Promoted to the post of Naib Tehsildar on regular basis.
4	Mr. Muhammad Amin Naib Tehsildar (ACB)	Promoted to the post of Naib Tehsildar on regular basis.
5	Mr. Abdul Saeed Naib Tehsildar (ACB)	Promoted to the post of Naib Tehsildar on regular basis.
6	Mr. Abdul Majeed Naib Tehsildar (ACB)	Promoted to the post of Naib Tehsildar on regular basis.
7	Mr. Muhammad Akram Naib Tehsildar (ACB)	Promoted to the post of Naib Tehsildar on regular basis.
8	Mr. Ihsanullah Naib Tehsildar (ACB)	Promoted to the post of Naib Tehsildar on regular basis.
9	Mr. Abdul Qadeem Naib Tehsildar (ACB)	Promoted to the post of Naib Tehsildar on regular basis.
10	Mr. Anwar Rehman Naib Tehsildar (ACB)	Promoted to the post of Naib Tehsildar on regular basis.
11	Mr. Musharaf Khan Naib Tehsildar (ACB)	Promoted to the post of Naib Tehsildar on regular basis.
12	Mr. Muhammad Fayaz DRA (ACB)	Promoted to the post of District Revenue Accountant on regular basis.

- On promotion, the above officials shall be on probation for a period of one year in terms of Section-6(3) of Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule 15 of Khyber Pakhtunkhwa, Civil Servant (Appointment, Promotion and Transfer) Rules - 1989.
- Consequent upon their promotion, the following posting / transfer is hereby ordered with immediate effect:-

S.NO.	NAME OF OFFICIAL	FROM	TO
1	Mr. Abid Ali Naib Tehsildar	District Kanungo Nowshera	Retain on the same post and station.
2	Mr. Hussain Ali Naib Tehsildar	District Kanungo Kohistan	Retain on the same post and station.
3	Mr. Ali Azam Naib Tehsildar	Naib Tehsildar Kattang Mardan	Retain on the same post and station.
4	Mr. Muhammad Amin Naib Tehsildar	NT Land Acq: Tank District	Retain on the same post and station.
5	Mr. Abdul Saeed Naib Tehsildar	District Kanungo Tank	Retain on the same post and station.
6	Mr. Abdul Majeed Naib Tehsildar	Naib Tehsildar Parova	Retain on the same post and station.
7	Mr. Muhammad Akram Naib Tehsildar	Naib Tehsildar Rod Kohi Parova Dikhan	Retain on the same post and station.
8	Mr. Ihsanullah		Retain on the same post and station.

By: [Signature]



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GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.		
091-9213949	Peshawar Dated the 21/10/2022	921-9213949

ORDER:-

No. Estt/V/DPC/NT/2022/_____ On the recommendation of Departmental Promotion Committee meeting held on 10.10.2022, the Competent Authority is pleased to order the appointment of the following Kanungos (BS-11) of Malakand, Peshawar, D.Khan Hazara, Mardan and Bannu Divisions to the post of Naib Tehsildar (HS - 14) on Acting Charge Basis with immediate effect:-

S. No	Name of officials	Remarks
1.	Mr. Mujeeb ur Rehman Kanungo	Appointed as Naib Tehsildar on (ACB).
2.	Mr. Khalid Khan Kanungo	Appointed as Naib Tehsildar on (ACB).
3.	Mr. Ajmal Shah Kanungo	Appointed as Naib Tehsildar on (ACB).
4.	Mr. Noor Muhammad Kanungo	Appointed as Naib Tehsildar on (ACB).
5.	Mr. Arshad Iqbal Qanungo	Appointed as Naib Tehsildar on (ACB).
6.	Imran Ali Shah Kanungo	Appointed as Naib Tehsildar on (ACB).
7.	Mr. Muhammad Jamil Kanungo	Appointed as Naib Tehsildar on (ACB).
8.	Mr. Muhammad Riaz Kanungo	Appointed as Naib Tehsildar on (ACB).
9.	Mr. Rab Nawaz Kanungo	Appointed as Naib Tehsildar on (ACB).
10.	Mr. Nisar Ahmad Kanungo	Appointed as Naib Tehsildar on (ACB).
11.	Mr. Chanzeh Kanungo	Appointed as Naib Tehsildar on (ACB).
12.	Mr. Noor Akbar Kanungo	Appointed as Naib Tehsildar on (ACB).
13.	Mr. Tariq Ali Kanungo	Appointed as Naib Tehsildar on (ACB).
14.	Mr. Mustafa Kamal Kanungo	Appointed as Naib Tehsildar on (ACB).
15.	Mr. Hashim Khan TRA	Appointed as District Revenue Accountant on (ACB). Subject to condition that he will be reverted to his original post of TRA if Mr. Abdul Jabbar (DRA) who is presently posted as Tehsildar Hataira and is in promotion zone to the post of Tehsildar is posted in District Hanjiram as DRA
16.	Mr. Masal Khan Kanungo	Appointed as Naib Tehsildar on (ACB) against PSC quota.
17.	Mr. Ihsanullah Kanungo	Appointed as Naib Tehsildar on (ACB) against PSC quota.
18.	Mr. Abdul Nasir Kanungo	Appointed as Naib Tehsildar on (ACB) against PSC quota.
19.	Mr. Furman Ali Kanungo	Appointed as Naib Tehsildar on (ACB) against PSC quota.
20.	Mian Siddique Ali Shah Kanungo	Appointed as Naib Tehsildar on (ACB) against PSC quota.
21.	Mr. Pervaz Iqbal Kanungo	Appointed as Naib Tehsildar on (ACB) against PSC quota.
22.	Mr. Sher Zada Kanungo	Appointed as Naib Tehsildar on (ACB) against PSC quota.
23.	Mr. Saif Muhammad Kanungo	Appointed as Naib Tehsildar on (ACB) against PSC quota.
24.	Mr. Amanullah Kanungo	Appointed as Naib Tehsildar on (ACB) against PSC quota.



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25.	Mr. Sheikh Fazal Rehman Kanungo	Appointed as Naib Tehsildar on (ACB) against PSC quota.
26.	Muhammad Shahid Kanungo	Appointed as Naib Tehsildar on (ACB) against PSC quota.

The officials at serial no. 16 to 26 are appointed to the post of Naib Tehsildar (BS-14) Acting Charge Basis (ACB) subject to the arrival of recommendations of the Public Service Commission.

S.No	NAME OF OFFICIAL	FROM	TO
1	Mr. Mujeeb ur Rehman Naib Tehsildar (ACB)	Naib Tehsildar (OPS) Khyber (OPS)	Retain on the same post and station
2	Mr. Khalid Khan Naib Tehsildar (ACB)	District Revenue Accountant Charsadda	Retain on the same post and station
3	Mr. Ajmal Shah Naib Tehsildar (ACB)	Naib Tehsildar (OPS) Khyber (OPS)	Retain on the same post and station
4	Mr. Naveer Muhammad Naib Tehsildar (ACB)	Receiver in Commissioner Peshawar	Retain on the same post and station
5	Mr. Arshad Iqbal Naib Tehsildar (ACB)	Tehsildar Topi (OPS)	Retain on the same post and station
6	Mr. Imran Ali Shah Naib Tehsildar (ACB)	Naib Tehsildar (OPS) Mohmand	Retain on the same post and station
7	Mr. Muhammad Jamil Naib Tehsildar (ACB)	At the disposal of Commissioner Peshawar	Retain on the same post and station
8	Mr. Muhammad Raza Naib Tehsildar (ACB)	Naib Tehsildar Dardana (OPS) district Tax Ghar	Retain on the same post and station
9	Mr. Rab Nawaz Naib Tehsildar (ACB)	IHC Haripur (OPS)	Retain on the same post and station
10	Mr. Nisar Ahmad Naib Tehsildar (ACB)	DRA Haripur	Retain on the same post and station
11	Mr. Chanzab Naib Tehsildar (ACB)	Kanungo, office of the Deputy Commissioner Abbottabad	Services place at the disposal of Commissioner Hazara
12	Mr. Noor Akbar Naib Tehsildar (ACB)	Waiting for posting in Commissioner office Malakand Division	Retain
13	Mr. Tariq Ali Naib Tehsildar (ACB)	Waiting for posting in Commissioner office Malakand Division	Retain
14	Mr. Mustafa Kamal Naib Tehsildar (ACB)	Kanungo, office of the Deputy Commissioner Danna	Services placed at the disposal of Commissioner Banno Division
15	Mr. Hashim Khan DRA (ACB)	TRA Battagram	Services placed at the disposal of Commissioner Hazara Division
16	Mr. Masal Khan Naib Tehsildar (ACB)	Naib Tehsildar (OPS) Revenue Swat	Retain on the same post and station
17	Mr. Ihsanullah Naib Tehsildar (ACB)	Kanungo of the office of Deputy Commissioner Swat	Services placed at the disposal of Commissioner Malakand Division
18	Mr. Abdul Haseeb Naib Tehsildar (ACB)	Naib Tehsildar (OPS) Barikot Swat	Retain on the same post and station
19	Mr. Farman Ali Naib Tehsildar (ACB)	DK Charsadda	Retain on the same post and station
20	Miss Siddique Ali Shah Naib Tehsildar (ACB)	Naib Tehsildar (OPS) Irrigation Peshawar	Retain on the same post and station
21	Mr. Pervaz Iqbal Naib Tehsildar (ACB)	Receiver Tehsildar Peshawar Manshra (OPS)	Retain on the same post and station
22	Mr. Saeed Zada Naib Tehsildar (ACB)	DK Battagram (OPS)	Retain on the same post and station
23	Mr. Saad Muhammad Naib Tehsildar (ACB)	Naib Tehsildar Settlement Manshra (OPS)	Retain on the same post and station
24	Mr. Amanullah Naib Tehsildar (ACB)	Waiting for posting in Commissioner office Dardana	Retain
25	Mr. Sheikh Fazal Rehman Naib Tehsildar (ACB)	Naib Tehsildar Dardana Dardana	Retain on the same post and station

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9	Mr. Abdul Qadeem Naib Tehsildar	Naib Tehsildar Settlement D.I.Khan	Retain on the same post and station.
10	Mr. Atta ur Rehman Naib Tehsildar	Naib Tehsildar Parova Nala Rod Kohi DIKhan	Retain on the same post and station.
11	Mr. Musharaf Khan Naib Tehsildar	Naib Tehsildar Lakki Marwat	Retain on the same post and station.
12	Mr. Muhammad Fayaz DRA	Tehsildar (OPS) Dir Upper	Retain on the same post and station.

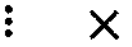
By order of
Senior MemberNo. Estt: V/DPCNT/2022/39/85-92
Copy forwarded to the:-

1. Commissioners Peshawar, Mardan, Hazara and DIKhan Divisions.
2. Deputy Commissioners Peshawar, Lakki Marwat, Nowshera, Kohistan Kohai Palas, Dir Upper and DIKhan
3. District Accounts Officers of the respective District.
4. SPS to Senior Member Board of Revenue.
5. PS to Member-III Board of Revenue.
6. PS to Secretary-I Board of Revenue.
7. Officials concerned.
8. Personal File.

Noor Khan
Assistant Secretary (Estt:)

Janat
tod

15



No.	Mr. Muhammad Shuhid Naib Tehsildar (AC/W)	Kannaga of Commissioner Dikhan	Deputy Officer	Service placed at the disposal of Commissioner Dikhan
-----	--	--------------------------------------	-------------------	--

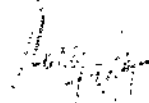
3. Consequently upon their promotion, the following posting / transfer is hereby ordered with immediate effect:

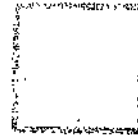
By order of
Senior Member

No. Jan:V/DPC/NT/2022/351333801

Copy forwarded to the:-

1. Commissioners, Malakand, Peshawar, Bannu, Hazara, Mardan and Dikhan Division.
2. Deputy Commissioners Peshawar, Swat, Charsadda, Swabi, Mohamand, Khyber, South Waziristan, Dikhan, Battagram, Mardan and Bannu.
3. District Accounts Officer of respective districts.
4. SPS to Senior Member Board of Revenue.
5. PS to Member-III Board of Revenue.
6. PS to Secretary-I Board of Revenue.
7. Officials concerned.
8. Personal File.


Noor Khan
Assistant Secretary (Estt)



To

Annex F

(16)

The Honorable Chief Minister Khyber Pakhtunkhwa
Peshawar.

Subject:- DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 21.10.2022 PASSED BY SENIOR MEMBER BOARD OF REVENUE VIDE WHICH JUNIOR OF THE APPELLANT (TARIQ ALI) WAS PROMOTED FROM THE POST OF KANUNGO TO THE POST NAIB TEHSILDAR ON ACTING CHARGE BASIS AND APPELLANT WAS IGNORED.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APEEAL THE APPELLANT MAY KINDLY BE PROMOTED FROM THE DATE HIS JUNIOR WAS PROMOTED WITH ALL BACK BENEFITS AND ORDER OF PROMOTION DATED 21.10.2022 TO THE EXTENT OF TARIQ ALI MAY BE SET-ASIDE.

1. That in compliance with judgment of the Service Tribunal and on the recommendations of the Departmental Selection Committee appellant was appointed as Patwari vide order dated 14.07.2007 by District Officer (R&E) Mardan. Copy of the appointment order is attached as annexure-A
2. That since then the appellant is performing his duty to the best of his ability and with dedication and has earned good reputation in revenue hierarchy in short span of time. He did his job with zeal and zest and left no stone unturned in discharge of his official duties. There is not a single complaint against the appellant in whole of his career.
3. That by dint of hard work and dedication to duty, the appellant on the recommendations of the Departmental Selection Committee was promoted as Kanungo (BPS-11) vide order dated 09.11.2016 by Deputy Commissioner Mardan. Copy of the promotion order is attached as annexure-B.
4. That seniority list of the Kanungos was issued by Deputy Commissioner Mardan on 19.01.2022 wherein the name of the appellant appeared at S.NO.3 whereas the name of the Tariq Ali appeared at S.NO.4. Copy of the seniority list is attached as annexure-C
5. That afterwards seniority list of the Kanungos was issued by Commissioner Mardan Division, Mardan on 124.03.2022 wherein the name of the appellant appeared at S.NO.5 whereas the name of the

17

Tariq Ali appeared at S.NO.6. Copy of the seniority list is attached as annexure-D

- 6. That under rule-9 of the Civil Servants (Appointment, Promotion and Transfer Rules, 1989) where the appointing authority considered it to be in public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis. Copy of the rule-9 of the APT Rules, 1989 is attached as annexure-E.
- 7. That the honorable Senior Member Board of Revenue ignoring the above quoted rules has promoted the junior of the appellant which is absolutely illegal and against the rights of the appellant. Copy of the promotion order is attached as annexure-F.

It is, therefore, requested that prayer sought for in the heading of the appeal may kindly be allowed in favor of the appellant and oblige.

Yours loyal

Tariq Ali
Kanungo, District Mardan

8/11/2021

No. 1344 For Ins. RAD00718857 reverse.
 Stamps annexed except in case of un-insured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered* addressed to Tariq Ali Date Stamp NOV 22 2021

Initials of Receiving Officer Tariq Ali Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) 1000 (in words) one thousand

Insurance fee Rs. 10 Ps: 10 (in words) ten Weight 100 Kilo Grams

Name and address of sender _____

(18) *Amend* Er

16 ESTA CODE [Establishment Code Khyber Pakhtunkhwa]

(10) Details of service record.

(a) Synopsis of ACR

Year	Overall assessment	Assessment made in the ACR about		
		Quantity and output of work	Integrity	Fitness for promotion
		(a)	(b)	(c)
1	2	3		

(b) Pen picture recorded in the ACRs during last five years.

(c) Particulars of penalties imposed under the Govt. Servants (Efficiency & Discipline) Rules, 1973:-

<u>Name of Penalty</u>	<u>Grounds of Penalty</u>	<u>No. and date of Penalty imposing order</u>
(Authority; letter No.SOR-I(S&GAD)4-13/87, Dated 30.11.2000)		

CHAPER - II

Statutory provision regarding Appointment.

Section 5 of Civil Servants Act, 1973 - Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorised by the Governor in that behalf.

Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989

No. SOR-I (S&GAD) 4-1/80, dated 31st January, 1989.---In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973) the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

**PART-I
GENERAL**

1. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(19)

ESTA CODE [Establishment Code Khyber Pakhtunkhwa] 21

[(5) If on an order of promotion or before promotion any civil servant declines in writing, to accept promotion, such civil servant shall not be considered for such promotion for the next four years following the order:

Provided that if he declines to avail the benefit of promotion for the second time, then he shall stand superseded permanently for such promotion.]

8. Inter-Provincial Transfer.---(1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:--

Provided that:-

- (i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;
- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis;
- (iv) the person concerned is a bonafide resident of the Khyber Pakhtunkhwa;
- (v) a vacancy exists to accommodate the request of such a transfer; and
- (vi) provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purposes of determining his seniority vis-a-viz other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request of transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. Appointment on Acting Charge or current Charge Basis.---

(1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for

1. Sub-rule (5) of Rule 7 added by Notif. No. SOR-VI(E&AD)1-3/2009/Vol-VIII dated 22-10-2011

22 ESTA CODE [Establishment Code Khyber Pakhtunkhwa]

promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis ¹[:

Provided that no such appointment shall be made, if the prescribed length of service is short by more than ²{three years}.]

³[(2)]

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic pay scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organisation, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

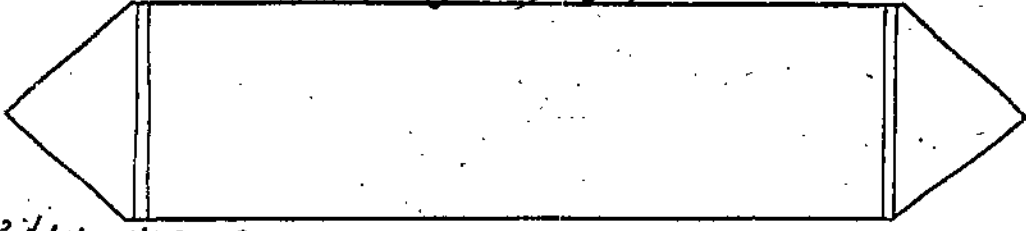
**PART-III
INITIAL APPOINTMENT**

10. Appointment by Initial Recruitment.---(1) Initial appointment to posts ⁴[in various pay scales] shall be made--

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or
- (b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

1. Full stop at the end of rule 9(1) replaced by colon and proviso added by Notification No. SOR(S&GAD)4- 1/80(V.II), dated 20-10-1993.
 2. Subs. for the words "one year" by Notification No.SORI(S&GAD)4-1/80(Vol.III), dated 14-03-1996.
 3. Deleted by Notif. No. SOR-VI(E&AD)1-3/2009/Vol-VIII dated 22-10-2011. At the time of deletion the said sub-rule (2) of Rule 9 was as under:
 (2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.
 4. The words "in Basic Pay scale 16 to 21" substituted by Notif. No. SORI(S&GAD)1 117/91(C), dated 12-10-1993

بعدالت مردوں (مزیں صول) ایسا دور



2023ء منجانب ایسا دور
بنام گورنمنٹ

ناجی

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ
آن مقام پست کیلئے نیک محمد ایسا دور
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور دیکل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ بند ہے۔

Accepted by

2023

ماہ
واہ

المرقوم

کے لئے منظور ہے۔

ایسا دور

بمقام