

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

AMENDED APPEAL  
IN  
APPEAL NO.1461/2022

Nawaz Hassan Abbasi

V/S

Revenue Deptt:

.....  
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**APPELLANT**

Nawaz Hassan Abbasi

THROUGH:

  
**(SYED NOMAN ALI BUKHARI)**  
ADVOCATE HIGH COURT

(1)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

**AMENDED APPEAL  
IN  
APPEAL NO.1461/2022**

Mr Nawaz Hassan Abbasi Naib Tehsildar.  
Settlement Havelian District Abbottabad.

..... Appellant

**VERSUS**

- 1- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Land record Khyber Pakhtunkhwa Peshawar.
- 3- Mr. Chanzeb Khan, kanungo, District Abbottabad.
- 4- Mr. Irshad Khan, Settlement Kanungo, Peshi Kanungo, settlement operation Mansehra.
- 5- Mehboob Settlement Naib Tehsildar havelian.

..... RESPONDENTS

.....

**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE TRANSFER ORDER DATED 21/09/2022, 05/10/2022 AND 24/02/2023 WHEREBY THE APPELLANT WAS PREMATURELY TRANSFERRED AND AGAINST REJECTION ORDER DATED 06/10/2022 WITHOUT SHOWING ANY REASON.**

**PRAYER:**

**THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 21/09/2022, 05/10/2022, 06/10/2023 and 24/02/2023 MAY BE SET ASIDE BEING, PASSED PREMATURELY AND VIOLATION OF POSTING/TRANSFER POLICY. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY**

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**AND POLITICALLY MOTIVATED. ANY OTHER  
REMEDY WHICH THIS AUGUST TRIBUNAL  
DEEMS FIT AND APPROPRIATE THAT MAY  
ALSO BE AWARDED IN FAVOUR OF  
APPELLANT**

.....

**R/ SHEWETH:**

**ON FACTS:**

- 1- That Appellant is the employee of respondent Department was serving the respondent Department as Naib tehsildar quite efficiently and up to the entire satisfaction of his superiors.
- 2- That the appellant was transferred vide order dated 09/12/2021 from settlement operation Abbottabad to tehsil Havelian, Settlement operation Abbottabad. **Copy of order is attached as annexure-A .**
- 3- That just after two months the appellant was transfer vide order dated 04/02/2022 from tehsil Havelian, Settlement operation Abbottabad to settlement operation Mansehra and from the date of arrival work with full zeal and zest. **Copy of order is attached as annexure-B.**
- 4- That just after one month the appellant was transfer vide order dated 18/03/2022 from settlement operation Mansehra to tehsil Havelian, Settlement operation Abbottabad and from the date of arrival work with full zeal and zest. **Copy of order are attached as annexure-C.**
- 5- That again just after 6 months the appellant was prematurely transfer vide impugned order dated 21-09-2022 from tehsil Havelian, Settlement operation Abbottabad to DC office Abbottabad. The Appellant feeling aggrieved filed departmental appeal against the impugned order which was dully forwarded for comments from Settlement Officer Abbottabad. The Settlement Officer Abbottabad file comments in favor of the appellant. **Copy of impugned order departmental appeal and letters is attached as annexure -D, E & F.**
- 6- That thereafter appellant present in office of DLR on 05/10/2022 for query about departmental appeal decision. Then the appellant confronted with another impugned order 05/10/2022 whereby the respondent no.3 was transferred from the place of appellant and respondent n0.4 was posted at place of appellant. The appellant on spot filed appeal against the order dated 05/10/2022 wherein clearly stated that the order has been passed during my pendency of departmental appeal therefore requested that the order may be set – aside and the pending appeal may be decided. **Copy of impugned order dated 05/10/2022 and appeal is attached as annexure-G & II.**
- 7- That on next day 06/10/2022 the departmental appeal of the appellant was rejected by incompetent authority without showing any reason. **Copy of rejection order is attached as annexure-I.**

- 8- That the Appellant having no other remedy filed the service appeal no: 1461/2022 which was heard on 07/11/2022 and tribunal was kind enough to admit the appeal for regular hearing and impugned order was suspended by the Hon'able Tribunal. The impugned order was lastly extended on 07/02/2023 till 28/02/2023. **Copy of the Tribunal orders are attached as annexure-j & K.**
- 9- That during the pendency of service appeal and suspension order of the service tribunal in favor of the appellant the respondent department issued order dated 24/02/2023 and disturb the appellant from his post, the appellant feeling aggrieved filled implementation/execution petition for implementation of the suspension order dated 07/11/2022, in response to which tribunal was kind enough to suspend the order dated 24/02/2023 vide order dated 28/02/2023 and the next date was fixed as 04/04/2023, on the said that the respondent no.5 was impleaded as party in panel of respondent and on last date of hearing the appellant was directed to amend the appeal and make necessary amendment as per law. **Copy of order dated 24/02/2023 and implementation petition are attached as annexure L & M.**
- 10- That order dated 24/02/2023 was passed during pendency of appeal has no sanctity in the eye of law and passed in continuation of present appeal hence not needs further departmental appeal against the same as per judgment of superior court hence the amended appeal on the following grounds amongst other.

**GROUND:**

- A- That, impugned order dated 21/09/2022, 05/10/2020, 06/10/2022 and 24/02/2023 is against the Law, policy, rules, superior court judgment facts and norms of natural justice.
- B- That the transfer order dated 21-09-2022 is premature against the post for period of three year but despite that the appellant was transferred just after six months and respondent no.4 in place of appellant is politically motivated.
- C- That In the case of the petitioner, all the prevailing laws have been abused / misused and the department has tried to victimize the petitioner. Such treatment of the department is not covered under Para -1 of the posting transfer policy.
- D- That Para 3 of the posting / transfer policy further provides that the normal tenure of posting shall be two years , which has not been observed in the case of the petitioner .

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- E- That it is a cherished principle of law, that where a law requires a thing to be done in a particular manner, then the same is to be done in that manner and not otherwise.
- F- That order dated 24/02/2023 was passed during pendency of appeal has no sanctity in the eye of law and clear violation of the court order which also amounts to be contempt of court, further it is added that the tribunal has power to implement the interim relief order under order 39 rule-2 of the CPC.
- G- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- H- That the tenure of the appellant has not been completed, so the order dated 21/09/2022 is not according to law and rules without showing any cogent reasons, premature and in violation of posting transfer policy. It is, further mentioned here that not only premature but successive transfers in span of 1 year which is not permissible in the eye of law as held in Supreme Court Judgment cited as 2011 PLC(cs) 935. **Copy of posting transfer Policy is attached as Annexure-N.**
- I- That the transfer of the appellant is also a violation of circular based on the Anita Turab case dated 27.2.2013 in which it was clearly mentioned that when the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable, but in the case of the appellant the tenure was not respected and was posted/ transferred without completing his normal tenure. As held in Supreme Court Judgment cited as 2013 PLD SC 195. **Copy of Circular is attached as Annexure-O.**
- J- That consecutive transfer orders of the appellant show that the appellant was made a rolling stone and not allowed him to do his duty to the best of his abilities, as held in Superior Court Judgment cited as 2016 PLC (cs) 526 and 2011 PLC(cs) 935.
- K- That the respondent no.5 was also transferred illegally and against the prevailing rules for posting in revenue dept. as per notification dated 09/01/2020 the posting of Naib Tehsildar in his own tehsil is not permissible which is not permissible. **Copy of notification is attached as annexure- P.**
- L- That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellants.

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- M- That the respondent Department acted in arbitrary and malafide manner by transferring the appellant and as such the same is against the transfer/posting policy of the Provincial Government.
- N- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly requested that the appeal of the appellant may be accepted as prayed for.

  
APPELLANT

Nawaz Hassan Abbasi

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

**CERTIFICATE:**

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

  
DEPONENT

**LIT OF BOOKS:**

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE
3. Any other case law as per need.

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

2

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

**AMENDED APPEAL  
IN  
APPEAL NO.1461/2022**

Nawaz Hassan Abbasi

V/S

Revenue Deptt:

**AFFIDAVIT**

I, Nawaz Hassan Abbasi (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this Honorable Tribunal.

  
DEPONENT

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

**AMENDED APPEAL  
IN  
APPEAL NO.1461/2022**

Nawaz Hassan Abbasi

V/S

Revenue Deptt.

.....

**APPLICATION FOR SUSPENSION OF  
OPERATION OF ORDER DATED 21.09.2022,  
& 05/10/2022 & 06.10.2022 & 24/02/2023 OF  
APPELLANT TILL THE DISPOSAL OF  
MAIN APPEAL.**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed an Appeal along-with application in which no date has been fixed so far.
2. That the appellant has good prime facie case and all the ingredients of stay is in favour of appellant.
3. That the grounds of main appeal may also be considered as integral part of this application.
4. That the impugned order has passed on favouritism and nepotism and has been passed in-violation of Posting, Transfer Policy.
5. That the appellant has not completed his tenure and the order dated 21.09.2022 & 05/10/2022 & 06.10.2022 is without any reasons.
6. That the impugned order has passed on favoritism and nepotism and has been passed in-violation of Posting, Transfer Policy.
7. That if the order dated 21.09.2022 & 05/10/2022 & 06.10.2022, 24/02/2023 is not suspended. Its not only badly effect the right of appellant but also creates hurdles for the appellant to performed her duties efficiently.



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It is, therefore, most humbly prayed that the order dated 21.09.2022 & 05/10/2022 & 06.10.2022, 24/02/2023 may be suspended till the disposal of main appeal. Any other remedy, which this august tribunal deems fit that may also be awarded in favour of appellant.

*Qureshi*  
**APPELLANT**

Nawaz Hassan Abbasi

THROUGH:

*Noman Ali Bukhari*  
**(SYED NOMAN ALI BUKHARI)**  
ADVOCATE HIGH COURT

**AFFIDAVIT:**

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

*Qureshi*  
DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA  
(DIRECTOR LAND RECORDS)  
REVENUE AND ESTATE DEPARTMENT

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

Phone: 091-9210057

@LandrecordKP  
[fb.com/landrecord.kp](https://www.facebook.com/landrecord.kp)

Peshawar dated the 09/12/202

**OFFICE ORDER:**

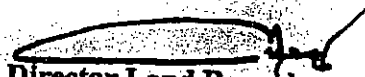
No.LR-V/Settl/P&T/ 3252-57 The Competent Authority is pleased to pc  
Mr. Nawaz Hassan, Revenue Kanungo, presently working in Settlement Operation Abbottaba  
against the vacant post of Settlement Naib Tehsildar in his own pay and scale in Tehsil Havelia  
Settlement Operation Abbottabad with immediate effect till further order.

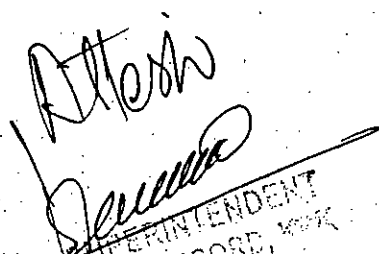
Approved by  
Competent Authority

Endst: No. & Date Even.

Copy forwarded to the;

1. Deputy Commissioner, Abbottabad.
2. Settlement Officer, Abbottabad.
3. District Accounts Officer, Abbottabad.
4. PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
5. PS to Commissioner Abbottabad Division.
6. Officer Concerned for compliance.

  
Director Land Records  
Khyber Pakhtunkhwa

  
SUPERINTENDENT  
LAND RECORD, KPK



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

Phone: 091-9210057  
E-Mail: landrecord.kpk@gmail.com

fb.com/landrecord.kpk  
@LandrecordKP

Peshawar dated the February 04, 2022

**NOTIFICATION:**

No. LR-V/Settlement/T&P/ 556-67 Consequent upon the suspension of Mr. Chan Zeb, Settlement Naib Tehsildar (OPS), Settlement Operation Mansehra and his repatriation to Revenue Side/Deputy Commissioner, Abbottabad, the Competent Authority is pleased to transfer and post Mr. Nawaz Hassan Abbasi, Naib Tehsildar (OPS) Settlement Operation Abbottabad in his place in the best public interest with immediate effect till further orders.

Approved by  
Competent Authority

Endst: No. & Date even

Copy for information forwarded to the:-

1. Commissioner, Hazara Division Abbottabad.
2. Deputy Commissioners, Abbottabad and Mansehra.
3. Settlement Officers, Abbottabad and Mansehra.
4. District Accounts Officers, Abbottabad and Mansehra.
5. PS to Special Assistant to Chief Minister on Revenue & Estate, Khyber Pakhtunkhwa.
6. PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
7. Officials concerned for compliance.
8. Office order file.

*Atkin*  
*Superintendent*  
**SUPERINTENDENT  
LAND RECORD, KPK**

*[Signature]*  
**Director Land Records/  
Chief Settlement Officer  
Khyber Pakhtunkhwa**



C 110

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT**

Phone: 091-9210057, Fax: 091-9213989  
E-Mail: landrecord.kpk@gmail.com

fb.com/landrecord.kpk  
@LandrecordKP

Peshawar dated the 18 /03/2022

**NOTIFICATION**

No. LR-V Settlement/Mansehra/P&T/ 2268-86 The following posting/transfer amongst Settlement Naib Tehsildars/Settlement Kanungos in the Settlement Operations is hereby ordered with immediate effect in best public interest:

S. No.	Name of Officials	From	To	Remarks
1.	Mr. Ifikhar Ahmad	Waiting for posting in the office of Commissioner, Peshawar.	Settlement Naib Tehsildar Circle-II, Nowshera	Against the vacant post
2.	Mr. Nawaz Hassan Abbasi	Settlement Naib Tehsildar (OPS) <u>Mansehra</u>	Settlement Naib Tehsildar (OPS) <u>Havelian Abbottabad</u>	Against the vacant post
3.	Mr. Niaz Muhammad	Naib Tehsildar, Darband Mansehra	Settlement Naib Tehsildar Mansehra	Vice S. No. 02
4.	Mr. Zahid Hussain	Under repatriation to Deputy Commissioner Nowshera vide Board of Revenue office order No. LR-V/SO/NSR/1372-79, dated 28.02.2022	On acceptance of his departmental appeal, posted as Settlement Kanungo Circle Nowshera.	

Note:- Officials at S.No.2 & 3 will hand/take over their respective charges after 31.03.2022.

Approved By  
Competent Authority

Endst: No. & Date even:-

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Divisional Commissioners Peshawar and Huzara.
3. Secretary-I, Board of Revenue, Khyber Pakhtunkhwa.
4. Deputy Commissioners Peshawar, Abbottabad, Nowshera and Mansehra.
5. Settlement Officers Abbottabad, Nowshera and Mansehra.
6. District Accounts Officers Nowshera, Abbottabad and Mansehra.
7. PS to SMBR/Secretary Revenue & Estate Department Khyber Pakhtunkhwa.
8. Officials concerned for compliance.
9. Office Order File

Director Land Records  
Chief Settlement Officer  
Khyber Pakhtunkhwa

D 12



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 21/09/2022.

**OFFICE ORDER**

No. LR-IV/SR/P&T/Vol-III/20166-74 The following posting / transfer amongst Kanungos/Settlement Naib Tehsildars in Settlement Operation Abbottabad is hereby ordered with immediate effect in the public interest:-

S.No	Name with Designation	From	To	Remarks
01	Mr. Chanzeb Khan, Kanungo	Kanungo Circle Abbottabad	Settlement Naib Tehsildar Havelian, Abbottabad (OPS)	Vice S.No.02
02	Mr. Hassan Nawaz Abbasi, Kanungo	Settlement Naib Tehsildar Havelian. Abbottabad (OPS)	Repatriated to his parent office i.e. DC office Abbottabad	

This issues with the approval of Senior Member, Board of Revenue.

Director Land Records  
Chief Settlement Officer.

**Endst No. & Date Even.**

Copy forwarded to the;

1. Divisional Commissioner, Hazara Division, Abbottabad.
2. Deputy Commissioner, Abbottabad.
3. Settlement Officer, Abbottabad.
4. Additional Deputy Commissioners (G) Abbottabad.
5. District Accounts Officer, Abbottabad.
6. Senior Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
7. Officers / Officials concerned for compliance.
8. Personal Files.

Director Land Records  
Chief Settlement Officer.

SUPERINTENDENT  
LAND RECORD, KPK

E (13)

DLR وہب ایسٹ آف ریلوینو کٹار  
کھنڈر ضابطہ

عاب عالی

گڈنس جسکے سائن عمر لکھا گیا مائیکس ماہ سے

آپ کے زیر مانیہ نائب کھنڈر سبڈسٹ جرنیوں

کھنڈر ہے اور رعایا کام رعایتی اور جنت سے

SR/PST/11701-111/20166-74

سرخجام دے رہا ہے۔ ضابطہ سے ہر آرڈر

سنہ 09/2022 کو والیں حوالہ ڈیٹی کٹر اسٹ آرڈر

ضابطہ مال۔ سبڈ گڈنس جسکے ابھی تک دورانہ مکمل نہ ہوا اور

جبے قبل از وقت تبدیل کر دیا گیا ہے۔ جو کہ صوبائی حکومت

کھنڈر و تدارک یا کسی کے خلاف ہے۔

اسی گڈنس جسکے حکم مذکورہ کو منسوخ فرمایا جا

ضابطہ کی سبڈ اسٹیبل کے لئے رعایتی ہوں گا

09  
2022  
دعوت

لنڈرسن عاب عالی نائب کھنڈر سبڈسٹ جرنیوں

ضابطہ اسٹ آرڈر  
Jamil

Attorney  
SUPERINTEN  
LAND RECOR



F (16)  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
(DIRECTORATE OF LAND RECORDS)  
REVENUE AND ESTATE DEPARTMENT

E-Mail: landrecord.kpk@gmail.com

Phone: 091-9210057

@Landrecords  
fb.com/landrecords

Peshawar dated the 23/11

No. LR-V-SO/Aid/ 20344-46


To

The Settlement Officer  
Abbottabad

Subject:

APPLICATION OF MR. NAWAZ HASSAN ABBASI, SETTLEMENT  
TEHSILDAR, HAVELIAN


I am directed to enclose herewith application of Mr. Nawaz Hassan Settlement Naib Tehsildar (OPS), Settlement Operation Havelian, Abbottabad with the request to furnish view/comments on the content of the application please.

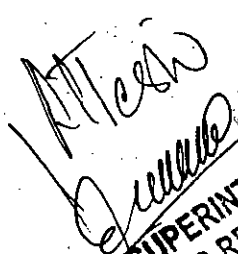
  
Deputy Director Land Records  
Khyber Pakhtunkhwa

Encl: No. & date even.

Copy forwarded for information to the:-

- 1) PS to Secretary to Govt. of Khyber Pakhtunkhwa, Revenue & Estate Department.
- 2) PA to Director Land Records, Khyber Pakhtunkhwa.

  
Deputy Director Land Records  
Khyber Pakhtunkhwa

  
SUPERINTENDENT  
LAND RECORD, KPK

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OFFICE OF THE SETTLEMENT  
OFFICER ABBOTTABAD

No.App/2022-23/2695 /SO/ATD Dated Abbottabad the 23/09/2022

To

The Director Land Records/Chief Settlement Officer  
Khyber Pakhtunkhwa, Peshawar

Subject:

APPLICATION OF MR. NAWAZ HASSAN ABBASI, SETTLEMENT  
NAIB TEHSILDAR, HAVELIAN

This is with reference to your office order No.LR-IV/SR/P&T/Vol-III/20166074 dated:21/09/2022 on the captioned subject and to state that Mr. Nawaz Hassan Abbasi, Settlement Naib Tehsildar (OPS) is a competent revenue officer, working for the last one year in Settlement Operation. During his period, the official has conducted inspections of completed mouzas, resultantly, the mouzas were consigned to District Administration. Moreover, the official is again transfer without completing his tenure.

Thus, it is requested that the ibid under transfer official may be retained on the post of Settlement Naib Tehsildar (OPS) Tehsil Havelian, Abbottabad in the best interest of the Settlement Operation.

SETTLEMENT OFFICER  
ABBOTTAABD

Attest  
*[Signature]*  
SUPERINTENDENT  
LAND RECORD, KPK





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

@LandrecordsKP

fb.com/landrecordskp

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

Phone: 091-9210037

Peshawar dated the 05/10/2022

**OFFICE ORDER**

No. LR-VS.OT&T/ 21342-56 The following posting / transfer amongst Kanungos/Settlement Naib Tehsildars in Settlement Operations is hereby ordered with immediate effect in the public interest:-

S.No	Name with Designation	From	To	Remarks
01	Mr. Chanzeb Khan, Kanungo	Settlement Naib Tehsildar Havelian, Abbottabad (OPS)	Repatriated to his parent office i.e. DC office Abbottabad	
02	Mr. Irshad Khan, Settlement Kanungo	Peshi Kanungo, Settlement Operation, Mansehra.	Settlement Naib Tehsildar Havelian, Abbottabad (OPS)	Vice No.

This issues with the approval of Senior Member, Board of Revenue.

Director Land Records  
Chief Settlement Office

Encl No. & Date Even.

- Copy forwarded to the;
1. Divisional Commissioner, Hazara Division, Abbottabad.
  2. Deputy Commissioners, Mansehra and Abbottabad.
  3. Settlement Officers, Mansehra and Abbottabad.
  4. Additional Deputy Commissioners (O), Mansehra and Abbottabad.
  5. District Accounts Officers, Mansehra and Abbottabad.
  6. Senior Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
  7. Officers / Officials concerned for compliance.
  8. Personal Files.
  9. Office order file.

Director Land Records  
Chief Settlement Office

H

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لکھنؤ صاحب D.L.R صاحب لوہڑا آمدلوہڑا

LR - W/SR/P 11/101 - 111/20166-74

منہ پال

گندیشی جسکے سیرا تبدیلی آرڈر میں

جسکے 05/10/2022 کو اس کے خلاف سے جملہ اس پر اثر رکھتا ہے

میں آج جسکے 05/10/2022 کو اس پر اس کی خدمات کے لئے دفتر حاضر ہوا تو معلوم

ہوا کہ ایک آرڈر میں LR - V/SR/P 11/342 - 56 جسکے 05/10/2022 کو سہو گیا ہے

جو کہ سراسر زیادتی اور خلاف قانون ہے۔ سیرا اس کے مندرجہ تک حکم مندرجہ

میں سہو گیا ہے۔ اس کے ~~مندرجہ تک~~ عدالت جو آرڈر مندرجہ کیا گیا ہے

وہ خلاف قانون ہے

اس لیے آرڈر مندرجہ کو مسترد کر دیا گیا ہے سیرا اس پر مندرجہ فرما جاوے

05/10/2022

گورنر جسٹس صاحب صاحب عدالت جسٹس جسٹس

میل اسٹور



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

No. LR-V/SO/Atd/ 2695

Peshawar dated the 26/10/2022.

To

The Settlement Officer  
Abbottabad

Subject:

**APPLICATION OF MR. NAWAZ HASSAN ABBASI, SETTLEMENT NAIB  
TEHSILDAR, HAVELIAN**

I am directed to refer to your letter No. 2695 dated 23.09.2022 on the captioned subject and to state that the request cannot be entertained, hence filed.

Assistant Director Land Records  
Khyber Pakhtunkhwa

Inst. No. & date even:

Copy forwarded for information to the:-

- 1) PS to Secretary to Govt. of Khyber Pakhtunkhwa, Revenue & Estate Department.
- 2) PA to Director Land Records, Khyber Pakhtunkhwa.

Assistant Director Land Records  
Khyber Pakhtunkhwa

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**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

1

APPEAL NO. 1461 /2022

Khyber Pakhtunkhwa Service Tribunal

Distt No. 1556

Dated 11-10-2022

Mr Nawaz Hassan Abbasi Naib Tehsildar.  
Settlement Havelian District Abbottabad.

..... Appellant

**VERSUS**



- 1- The Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 2- The Director Land records Khyber Pakhtunkhwa Peshawar.
- 3- Mr. Chanzeb Khan, kanungo, kanungo, District Abbottabad.
- 4- Mr. Irshad Khan, Settlement Kanungo, Peshi Kanungo, settlement operation Mansehra.

..... **RESPONDENTS**

Filed to-day  
Registrar  
11/10/2022

**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE TRANSFER ORDER DATED 21/09/2022 and 05/10/2022 WHEREBY THE APPELLANT WAS PREMATURELY TRANSFERRED AND AGAINST REJECTION ORDER DATED 06/10/2022 WITHOUT SHOWING ANY REASON.**

**PRAYER:**

**THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 21/09/2022 and 05/10/2022 MAY BE SET ASIDE BEING, PASSED PREMATURELY AND VIOLATION OF POSTING/TRANSFER POLICY. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY AND POLITICALLY MOTIVATED. ANY OTHER REMEDY WHICH THIS AUGUST-TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY**

certified to be true copy  
  
Registrar  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

07.11.2022 Appellant alongwith his counsel Mr. Muhammad Musadiq  
Zahid, Advocate present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant who is basically Kanungo and was posted as Settlement Naib Tehsildar (OPS) Tehsil Havelian against the vacant post vide office order dated 09.12.2021. He was again transferred as Niab Tehsildar (OPS) Settlement operation Abbottabad vide Notification dated 04.02.2022. Subsequently, the appellant was once again transferred as Settlement Naib Tehsildar (OPS) Havelian against the vacant post vide yet another Notification dated 18.03.2022 from where he was repatriated to the office of Deputy Commissioner, Abbtabad vide office order dated 21.09.2022 and private respondent No. 3 (Mr. Chanzeb Khan) was now posted against the post vacated by the appellant. Later on, even private respondent No. 3 (Mr. Chanzeb Khan) was repatriated to the office of Deputy Commissioner Abbottabad and now private respondent No. 4 (Irshad Khan) was posted as Settlement Naib Tehsildar Havelian (OPS) vide office order dated 05.10.2022. It was vehemently argued that the appellant has been made rolling stone and transferred for 4 times within a short span of 9 months. His departmental appeal submitted through Settlement Officer Abbottabad was regretted on 06.10.2022 by respondent No. 2. The appellant has been targeted and made scapegoat without any fault on his part. The frequent transfers particularly of private respondents have been made on political grounds and consideration due to which the appellant has suffered. His frequent posting/transfer is a clear and blatant violation of provision I & IV of Posting Transfer Policy of the

ATTESTED

ENABDAN  
Member (S) of the  
Service Tribunal  
Islamabad

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Provincial Government. Tenure of a civil servant has been ensured as held in PLD 2013, Supreme Court 195 which has to be observed by the respondent department in letter and spirit. To strengthen his arguments, learned counsel for the appellant relied on 2011 PLC (C.S) 935, 2016 PLC (C.S) 526 and PLD 2013 Supreme Court 195.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 25.11.2022. Alongwith the service appeal, an application for suspension of the operation of impugned orders dated 21.09.2022, 05.10.2022 and 06.10.2022 has been submitted-which is placed on file. Operation of the impugned orders dated 21.09.2022, 05.10.2022 and 06.10.2022 are suspended till further order. Notice of the said application be also issued to the respondents for submission of reply/comments on the date fixed.

*[Handwritten Signature]*

(Mian Muhammad)  
Member (E)

Certified to be true copy  
*[Handwritten Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of issue of order of appeal  
Number of copies 1200  
Clipping 14/  
Date 5/11  
18/11  
Date of delivery of copies

08/11/22  
08/11/22



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

E-Mail: landrecord.kpk@gmail.com

Phone: 091-9210057


@landrecordKP  
Facebook/landrecord.kpk

Peshawar dated the 24/02/2023.

OFFICE ORDER:

No. LR-V/SNT/Promotion/ 2891-97 In pursuance of this office order No. LR-V/SNT/Promotion/9430-12 dated 24-01-2023 regarding promotion of Settlement Naib Tehsildar Mr. Mehboob newly promoted Settlement Naib Tehsildar is hereby posted as SNT Javelian District Abbottabad for actualization of promotion, with immediate effect in the public interest.


Consequently Mr. Nawaz Hassan Abbasi SNT (OPS) is hereby repatriated to his parent office, Deputy Commissioner Office Abbottabad as Kanungo.

  
Director Land Records  
Khyber Pakhtunkhwa

NDST NO & DATE EVEN

Copy is forwarded to the;

1. Commissioner, Hazara Division, Abbottabad.
2. Deputy Commissioner, Abbottabad.
3. Settlement Officer, Abbottabad.
4. District Accounts Officer, Abbottabad.
5. Senior PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
6. PA to Director Land Records, Khyber Pakhtunkhwa.

  
Director Land Records  
Khyber Pakhtunkhwa

Scanned with CamScanner

2. PS to Member Board of Revenue, Khyber Pakhtunkhwa.  
6. PA to Member - III Board of Revenue, Khyber Pakhtunkhwa.



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**BEFORE THE HON'BLE SERVICE**  
**TRIBUNAL, PESHAWAR**

S.A No. 1461/2022

Nawaz Hassan Abbasi Niab Tehsildar Settlement  
Havelian District Abbottabad.

Applicant

Versus

1. Senior Member Board of Revenue KPK.
2. Ijaz Ur Rehman Director Land Record KPK.
3. Chanzeb Khan Kanungo District Abbottabad.
4. Mr. Irshad Khan Settlement Kanungo Mansehra.
5. Mehboob Settlement Naib Tehsildar ~~KPK~~ Havelian

Respondents

**APPLICATION FOR IMPLEMENTATION**  
**SUSPENSION OF THE ORDER DATED 07-**  
**11-2022 PASSED BY THIS HON'BLE TRIBUNAL**  
**IN SERVICE APPEAL NO. 1461/22 AND**  
**SUSPENSION OF ORDER NO. 2891-97 DATED 26-**  
**02-2023 TILL DISPOSAL OF MAIN APPEAL.**

**Respectfully Submitted:-**

1. That the above noted service appeal was pending adjudication in this Hon'ble Tribunal and was judgment and order dated: 07-11-2022.

2. That vide judgment and order dated: 07-11-2022 this Hon'ble Tribunal admitted the appeal no. 1461/22 in the following manner:

Appellant alongwith his counsel Mr. Muhammed Musadiqe Zahid. Advocate present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant who is basically Kanungo and was posted as Settlement Naib Tehsildar (OPS) Tehsil Havelian against the vacant post vide office order dated 09.12.2021. He was again transferred as Niab Tehsildar (OPS) Settlement operation Abbottabad vide Notification dated 04.02.2022. Subsequently, the appellant was once again transferred as Settlement Naib Tehsildar (OPS) Havelian against the vacant post vide yet another Notification dated 18.03.2022 from where he was repatriated to the office of Deputy Commissioner, Abbottabad vide office order dated 21.09.2022 and private respondent No. 3 (Mr. Chanzeb, Khan) was now posted against the post vacated by the appellant. Later on, even private respondent No. 3 (Mr. Chanzeb Khan was repatriated to the office of Deputy Commissioner Abbottabad and now private respondent No. 4 (Irshad Khan) was posted as Settlement Naib Tehsildar Havelian (OPS) vide office order dated 05.10.2022. It was, vehemently argued that the appellant has been made rolling stone and transferred for 4 times within a short span of 9 months, His

departmental appeal submitted through Settlement Officer Abbottabad was regretted on 06.10.2022 by respondent No. 2. The appellant has been targeted and made scapegoat without any fault on his part. The frequent transfers particularly of private respondents have been made on political grounds and consideration due to which the appellant has suffered. His frequent posting/transfer is a clear and blatant violation of provision I & IV of Posting Transfer Policy of the

Provincial Government. Tenure of a civil servant has been ensured as held in PLD 2013. Supreme Court 195 which has to be observed by the respondent department in letter and spirit. To strengthen his arguments, learned counsel for the appellant relied on 2011 PLC (C.S) 935, 2016 PLC (C.S) 526 and PLD 2013 Supreme Court 195.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days Thereafter. notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 25.11.2022. Alongwith the service appeal, an application for suspension of the operation of impugned orders dated 21.09.2022, 05.10.2022 and 06.10.2022 has been submitted which is placed on file. Operation of the impugned orders dated 21.09,2022, 05.10.2022 and 06.10.2022 are suspended till further order. Notice of the said application be also issued to the respondents for

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submission of reply/comments on the date fixed.  
(copy of order dated 07-11-2022 is attached as  
annexure "A")

3. That respondent No. 2 in flagrant violation and disregard of the stay order issued by this Honourable Court, issued order of transfer of one Mr. Mehboob as Naib Tehsildar Settlement Tehsil Havelian District Abbottabad in place of applicant/appellant vide office order bearing No. LR-V/SNT/Promotion/2891-97 dated 24/02/2023. Copy of order dated 24/02/2023 is attached as Annexure "B".
4. That respondent No. 1 & 2 has not yet submitted their comments despite repeated directions by this Honourable Tribunal." Copy of order dated" 07-02-2023 is attached is annexure "C"
5. That when a competent court issues a status quo order, same is binding upon every citizen irrespective of his status and position. Issuance of order in existence of status quo depicts disregard and disobedience on the part of respondent No. 2 even otherwise, posting of Naib Tehsildar in its own Tehsil is not permissible under the law, Copy of notification No.1013-55 & Transfer Policy dated 19/01/2020 s attached as Annexure "D", Besides, Election commission of Pakistan has also imposed ban on posting / transfer in the province of KPK.

*It is prayed that on acceptance of the implementation application, suspend the order No LR-V/SNT/Promotion/2891-97 dated 24/02/2023. And*

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*the respondent No. 2 may graciously be directed to forthwith withdraw the office order bearing No. and submit compliance report before this Honourable Tribunal and further directed not to disturbed the applicant from his place of posting as per order dated: 07-11-2022 till disposal of main appeal.*

Dated:28-02-2023

*Nawaz*  
Appellant/Applicant  
Nawaz Hassan Abbasi

**AFFIDAVIT**

I, Nawaz Hassan Abbasi Niab Tehsildar Settlement Havelian District Abbottabad, do hereby solemnly affirm and declare that all the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

ATTESTED  
Zahoor Khan Advokat  
Muzaffargarh  
28/2/2023

*Nawaz*  
DEPONENT



GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

- (i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.
- (ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- (iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- (iv) The normal tenure of posting shall be 3 years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- (v) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.
- (vi) While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa, approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- (vii) (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- (vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area/residence is situated.
- (viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- (ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- (x) All the posts by transferring authorities may facilitate the posting/transfer of the government servants at the station of the residence of their parents.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No. SOR-VI (E&AD) 1-4/2008/Vol-VI dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985; District Government Rules of Business, 2001; Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD) 1-4/2008, dated 21-09-2008.

ATTACHED



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- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile, and be allowed to serve there till the retirement. DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile, subject to the condition that such posting would be against non-administrative posts of equivalent series;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-16 and above.	Chief Secretary in consultation with Establishment; Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(FG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
  - a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
  - b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

Added vide Urdu circular letter No: SOR-M (E&AD) 1-1/2005, dated 9-9-2005.

*[Handwritten signature]*

**ATTESTED**

*(Handwritten scribble)*

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xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases:

i) Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.

(ii)

Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business, 2001 read with schedule - IV thereof is referred. As per schedule IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below.	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed / implemented.

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer. (Author: P.O. No. (OR-VIE&AD)/4/2003 dated 24-6-2003).

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

ATTESTED





(iii) Illegal Orders: Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms. Instead, in such situations, they must record their opinion and, if necessary, dissent.

(iv) OSD: Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

*Naqam*  
(NAJ-MUS-SAHAR)  
SECTION OFFICER (REG-VI)

Encl. as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa Public Service Commission.
7. All Addl. Secretaries, Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

*Naqam*  
SECTION OFFICER (REG-VI)

*Naqam*  
ATTACHED



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
BOARD OF REVENUE,  
REVENUE & ESTATE DEPARTMENT,  
Fax No: 091,921,2989  
No. Estt/posting / transfer policy / 1013-55  
Peshawar dated the 09.01.2020.

To

1. All the Commissioners,  
In Khyber Pakhtunkhwa.
2. All the Deputy Commissioners  
In Khyber Pakhtunkhwa.

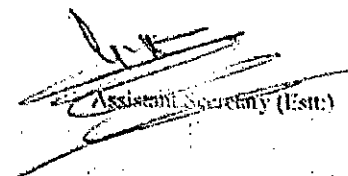
**SUBJECT: POSTING / TRANSFER OF REVENUE STAFF IN THEIR  
DISTRICT OF DOMICILE.**

Dear Sir,

I am directed to refer to the subject and to state that the Competent Authority in consultation with Chief Secretary Khyber Pakhtunkhwa has been pleased to direct that posting / transfer of the Revenue Staff in the Province shall be made in the following manner:-

- a. Tehsildar shall not be posted in the District of his domicile.
- b. Naib Tehsildar shall not be posted in his home Tehsil.
- c. Patwari shall not be posted in Patwar Halqa to which he belongs.

I am further directed to request you to submit details of those revenue staff who were posted in their district of domicile, their home tehsil and Patwar Halqa to which they belongs for further necessary action within 15 days positively please.

  
Assistant Secretary (Estt.)

No. Estt/posting / transfer/policy/

Copy forwarded to the:-

1. PSO to Chief Secretary Khyber Pakhtunkhwa.
2. PS to Chief Secretary Khyber Pakhtunkhwa.
3. PS to Secretary Establishment Khyber Pakhtunkhwa.
4. PS to Senior Member Board of Revenue.
5. PS to Member - III Board of Revenue.
6. PA to Secretary - I Board of Revenue.

Assistant Secretary (Estt.)

**VAKALAT NAMA**

Amended Appeal No. 123  
Appeal NO. 1461 /2022

IN THE COURT OF KP Senia Tribunal, Peshawar

Munawar Hassan Abbasi (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Revenue Dept (Respondent)  
(Defendant)

I/We, Munawar Hassan Abbasi

Do hereby appoint and constitute **Mr. M. Asif Yousafzai, ASC** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

[Signature]  
(CLIENT)

ACCEPTED

**M. ASIF YOUSAFZAI, ASC,**

[Signature]  
**SYED NOMAN ALI BUKHARI**  
Advocate High Court Peshawar