

09-05-2023

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

SA No. 1193 /2022

Malik Muhammad Shabir, Assistant, office of the DC Abbottabad..... Appellant

**VERSUS**

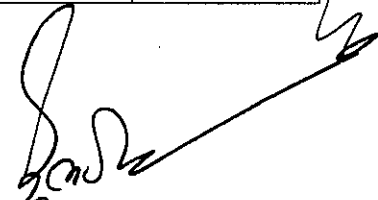
Senior Member Board of Revenue & others..... Respondents No. 5026

Khyber Pakhtunkhwa  
Service Tribunal

Dated 2/5/2023

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Assistant Secretary Lit-II  
Board of Revenue

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

SA No. 1193 /2022

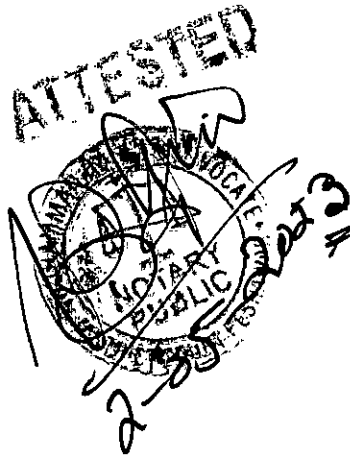
Malik Muhammad Shabir, Assistant, office of the DC Abbottabad.....Appellant

V E R S U S

Senior Member, Board of Revenue & others.....Respondent

**A F F I D A V I T**

I, Imran Akbar, Assistant (Lit-II) Board of Revenue, Khyber Pakhtunkhwa , do hereby solemnly affirm and declare that the contents of the accompanying **Para-wise Comments** prepared by Assistant Secretary Establishment, incharge of Establishment Section of Board of Revenue, provided with relevant documents/record are hereby submitted in the subject Service Appeal, which found correct in light of the available record and that nothing has been concealed from this Honorable Service Tribunal.



*Imran Akbar*  
DEPONENT

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

**Service Appeal No. 1193/2022.**

Malik Muhammad Shabbir, Assistant office of DC Abbottabad..... Appellant.

**VERSUS**

Senior Member Board of Revenue and others..... Respondents.

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT No.1 To 3.**

**RESPECTFULL SHEWETH.**

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant is estopped by his own conduct to institute the instant appeal.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the appeal is barred by law and limitation.

**FACTS:-**


1. Pertains to record.
2. Correct to the extent that the appellant was posted as Assistant District Revenue Accountant on temporary basis (Annex-A).
3. Incorrect. Tehsildar/Naib Tehsildar service Rules 1962 were not applicable to the appellant as he was basically Junior Clerk.
4. Incorrect. Recommendations of Departmental Promotion Committee do not create any right of promotion. Beside no rules were in field to promote the appellant.
5. Incorrect. He was never recommended by the Departmental Promotion Committee for promotion as Naib Tehsildar.
6. Incorrect. Mr. Murtaza was regular District Revenue Accountant and was eligible for promotion as Naib Tehsildar. While the appellant was basically Junior Clerk who was not eligible for such promotion.
7. Incorrect. As in para-6 above.
8. Incorrect. Being meritless his departmental appeal was filed by the Competent Authority.
9. Incorrect. Appeal of the appellant is not maintainable.

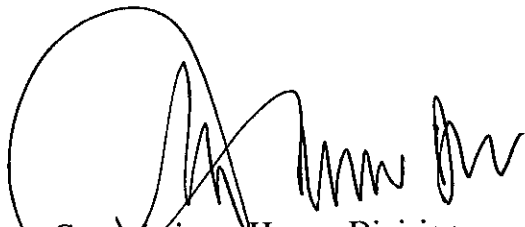
**Grounds:-**

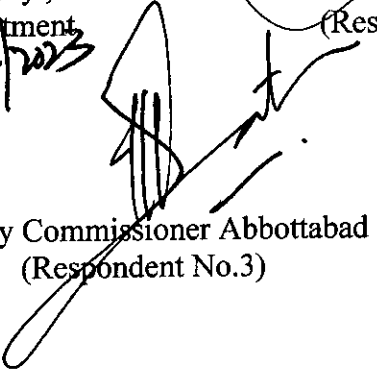
- A. Incorrect. Order dated 28.6.2022 is according to law/rules.
- B. Incorrect. The appellant has been treated in accordance with law/rules.

- C. Incorrect. No discrimination has been done with the appellant.
- D. Incorrect. The appellant has never been recommended by the Departmental Promotion Committee for the post of Naib Tehsildar.
- E. In correct. Order dated 28.06.2022 is in accordance with law .
- F. Incorrect. All the proceedings were carried out according to law and no discrimination has been made with the appellant.
- G. The respondent will also advance additional grounds at the time of arguments.

Keeping in view of above, the service appeal of the appellant having no legal grounds may graciously be dismissed with costs.

  
Senior Member/Secretary ,  
Revenue & Estate Department  
(Respondent No.1)

  
Commissioner Hazara Division  
(Respondent No.2)

  
Deputy Commissioner Abbottabad  
(Respondent No.3)

OFFICE OF THE DEPUTY COMMISSIONER ABBOTTABAD.

ORDER.

The following posting/transfers amongst the Junior Clerks and Naib Qasids of District Office Establishment are hereby ordered in interest of public service with immediate effect:-

S.No.	Name	From	To	Vice.
1.	Mr. Noor Hassan.	H.E.O.	To perform Telephone duty at District Control Room in his own pay & scale.	2
	Mr. Asghar Ahmed.	Telephone duty Clark.	Dispatcher E.O.	3
3.	Mr. Mohammad Shabbir.	Dispatcher E.O.		
4.	Mr. Mohammad Iqbal.		J.C Acq: Cell	against vacant post.
5.	Mr. Mubool ur Rehman.	H.E.O. Darglow.	H. E.O with Dispatcher.	6
6.	Mr. Khalid Khan.	H. with Dispatcher.	Teahall.	

By Order of  
Deputy Commissioner,  
Abbottabad.

No. 93/19(5) Govt. 1892-1902/A dated Abbottabad the 11-3-1961

Copy forwarded to the-

1. H.V.C. DC's Office Abbottabad.
2. The Tehsildar Acq: Abbottabad.
3. The Tehsildar Abbottabad.
4. I.A. to DC Abbottabad.
5. File No. 3289(6) Govt.

Deputy Commissioner,  
Abbottabad.

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**OFFICE OF THE DEPUTY COMMISSIONER ABBOTTABAD.**

**ORDER.**

The following posting/transfers amongst the Junior Clerks and Naib Tehsildars of District Office Establishment are hereby ordered in the interest of public service with immediate effect:-

<u>S. No.</u>	<u>Name</u>	<u>From</u>	<u>to</u>	<u>Vice.</u>
1	Mr. Noor Hassain.	N.Q.E.	To perform Telephone Duty at Distt: Co-nation Room in his own pay & Scale.	2
2.	Mr. Saghir Ahmad	Telephone Duty Clerk.	Despatcher E.O	3
3.	<b>Mr. Mohammad Shabbir</b>	<b>Despatcher E.O</b>	<b>A.D.R.A</b>	4
4.	Mr. Mohammad Sohrab	A.D.R.A	J.C. Acq: Cell:	Against vacant post.
5.	Maqbool ur Rhaman	N.Q DC's Benglow.	N.Q.E.O with Despatcher.	6
6.	Mr. Gul Zaman	N.Q with Despatcher.	N.Q Tehsil.	

By Order of  
Deputy Commissioner,  
Abbottabad.

Dated A'Abad the 11-3-/91.

No. 93/19(5)Rev:1892-1902/AA

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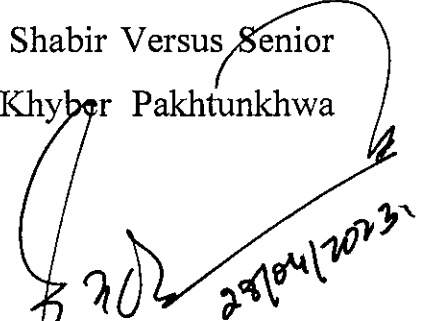
1. H.V.C DC's Office Abbottabad.
2. The Tehsildar Acq: Abbottabad.
3. The Tehsildar Abbottabad.
4. P.A to DC Abbottabad.
5. File No. 32. 19(6) Rev:

Deputy Commissioner,  
Abbottabad.

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE AND ESTATE DEPARTMENT**

**AUTHORITY LETTER**

Mr. Imran Akbar, Assistant Litigation-II (BS-16) Board of Revenue, is hereby authorized to attend and submit parawise comments in Service Appeal No. 1193/2022 titled Malik Muhammad Shabir Versus Senior Member, Board of Revenue before Service Tribunal, Khyber Pakhtunkhwa Peshawar, on behalf of this department.

  
Asstt: Secretary Lit-II  
Board of Revenue  
Khyber Pakhtunkhwa