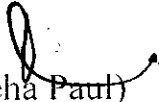


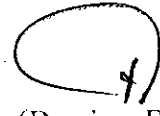
10.04.2023

Appellant present through counsel.

Muhammad Jan, learned District Attorney for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 15.06.2023 before D.B. Pacha Peshi given to the parties.


  
(Fareeha Paul)  
Member (E)


  
(Rozina Rehman)  
Member (J)

06.02.2023

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

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Granted. To come up for arguments on 13.03.2023 before the D.B.


  
(FAREEHA PAUL)  
Member (E)


  
(ROZINA REHMAN)  
Member (J)

13<sup>th</sup> March, 2023

Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents present.

Learned counsel for the appellant seeks time on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 10.04.2023 before the D.B. Parcha Peshi given to the parties.

  
(Salah-ud-Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

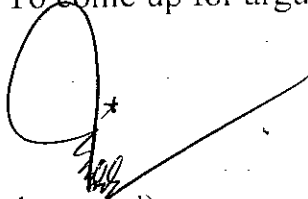
SCANNED  
KPST  
Peshawar


SCANNED  
KPST  
Peshawar

11.10.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents present.


Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the brief of the instant appeal. Adjourned. To come up for arguments on 21.10.2022 before the D.B.

  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

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

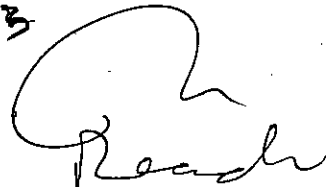
Because of strike of the Bar, this matter is adjourned to 28.11.2022. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

28-11-22

Deleted from list to come up for the same on 6/2/2023

  
Readh

26.11.2020

Appellant in person alongwith his counsel is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Asif, Assistant, for official respondents No. 1 to 3 are also present.

Joint para-wise comments on behalf of official respondents No. 1 to 3 have already been submitted. Neither written reply on behalf of private respondents No. 4 to 7 submitted nor any one on their behalf is present, hence they are proceeded against ex-parte. File to come up for rejoinder and arguments on 14.12.2020 before D.B. The restraint order passed on 21.09.2020 shall remain operative till next date of hearing.

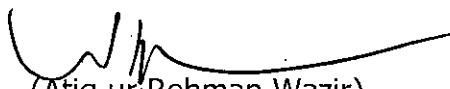
  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

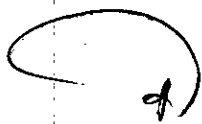
14.12.2020

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 11.01.2021 before D.B. The restraint order passed on 21.09.2020 shall remain operative till the next date of hearing.


  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

22.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, learned counsel for appellant is not available today. Mr. Kabirullah Khattak, Additional AG is present.

Neither written reply on behalf of official respondents as well as private respondents submitted nor any representative on their behalf is present, therefore, notices be issued to them for submission of written reply/comments for 06.11.2020 before S.B. The restraint order passed on 21.09.2020 shall remain operative till next date of hearing.

  
(Muhammad Jamal Khan)  
Member (Judicial)

06.11.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Afsar Ali, Computer Operator, on behalf of official respondents No. 1 to 3 are also present.

Representative of official respondents No. 1 to 3 submitted joint para-wise comments on behalf of the said respondents which is made part of record. While neither written reply on behalf of private respondents submitted nor they are present in person, therefore, notices be issued to them for submission of written reply/comments for 26.11.2020 before S.B. The restraint order passed on 21.09.2020 shall remain operative till next date of hearing.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

28.06.2022

Appellant alongwith junior of his counsel present. Mr. Riaz Khan Paindakheil, Assistant Advocate General for respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant has proceeded to his home due to domestic urgency. Adjourned. Adjourned. To come up for arguments on 11.08.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah Ud Din)  
Member (J)

11-8-2022

Proper DB not available the case is adjourned to 19-9-2022

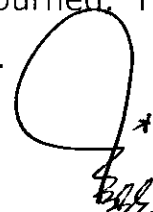


Reader

19.09.2022

Appellant alongwith his counsel present. Mr. Imran Akbar, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 11.10.2022 before the D.B.



(Mian Muhammad)  
Member (Executive)

21.09.2021

Junior to counsel and Mr. Kabirullah Khattak,  
Addl. AG for the respondents present.

Learned counsel for the appellant is not in attendance due to indisposition and request for adjournment is made on his behalf. Request accorded. To come up for arguments on 11.01.2022 before the D.B.



(Rozina Rehman)  
Member(Judicial)



Chairman

30.11.2021

Due to non-availability of DB, the case is adjourned to 07-12-2021.

*Amir*  
Reader

07.12.2021

Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Junior of learned counsel for the sought adjournment on the ground that learned senior counsel for the appellant is busy before the august Peshawar High Court, Peshawar. Adjourned. Case to come up for arguments on 07.03.2022 before the D.B.



(Salah-ud-Din)  
Member (J)



Chairman

7-3-22

Due to retirement of the Honorable Chairman the case is adjourned on 28-6-22

*Amir*  
Reader


*Noted for Council for Appellant*  
*01/12/21*

27.07.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested that time may be granted to him for submission of rejoinder. Adjourned. To come up for rejoinder as well as arguments before the D.B on 01.09.2021. The restraint order passed on 21.09.2020 shall remain operative till the date fixed.

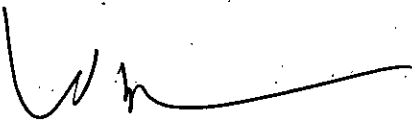
  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

01.09.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that due to some domestic engagements, he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 21.09.2021. The restraint order passed on 21.09.2020 shall remain operative till the date fixed.

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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

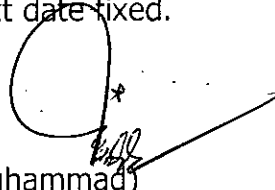


11.01.2021

Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Muhammad Asif Assistant for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 04.03.2021 before D.B. The restraint order passed on 21.09.2020 shall remain operative till the next date fixed.



(Mian Muhammad)  
Member (E)



(Rozina Rehman)  
Member (J)

04.03.2021

Appellant in person and Abdur Rasheed, DDA for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, the matter is adjourned to 08.04.2021 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)  
Member(E)



Chairman

08.04.2021

Due to demise of Hon'abl chairmen The Tribunal is defunct, Therefore, The case is adjourned to 27.07.2021 for the same as before.



21.09.2020

Counsel for the appellant present.

The question "whether seniority of class-IV employees is to be reckoned for promotion to the post of Junior Clerk from the date of appointment or the date of acquiring SSC qualification", is to be resolved through the instant appeal. Admit. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments on 07.10.2020 before S.B.

Alongwith the appeal there is an application for suspension of Departmental Promotion Committee decision taken in its meeting dated 16.07.2020 for promotion to the post of Junior Clerk. Notice of the application be also given to the respondents for the date fixed. In the meanwhile, promotion to at least one post of Junior Clerk falling in the relevant quota shall not be finalized.

Appellant Deposited  
Security & Process Fee

21/9/20

  
Chairman

07.10.2020

Junior to counsel for the appellant, Addl. AG alongwith Muhammad Arif, Superintendent for official respondents and private respondents No. 4, 5, 6 and 7 in person present.

Respondents need further time to submit their respective reply/comments. Adjourned to 22.10.2020 on which date the requisite reply/comments shall be submitted without fail. The restraint order passed on 21.09.2020 shall remain operative till next date of hearing.



  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- 9612 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/08/2020	<p>The appeal of Mr. Muhammad Tufail resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR,</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/09/2020</u>.</p> <p> CHAIRMAN</p>

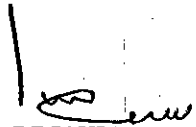
SCANNED  
BEST  
Peshawar

The appeal of Mr. Muhammad Tufail Chowkidar Revenue & Estate Department Khyber Pakhtunkhwa received today i.e. on 07.08.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexures-G & I of the appeal are illegible which may be replaced by legible/better one.

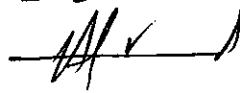
No. 2349 /S.T,

Dt. 10/8 /2020

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Noor Muhammad Khattak Adv.

Note:- Annexure G, & I have been corrected and better copies are attached, while other annexure are irrelevant that's why better copies were unnecessary are not attached. 24.08.2020



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR**  
SERVICE APPEAL NO. 9612/2020

**MUHAMMAD TUFAIL**

**V/S**

**SMBR & OTHERS**

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4.	Seniority List	<b>B</b>	6.
5.	Objection	<b>C</b>	7
6.	Seniority List	<b>D</b>	8.
7.	Joint seniority list	<b>E</b>	9.
8.	No Objection	<b>F</b>	10.
9.	Letter DT 11-12-2019	<b>G</b>	11
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Dated: 06-08-2020

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

FLATE NO. 04, 2<sup>ND</sup> FLOOR,  
JUMA KHAN PLAZA, NEAR FATA  
SECRETARIAT,  
WARSAK ROAD, PESHAWAR  
**0345-9383141**

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

**APPEAL NO. 9612 /2020**

Mr. MUHAMMA TUFAIL, Chowkidar (BPS-03),  
Revenue & Estate Department (BOR), Khyber Pakhtunkhwa.

.....**APPELLANT**

**VERSUS**

- 1- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Revenue & Estate Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary, Establishment Department, Khyber Pakhtunkhwa, Peshawar
- 4- Muhammad Sohail, Naib Qasid, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 5- Miss Shahida, Naib Qasid, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 6- Miss. Qamer un Nisa, Naib Qasid, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 7- Mr. Said Nawaz Khan, Naib Qasid, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 11-12-2019 RECEIVED/COMMUNICATED TO THE APPELLANT ON 08-04-2020 WHEREBY SENIORITY CALSS-IV EMPLOYEES HAS BEEN RECKONED FROM THE DATE ACQUIRING SECONDARY SCHOOL CERTIFICATE AND NOT FROM THE DATE OF FIRST REGULAR APPOINTMENT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL DATED 09-04-2020 OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 11-12-2019 communicated to the appellant on 8.4.2020 may very kindly be set aside and the appellant may be considered for promotion to the post of Junior Clerk (BPS-11) on seniority prepared on the basis of first regular appointment. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

- 1- That appellant was initially appointed against the vacant post of Chowkidar (BPS-03) vide order dated 09-09-2015 on the proper recommendation of the Departmental selection committee in pursuance of sub-rule 4 of Rule-10 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rule 1989. Copy of appointment order is attached as **Annexure ..... A**
- 2- That right from appointment till date the appellant is performing his duty quite efficiently and up to the entire satisfaction of his superiors
- 3- That the respondent Department issued the Tentative Seniority List of Class-IV employees working under its control vide dated 22-10-2019 whereby the appellant was placed & mentioned at Serial No. 6 instead of serial no. 2 upon which the appellant filed objection dated 28/10/2019 and subsequently a corrected merit list was issued vide dated 02-01-2020. Copies of the Seniority Lists & Objection are attached as **annexure ..... B, C & D.**
- 4- That in light of the corrected seniority list dated 02-01-2020 the respondent Department issued another Joint Revised Seniority List of matriculate Class-IV/Employees of Revenue & Estate Department Khyber Pakhtunkhwa vide dated 24-02-2020 as it stood on 31-12-2019 wherein the appellant was shown at his correct placed at serial no. 2 of the seniority list and upon which No Objection/Acknowledgment was also sort from class-iv employees. Copy of the Joint seniority list & No Objection is attached as **annexure ..... E & F**
- 5- That respondent no. 2 sort out advice regarding clarification of seniority list of Matriculate Class-IV in Board of Revenue which was responded vide letter dated 11-12-2019 which the appellant received through his own efforts on 08-04-2020. Copy of the letter is attached as **Annexure ..... G**
- 6- That appellant feeling aggrieved from the impugned letter dated 11-12-2019 received to the appellant on 08-04-2020 preferred Departmental appeal 09-04-2020 but no reply has been received so far. Copy of the Departmental appeal is attached as annexure..... **H**
- 7- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

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

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

**MUHAMMAD TUFAIL**

**V/S**

**SMBR & OTHERS**

**APPLICATION FOR SUSPENSION OF DPC MINUTES HELD ON  
16-07-2020 FOR PROMOTION TO THE POST OF JUNIOR CLERK  
(BPS-11)**

Respectfully Sheweth:

1. That the appellant has filed the instant service appeal in which no date has so far been fixed.
2. That the appellant has challenged the seniority list prepared for Class-IV employees of the Revenue & Estate Department.
3. That all the three ingredients required for the grant of status quo is in favour of the appellant.
4. That this petition may be considered as part & parcel of the in the main appeal.

It is, therefore, most humbly prayed that on acceptance of the instant petition the operation of DPC minutes held on 16-07-2020 for promotion to the post of Junior Clerk (BPS-11) may kindly be suspended till final decision of the instant service appeal.

Dated: 06-08-2020

Appellant

Through,

  
**NOOR MOHAMMAD KHATTAK,**  
Advocate,  
High Court, Peshawar



BOARD OF REVENUE A-5  
REVENUE & ESTATE DEPARTMENT

Dated 09/09/2015

OFFICE ORDER.

NO. Admn:IV/II/APPTT:/Chowkidar/2015/\_\_\_\_\_ On the recommendations of Departmental Selection Committee and in pursuance of sub-rule 4 of Rule-10 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and consequent upon acceptance of offer letter No./Admn:IV/II/DSC/Chowkidar/2015/392 dated 07.09.2015, the Competent Authority is pleased to appoint Mr. Muhammad Tufail, Son of Fila Muhammad (Ex: Naib Qasid, Board of Revenue), resident of TV Colony, Tehsil & District Peshawar, as Chowkidar (BPS-03), Revenue and Estate Department Khyber Pakhtunkhwa with effect from the date of joining the service subject to the conditions mentioned hereunder:-

1. He shall get pay at the minimum of BPS-03 including usual allowances as admissible under the rules. He shall also be entitled to annual increment as per existing policy.
2. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and the rules made there-under.
3. He shall be initially, on probation for a period of one year extendable for further period of one year.
4. His services will be liable to termination at any time without assigning any reason before the expiry of the period of his initial/probation/extended period of probation, if his work during this period is not found satisfactory. In such an event, he will be given a month's notice after termination from the service or one month's pay in lieu thereof. In case he wishes to resign at any time, a month's notice shall be necessary, or in lieu thereof a month's pay shall be forfeited.
5. He shall join duty at his own expenses and he will not be entitled to any TA/DA on his appointment as Chowkidar (BPS-03).
6. He will produce medical fitness certificate from an authorized Medical Officer.
7. His personal verification will be made through local authorities.

If the above terms & condition are acceptable to him, He should report for duty to this Department within 15 days of the issuance of this appointment order.

ATTESTED

Secretary-I

ENDST: NO. Admn:IV/II/APPTT:/Chowkidar/2015/19780-85

Copy of the above is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Drawing and Disbursing Officer Revenue and Estate Department Khyber Pakhtunkhwa.
3. Bill Assistant, Revenue & Estate Department, Khyber Pakhtunkhwa.
4. Mr. Muhammad Tufail, Chowkidar, Board of Revenue, resident of TV Colony, Tehsil & District Peshawar.
- ✓ 5. Personal file.
6. Office order file.

Secretary-I

**JOINT TENTATIVE SENIORITY LIST OF MATRICULATE CLASS-IV/EMPLOYEES OF  
REVENUE AND ESTATE DEPARTMENT (BOR) KHYBER PAKHTUNKHWA.**

B-6

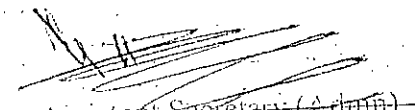
No.ADMN:IV/II/S.L./Class-IV/2019/ 34032 . In pursuance of Section 8 (1) of the Civil Servants Act, 1973 and all subsequent Notifications issued on the subject joint Tentative Seniority List of the following Matriculate Class-IV/Employees of Revenue & Estate Department Khyber Pakhtunkhwa as it stood on 11.10.2019, is hereby published for information of all concerned.

S. No	Name.	Qual:-	Year of acquiring SSC	Date of Birth.	Domicile.	Date of 1 <sup>st</sup> entry into Govt: service.	Date of Promotion/adjustment to the present post on regular basis.	Remarks.
1.	Mr. Shakeel Ahmad Naib Qasid (BS-03)	Matric	1988	22.09.1971	Peshawar	13.05.2013	✓	Appointed in pursuance of Sacked Employees Act-2013.
2.	Mr. Muhammad Sohail Naib Qasid (BS-03)	FSc	2007	28.07.1987	FR Peshawar	16.01.2018	✓	Direct
3.	Miss. Shahida Naib Qasid (BS-03)	BA	2008	12.04.1992	Lakki Marwat	16.01.2018	✓	10% women quota
4.	Miss. Qamer-un-Nisa Naib Qasid (BS-03)	BA	2010	25.04.1996	Peshawar	16.01.2018		10% women quota
5.	Mr. Said Nawaz Khan Naib Qasid (BS-03)	DAE	2012	01.03.1994	Peshawar	16.01.2018		Direct
6.	Mr. Muhammad Tufail Chowkidar (BS-03)	Matric	2019	02.03.1997	Peshawar	09.09.2015		His father was retired / boarded out by medical board.
7.	Farman Ali Naib Qasid (BS-03)	MCS	1996	07.03.1980	D.I.Khan	22.07.2019		Direct
8.	Tajan Singh Naib Qasid (BS-03)	BA	2010	09.04.1995	Buner	22.07.2019		3% Minority quota
9.	Iqra Rani Naib Qasid (BS-03)	HSSC	2013	13.07.1997	Peshawar	22.07.2019		10% women quota

With the approval of  
Competent Authority:

DATED 22/10/2019

No.ADMN:IV/II/S.L./Class-IV/2019/ 34033-41  
Copy of the above Tentative Seniority List of Matriculate Class-IV employees Revenue & Estate Department Khyber Pakhtunkhwa is forwarded to all concerned for objection if any which must reach within a week time, from the date of issuance of this seniority list.

  
Assistant Secretary (A.dmn)

**TESTED**

To

The Senior Member  
Board of Revenue & Estate Department  
Government of Khyber Pakhtunkhwa, Peshawar.

Subject:- OBJECTION/APPLICATION FOR CORRECTION OF SENIORITY LIST OF CLASS-IV EMPLOYEES BOARD OF REVENUE

R/Sir

With all due respect it is submitted that I was appointed as Chowkidar (BPS-03) on 09-09-2015 under rules-10(4) of (AP&T) 1989.

This department issued combined seniority list of matriculate Class-IV for the year 2019 wherein my name appeared at S.No. 06 (Annex-A). As my date of appointment is 09-09-2015 as per rules seniority will be consider from the date of regular appointment. Therefore, my name is required to be placed at S.No. 02 instead of S.No. 06 in the said seniority list

It is therefore requested to kindly issued instruction to the Admn Section of this Department to correct the Seniority list and I may be given the correct place in the seniority list for which I will be grateful and will pray for you long life and prosperity.

With best regard.

Dated 28/10/2019

**ATTESTED**

*A*

Yours obediently  
*M. Tufail*  
Muhammad Tufail  
Chowkidar

**JOINT FINAL SENIORITY LIST OF MATRICULATE CLASS-IV/EMPLOYEES OF  
REVENUE AND ESTATE DEPARTMENT (BOR) KHYBER PAKHTUNKHWA.**

D-8

No. ADMN:IV/II/S.L/Class-IV/2019/ 133. In light of Establishment Department's advice bearing No. SOR.IV(E&AD)/14-1/2019 dated 11.12.2019 and in pursuance of Section 8 (1) of the Civil Servants Act, 1973 and all subsequent Notifications issued on the subject joint Final Seniority List of the following Matriculate Class-IV-Employees of Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa as it stood on 20.12.2019, is hereby published for information of all concerned.

S. No	Name.	Qual:	Year of acquiring SSC	Date of Birth.	Domicile.	Date of 1 <sup>st</sup> , entry into Govt: service.	Date of Promotion/adjustment to the present post on regular basis.	Remarks.
1.	Mr. Shakeel Ahmad Naib Qasid (BS-03)	Matric.	1988	22.09.1971	Peshawar	13.05.2013		Appointed in pursuance of Sacked Employees Act-2013.
2.	Mr. Muhammad Tufail Chowkidar (BS-03)	Matric	2019	02.03.1997	Peshawar	09.09.2015		His father was retired / boarded out by medical board.
3.	Mr. Muhammad Sohail Naib Qasid (BS-03)	FSc	2007	28.07.1987	FR Peshawar	16.01.2018		Direct
4.	Miss. Shahida Naib Qasid (BS-03)	BA	2008	12.04.1992	Lakki Marwat	16.01.2018		10% women quota
5.	Mr. Said Nawaz Khan Naib Qasid (BS-03)	DAE	2012	01.03.1994	Peshawar	16.01.2018		Direct
6.	Miss. Qamer-un-Nisa Naib Qasid (BS-03)	BA	2010	25.04.1996	Peshawar	16.01.2018		10% women quota
7.	Farman Ali Naib Qasid (BS-03)	MCS	1996	07.03.1980	D.I.Khan	22.07.2019		Direct
8.	Fajan Singh Naib Qasid (BS-03)	BA	2010	09.04.1995	Buner	22.07.2019		3% Minority quota
9.	Iqra Rani Naib Qasid (BS-03)	HSSC	2013	13.07.1997	Peshawar	22.07.2019		10% women quota

With the approval of  
Competent Authority.

DATED 02/01/2020

No. ADMN:IV/II/S.L/Class-IV/2019/ 134-42

Copy of the above Final Seniority List of Matriculate Class IV employees of Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa is forwarded to all concerned for information.

**ATTESTED**

Assistant Secretary (Admn)

**JOINT REVISED SENIORITY LIST OF MATRICULATE CLASS-IV/EMPLOYEES OF  
REVENUE AND ESTATE DEPARTMENT (BOR) KHYBER PAKHTUNKHWA**

E - 9

No.ADMN:IV/II/S.L/Matriculate Class-IV/2019/\_\_\_\_\_. In pursuance of Section 8 (1) of the Civil Servants Act, 1973 and all subsequent Notifications issued on the subject and in light of Establishment Department's Advice bearing No. SOR.IV(E&AD)/14-1/2019 dated 11.12.2019, the Joint Revised Seniority List of the following Matriculate Class-IV employees of Revenue & Estate Department Khyber Pakhtunkhwa as it stood on 31.12.2019, is hereby published for information of all concerned.

S. No	Name.	Qualification	Domicile.	Date of Birth.	Date of 1 <sup>st</sup> , entry into Govt. service.	Date of Promotion/adjustment to the present post on regular basis.	BPS.	Remarks.
1.	Mr. Shakeel Ahmad	Matric	Peshawar	22.09.1971	13.05.2013	-	03	Appointed in pursuance of Sacked Employees Act-2013.
2.	Mr. Muhammad Tufail	Matric	Peshawar	02.03.1997	09.09.2015	-	03	Appointed under Rule-10(4) of KPK Civil Servant APT Rules-1989
3.	Mr. Muhammad Sohail	FSc	FR-Peshawar	28.07.1987	16.01.2018	-	03	Direct
4.	Miss. Shahida	BA	Lakki-Marwat	12.04.1992	16.01.2018	-	03	Women quota
5.	Mr. Said Nawaz Khan	DAE	Peshawar	01.03.1994	16.01.2018	-	03	Direct
6.	Miss. Qamer-un-Nisa	BA	Peshawar	25.04.1996	16.01.2018	-	03	Women quota
7.	Mr. Farman Ali	MSc	D.I.Khan	07.03.1980	22.07.2019	-	03	Direct
8.	Mr. Tajan Singh	BA	Buner	09.04.1995	22.07.2019	-	03	Minority quota
9.	Mrs. Iqra Rani	Intermediate	Peshawar	13.07.1997	22.07.2019	-	03	Women quota
10.	Mr. Muhammad Mehran	Matric	Peshawar	03.04.2001	16.10.2019	-	03	Appointed under Rule-10(4) of KPK Civil Servant APT rules-1989
11.	Syed Shabr Ali Shah	Matric	Peshawar	08.02.1992	21.10.2019	-	03	Appointed under 25% quota for retired Govt. Servants

With the approval of  
Competent Authority.

DATED 24/02/2020

No.ADMN:IV/II/S.L/Matriculate Class-IV/2019/6737-47.

Copy of the above Revised Seniority List of Class-IV employees, Revenue & Estate Department Khyber Pakhtunkhwa is forwarded to all concerned for information.

**ATTESTED**

A

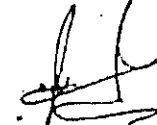
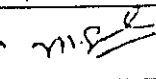
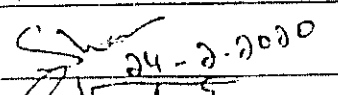
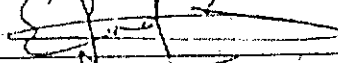
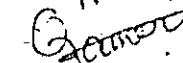
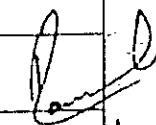
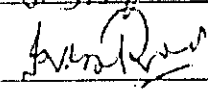
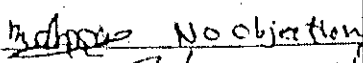
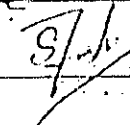
Assistant Secretary (Admn)

**NO OBJECTION / ACKNOWLEDGEMENT OF MATRICULATE CLASS-IV EMPLOYEES OF BOARD OF REVENUE KHYBER PAKHTUNKHWA**

I hereby solemnly affirm that the following seniority order of Matriculate Class-IV employees of Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa, as it stood on 31.12.2019 and hereby acknowledged and accepted as correct and submitted that I have no objection on my Seniority order as shown in the following list of Matriculate Class-IV staff.

F-10

F-10

S. No	Name.	Qualification	Year of acquiring SSC	Date of Birth.	Date of 1 <sup>st</sup> entry into Govt. service.	Signature
1.	Mr. Shakeel Ahmad	Matric	1988	22.09.1971	13.05.2013	
2.	Mr. Muhammad Tufail	Matric	2019	02.03.1997	09.09.2015	no objection 
3.	Mr. Muhammad Sohail	FSc	2007	28.07.1987	16.01.2018	no objection 
4.	Miss. Shahida	BA	2008	12.04.1992	16.01.2018	 24-2-2020
5.	Mr. Said Nawaz Khan	DAE	2012	01.03.1994	16.01.2018	 no objection
6.	Miss. Qamer-un-Nisa	BA	2010	25.04.1996	16.01.2018	
7.	Mr. Farman Ali	MSc	1996	07.03.1980	22.07.2019	No objection 
8.	Mr. Tajan Singh	BA	2010	09.04.1995	22.07.2019	Tajan Singh no objection
9.	Mrs. Iqra Rani	Intermediate	2013	13.07.1997	22.07.2019	 no objection
10.	Mr. Muhammad Mehran	Matric	2017	03.04.2001	16.10.2019	 No objection
11.	Syed Shabr Ali-Shah	Matric	2011	08.02.1992	21.10.2019	 no objection

**ATTESTED**



G-11



ESTABLISHMENT DEPARTMENT

Member  
Board of Revenue

21/11/54

ADVICE REGARDING CLARIFICATION OF SENIORITY LIST OF MATRICULATE CLASS-IV IN BOARD OF REVENUE

Dear Sir

I am directed to inform you that in No. 4114  
Objections to B.O.R. 2173/54 dated 13.11.54, it is stated that  
and to state that the seniority list of Class-IV employees of the  
seniority with reference to the date of appointment  
which is later. The date of appointment is to be considered and  
the issue of same date is to be decided on the basis of the date given  
in the B.O.R. 2173/54. The date of appointment is to be considered  
which provides that the date of appointment of these civil  
servants is the date of their appointment.

ATTESTED

[Signature]

Secretary

21/11/54

1/11/54

The Senior Member Board of Revenue,  
Khyber Pakhtunkhwa, Peshawar.

(12)  
H

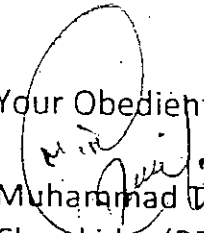
Subject: **DEPARTMENTAL APPEAL AGAINST THE LETTER DATED 11-12-2019**

R/Sir,

Most respectfully it is stated that I am working as Chawkidar (BPS-04) under your kind control I am appointed in 2015 after invalidation of my father.

Now, seniority list was issued and I written on serial no. 6 of the seniority list. I objected and seniority was corrected I am written at s# 2 but case was sent to Establishment Department for advise which is returned back I received from this good self office yesterday and issued on 11-12-2019 which is against the rules issued from time to time.

Therefore, the letter 11-12-2019 be cancelled and I may be written at s#2 in the seniority list and consider it from the date from my regular appointment. I shall be very thankful to you

Your Obediently,  
  
Muhammad Tufail,  
Chawkidar (BPS-04).  
09-04-2020



13  
GOVERNMENT OF N.W.F.P.  
REVENUE DEPARTMENT.

PESHAWAR DATED THE 16/8/1991.

NOTIFICATION.

NO. 20698 /Admn:IV. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all rules issued in this behalf, the Revenue Department, in consultation with the Services and General Administration Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the appendix to this notification which shall be applicable to posts borne in the Board of Revenue, North West Frontier Province, specified in column 2 of the said appendix.

Assistant Secretary (Admn),  
Revenue & Estate Deptt.  
Khair Pakhtunkhwa.

Sd/-  
(Islam Bahadur Khan)  
Secretary to Government of  
NWFP., Revenue Department.

No. 20699-20921 /Admn:IV. Peshawar dated the 16/8/1991.

Copy is forwarded to the:-

1. All administrative Secretaries, NWFP.
2. Secretary to Governor, NWFP.
3. Secretary to Chief Minister, NWFP.
4. All Deputy/Assistant Secretaries of the Board of Revenue, NWFP.
5. Librarian, Board of Revenue, NWFP.
6. Manager Government Printing Press, Peshawar for publication in the next issue of the Gazette. Fifty copies of the gazette notification, when published may be sent to this Board.

TESTED

(Mohammad Aamir Khan)  
Deputy Secretary to Govern  
or N.W.F.P., Revenue Dep

APPENDIX

MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT	AGE LIMIT	METHOD OF RECRUITMENT
--	-----------	-----------------------

POST

Superintendent

By promotion on the basis of Seniority-cum-fitness from amongst holders of the posts of Superintendents and Private Secretaries.

Note:- For this purpose, a joint Seniority list of Superintendents and Private Secretaries shall be maintained on the basis of their continuous appointment as Superintendents and Private Secretaries provided that if the date of continuous appointment in case of Superintendent & Private Secretary is the same, the Superintendent shall rank senior to the Private Secretary.

Private Secretary

By promotion on the basis of Seniority-cum-fitness from amongst holders of the posts of Assistants with at least Five years services as such.

Tehsildar on special duty

By promotion on the basis of Seniority-cum-fitness from amongst holders of the posts of Senior Scale Stereographers with at least five years services as such.

Assistant

Degree from a recognized University

18 to 25 years

By temporary transfer of a Tehsildar.  
(a) Twenty five percent by initial recruitment.  
(b) Seventy Five percent by promotion on the basis of Seniority-cum-fitness from amongst Senior Clerks with five years service as Junior Clerk and Senior Clerk.

ATTESTED

*[Signature]*

5

15

(i) BA or equivalent qualification from a recognized University and

\*\* (a) By promotion on the basis of Seniority-cum-fitness from amongst Stenographers (B-12) with at least five years service as such or

(ii) A speed of (100) words per minute in shorthand and (40) words per minute in typing, in English

\*\* (b) By initial recruitment if no suitable stenographer is available for promotion.

\*\* (i) FA or equivalent qualification from a recognized Board; and

18 to 25 years By initial recruitment.

\*\* (ii) A speed of (80) words per minute in shorthand and (35) words per minute in typing, in English

By promotion on the basis of Seniority-cum-fitness from amongst holders of the posts of Junior Clerks with at least two years service as such.

(i) Secondary School Certificate or equivalent qualification from a recognized Board; and

18 to 25 years

\*\* (a) Not less than sixty seven percent by initial recruitment and

(ii) A speed of 50 words per minute in typing

\*\* (b) Not less than thirty three percent by promotion from amongst Datties, Qasids, Naido Qasids and holders of equivalent posts who possess SSC Certificate or below forty five years of age and Provided, that where no official is available for promotion, the vacancy may be filled by initial recruitment.

(\*\*) Substituted vide Revenue Department, NWFP Notification No. 20707/Admn./IV/

34 dated 17.10.1997)

WITNESSED

Driver	Literate, and possessing a valid diving license.	18 to 40 years	By initial recruitment.
Daftari	Middle Pass (Substituted vide S&GAD Notification No. SOR.1/S&GAD/4-1/80 (Vol II) dated 12.06.1999).	18 to 30 years	(a) Fifty percent by initial recruitment; and (b) Fifty percent by promotion on the basis of Seniority-cum-fitness from amongst Naib Qasids/Chowkidars who possess the qualification prescribed in column 3, or by initial recruitment if no such Naib Qasids/Chowkidars is available.
**12 Qasid.		18 to 40 years	By promotion on the basis of Seniority-cum-fitness, from amongst Naib Qasid and Chowkidars with at least two years service as such.
**13 Naib Qasid/Chowkidar	Literate	18 to 40 years	By initial recruitment.
**14 Mali / Behishti/ Sweeper	Literate	18 to 40 years	By initial recruitment.

ATTESTED



\*(Substituted vide Revenue Department, NWFP Notification No. 2070/Admn-IV/34 dated 17/10/1997).

(17)

(17)

**\*\*EXPLANATION:** I. Ten percent of the vacancy to be filled in by initial recruitment shall be reserved for ex-servicemen and one percent for disabled persons provided that the disability of the person is of a nature that does not cause hindrance in the average performance of the duties assigned to the post to which he is appointed.

**\*\*EXPLANATION:** II. For the purpose of promotion there shall be maintained a common seniority list of eligible Dafnaries, Qasids, Naib Qasids and holders of other equivalent posts with particular reference to the dates of their continuous appointments; provided that officials in BPS-2 shall rank senior to officials in BPS-1 irrespective of their length of service.

**\*\*EXPLANATION:** III. Where a Senior official does not possess the requisite length of service at the time of filling up a vacancy the official next junior to him, possessing the requisite length of service, shall be promoted in preference of the senior official or officials.

**ATTESTED**



\*\*Supervised wide Revenue Department,  
NWFP Notification No. 2670/Admn/V/34  
Dated: 10/09/73

18

EXPLANATION III. - Where a Senior official does not possess the requisite length of service at the time of filling up a vacancy, the official next junior to him, possessing the requisite length of service, shall be promoted in preference of the senior official or officials."

(e) after serial number as so amended, the following new entries shall be added in the respective columns, name

10.	Driver.	Literate and possessing a valid driving licence.	18 to 40 years.	By initial recruitment.
11.	Daftri	Middle Pass	18 to 25 years.	(a) Fifty per cent by initial recruitment; and (b) fifty per cent by promotion on the basis of seniority and fitness, from amongst Qasids/Chowkidars who possess the qualification specified in column 3, or by initial recruitment if such Qasid/Chowkidars are available.
12.	Qasid	-	-	By promotion, on the basis of seniority-cum-fitness, amongst Naib Qasids/Chowkidars with at least 5 years' service as such.
13.	Naib Qasid/Chowkidar	Literate	18 to 40 years.	By initial recruitment
14.	Mali/Bahishti/Sweeper.	Literate	18 to 40 Years	By initial recruitment

**ATTESTED**

SECRETARY TO GOVERNMENT OF NWFP  
REVENUE DEPARTMENT

Encls: No. 20708-50 / Admp: IV/34.  
Copy is forwarded to the :-

- All Administrative Secretaries, NWFP.
- Secretary to Governor, NWFP.
- Secretary to Chief Minister, NWFP.
- All Deputy/Assistant Secretaries in the Board of Revenue, NWFP.
- Librarian, Board of Revenue, NWFP.
- Manager, Govt. Printing Press, Peshawar for publication issue of the Gazette. Thirty Copies of the Gazette No. when published may be sent to this Board.
- S.O (Legislation) Law Deptt with reference to his letter No. Reg: 1(6)73/6601 dated 20.8.97.
- S.O (Urdu Cell) S&GAD with reference to his letter No. SOUC (S&GAD) 9-12/89/KC. DEPUTY SECRETARY TO GOVERNMENT OF NWFP REVENUE DEPARTMENT

(c) in column 3 against serial No.7, for the existing entries the following shall be substituted, namely:

- "(i) F.A. or equivalent qualification from a recognised Board; and
- (ii) a speed of 30 words per minute in shorthand and 35 words per minute in typing, in English."

(d) in column 5 against serial No.9, for the existing entries the following shall be substituted, namely:

- "(a) Not more than sixty-seven per cent by initial recruitment; and
- (b) not less than thirty-three per cent by promotion from amongst Daftries, Qasids, Naib Qasids and holders of other equivalent posts, who possess Secondary School Certificates, are below forty-five years of age and have at least two years service as such:

Provided that where no official is available for promotion, the vacancy may be filled in by initial recruitment.

EXPLANATION I. - Ten per cent of the vacancies to be filled in by initial recruitment shall be reserved for ex-servicemen and one per cent for disabled persons; provided that the disability of the person is of a nature that does not cause hindrance in the average performance of the duties assigned to the post to which he is appointed.

EXPLANATION II. - For the purposes of promotion, there shall be maintained a common seniority list of eligible Daftries, Qasids, Naib Qasids and holders of other equivalent posts with particular reference to the dates of their continuous appointment; provided that officials in BPS-2 shall rank senior to officials in BPS-1 irrespective of the length of service.

Assistant Secretary (Admin)  
Revenue & Estate Deptt.  
Khyber Pakhtunkhwa.

Assistant Secretary (Admin)  
Revenue & Estate Deptt.  
Khyber Pakhtunkhwa.

ATTN: -

9

III 72

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GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE  
REVENUE DEPARTMENT

NOTIFICATION

Peshawar, dated the 17/10/1991

20707 /Admn:IV/34. In pursuance of the provisions

contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue Department, in consultation with the Finance and General Administration Department and the Finance Department hereby directs that in this Department Notification No. 0398/Admn:IV, dated 13.3.1991, the following amendments shall be made, namely :-

AMENDMENTS

In the Appendix :-

(a) in column 5 against serial number 5, for the entry at clause (b) the following shall be substituted, namely:

(b) Seventy-five per cent by promotion, on the basis of seniority-sum-fitness from amongst Senior Clerks with three year's service as such or more of such service as Junior and Senior Clerks.

(b) in columns 3 and 4 against serial number 6, the existing entries the following shall be substituted, namely:

3.		5.
Assistant Secretary (Revenue & Estate)	(i) B.A. or equivalent qualification from a recognised University; and	(a) on the basis of seniority-sum-fitness, amongst Senior Clerks with at least three years service as such or more of such service as Junior and Senior Clerks.
6.	(ii) a speed of 100 words per minute in shorthand and 40 words per minute in typing, in English.	(b) by initial appointment, if suitable, amongst Senior Clerks with at least three years service as such or more of such service as Junior and Senior Clerks.

ATTESTED

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21

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

Peshawar Dated the 26/09/2019

NOTIFICATION


No. Admn:IV/Service Rules/2019/\_\_\_\_\_ In pursuance of the provisions contained in Sub-Rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department, in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notification No. 20898/Admn:IV, dated: 18.08.1991, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

- (a) after Serial No. 6, the following new entries shall be inserted in the respective Columns, namely:

1.	2.	3.	4.	5.
"6A	Assistant Programmer			By transfer from amongst the Computer Operators.;
6B	Computer Operator	(i) At least Second Class Bachelor's Degree in Computer Science or Information Technology(BCS / BIT four years), from a recognized University; or (ii) At least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	18 to 28 years.	By initial recruitment.;" and

**ATTESTED**  


POSTS FOR PROVINCIAL CADRE DEPARTMENTAL SANCTIONED POSTS)

22

		Minimum qualification for appointment by initial by initial recruitment	Age limit	Method of recruitment
	Assistant Secretary (BS-17)		-	By promotion on the basis of seniority cum-fitness from amongst holders of the posts of Superintendents and Private Secretaries. Note. For this purpose, a joint Seniority list of Superintendents and Private Secretaries shall be maintained on the basis of their continuous appointment as Superintendents and Private Secretaries provided that if the date of continuous appointment in case of Superintendent & Private Secretary is the same, the Superintendent shall rank senior to the Private Secretary.
2.	Superintendent (BS-17)	-	-	By promotion, on the basis of Seniority cum-fitness, from amongst holders of the post of Assistants with at least Five years services-as-such.
3.	Private Secretary (BS-17)	-	-	By promotion, on the basis of Seniority cum-fitness, from amongst holders of the posts of Senior Scale Stenographers with at least five years services as such.
4.	Reader / Tehsildar on Special duty (BS-16)	-	-	By temporary transfer of a Tehsildar.
5.	Assistant (BS-16)	Degree from recognized University	18 to 30 years	(e) Twent five percent by initial recruitment and, (f) Seventy Five percent by promotion on the basis of seniority cum-fitness, from amongst Senior Clerks with five years service as Junior Clerk and Senior Clerk.
6.	Senior Scale Stenographer (BS-16)	** (i) BA or equivalent qualification from a recognized University and  ** (ii) A speed of 100 words per minute in shorthand and (40) words per minute in typing, in English.		** (a) By promotion on the basis of seniority cum-fitness from amongst stenographer (B-14) with at least five years service as such or ** (b) By initial recruitment if no suitable stenographer is available for promotion;

TESIL

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ATTESTED

	By transfer from amongst the Computer Operators			Assistant Programmer (BS-16)
	By initial recruitment	18 to 28	1) At least second class Bachelor's degree in Computer Science or Information Technology (BCS/BIT four years) from a recognized university; or ii) At least second class Bachelor's degree from a recognized university with one year Diploma in Information Technology from a recognized Board of Technical Education.	Computer Operator (BS-16)
	By initial recruitment	18 to 30	** (i) * FA or equivalent qualification from a recognized Board; and ** (ii) A speed of 50 words per minute in shorthand and 35 words per minute in typing; in English.	Stenographer (BS-14)
	By promotion, on the basis of Seniority cum-fitness, from amongst holders of the posts of Junior Clerks with at least two years service as such.			Senior Clerk (BS-14)
	a) Thirty three percent by promotion, on the basis of joint seniority-cum-fitness from amongst the Qasid, Naib Qasids and holders of other equivalent posts in Revenue & Estate Department having Secondary School Certificate, with two years service as such; and b) Sixty seven by initial recruitment.	18 to 30	(i) Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of 30 words per minute in typing.	Junior Clerk (BS-11)
Note:- For the purpose of promotion there shall be maintained a common seniority list of Qasids,				

23

23

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				Naib Qasids and holders of equivalent posts who possess SSC Certificate etc, with reference to the date of their acquiring the Secondary School Certificate or appointment whichever is later."
	Moharrir (BS-11)	-	-	Dying cadre
3.	Driver (BS-06)	Literate and possessing a valid driving license	18 to 40 years	By initial recruitment \
4.	Qasid (BS-05)	-	18 to 40 years	By promotion on the basis of Seniority cum-fitness, from amongst Naib Qasids and Chowkidars with at least two years service as such.
15.	Naib Qasid (BS-03)	Literate	18 to 40 years	By initial recruitment
16.	Mali / Sweeper (BS-03)	Literate	18 to 40 years	By initial recruitment

ATTESTED



**VAKALATNAMA**

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

\_\_\_\_\_ OF 2020

Muhammad Tufail (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

SMBR & Others (RESPONDENT)  
(DEFENDANT)

I/We Muhammad Tufail  
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** 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 cost. 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.

Dated. \_\_\_\_/\_\_\_\_/2020

  
\_\_\_\_\_  
**CLIENT**

**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**

**KAMRAN KHAN**

**MIR ZAMAN SAFI**

**&**  
**AFRASIAB KHAN WAZIR**  
**ADVOCATES**

OFFICE:  
Flat No.4, 2<sup>nd</sup> Floor, Juma Khan  
Plaza, near FATA Secretariat,  
Warsak Road, Peshawar.  
Mobile No.0345-9383141

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No. 9612 /2020

Muhammad Tufail V/S Senior Member, Board of Revenue & Others

**INDEX**

S.No.	Documents	Annexure	Page
1.	Appointment order dated 09-09-2015	Annex-I.	1
2.	Objection dated 28-10-2019	Annex-II	3
3.	Advice from Establishment Department dated 11-12-2019	Annex-III	4
4.	Seniority List of matriculate Class-IV Employees dated 2-01-2020	Annex-IV	5
5.	Notification dated 18-06-2020.	Annex-V	6
6.	Notification Rules dated 26-09-2019.	Annex-VI	7-8
7.	Common Seniority List of matriculate Class-IV Employees	Annex-VII	9

**Dated 20-10-2020**

**Respondent No. 1,2,3  
Through**

**Assistant Secretary (Litigation-II)  
Board of Revenue**

**BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**

**SERVICE APPEAL NO: 9612/2020**

Muhammad Tufail, Chowkidar, Board of Revenue Khyber Pakhtunkhwa Peshawar .....Appellant  
VERSUS

- 1 Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
  - 2 Secretary, Revenue & Estate Department, Khyber Pakhtunkhwa.
  - 3 Secretary, Establishment, Department, Khyber Pakhtunkhwa.....
- .....Respondent

**JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS  
NO. 1, 2 & 3 ARE AS UNDER.**

**PRELIMINARY OBJECTIONS.**

1. That the appellant has got no cause of action / locus standi to file the present appeal.
2. That the appeal is not maintainable in its present form.
3. That the appellant has not come to this honourable Tribunal with clean hands.
4. That the appeal is hit by laches.
5. That the appeal is not maintainable u/s 4 of the Service Tribunal Act 1974 for not filing departmental appeal.

**RESPECTFULLY SHEWETH.**

**ON FACTS**


1. The appellant appointed as Chowkidar (BS-03) in Board of Revenue on 9-9-2015 (**Annex-I**).
2. Pertain to record.
3. The department issued a Tentative Seniority list of matriculate Class-IV employees on 22.10.2019 showing the appellant at S.No. 6 which was opposed by the appellant on 28-10-2019 (**Annex-II**) and the department solicited first advise in the case from the Establishment Department Khyber Pakhtunkhwa through letter dated 11.12.2019 (**Annex-III**) on receipt of reply from the Establishment Department Khyber Pakhtunkhwa, the respondent department issued a Seniority List accordingly on 02.01.2020 (**Annex-IV**). However, due to no provision in the rules the Competent Authority cancelled / with drawn the said seniority list of Matriculate Cass-IV employees issued subsequently through Notification dated 18-06-2020 (**Annex-V**).
4. No comments.
5. The respondent Department maintained a common seniority list of the Matriculate Class-IV staff in light of Administration Department in the instance case and in accordance with the Ministerial Service Rules of Board of Revenue vide Notification dated 26-09-2019 (**Annex-VI**). The DPC examined both the advices and such rules of Board of Revenue noted above and determined common seniority of the class-IV matriculate staff and unanimously decided to promote respondent No. 4, 5 and 7 on the basis that the appellant acquired the required qualification in the year 2019 as per seniority positions reflected in the common seniority of matriculate Class-IV staff. Therefore the appellant has not been deprived of his due right and placed at the right position he deserved, and the DPC has rightly promoted the respondents No. 4,5 and 7 as Junior Clerk.

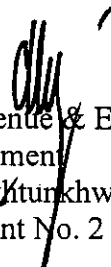
6. No such departmental appeal dated 09-04-2020 has been filled by the appellant. The office record/and diary registers show no sign of such appeal, neither the appellant was present in the office during the month of April due to Covid-19 Corona Virus. Office was completely shut down except essential staff, the appellant was not included in the essential staff. Therefore the copy of departmental appeal dated 09-04-2020 attached with the service appeal is fake. So far as the letter dated 11-12-2019 is concerned that is an official letter in response to the letter of advice solicited by Establishment Department, Khyber Pakhtunkhwa, neither it was conveyed nor intimated officially to the appellant on or after 08-04-2020.
7. That the appellant has got no cause of action to file instant appeal.

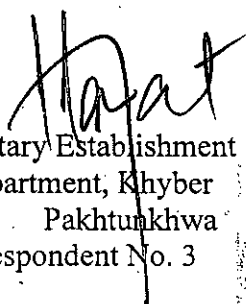
**GROUNDS**

- A. Incorrect. grounds and proof are limited to pleading only.
- B. Incorrect. As at para-5 and 6 of the facts.
- C. Incorrect. Ground and proof are limited to pleading only.
- D. Incorrect. The appellant become eligible in the year 2019 as he has acquired SSC Certificate and was not fit for promotion from the date of his appointment i.e. 09-09-2015 because the appellant was by then under Matric. Furthermore the common Seniority of matriculate Class-IV staff examined by the DPC is not against the Law / principle of natural justice, evenly comes under section, 8 of the Civil Servants, Act 1973 read with Service Rules of the Board of Revenue, Revenue & Estate Department, Khyber Pakhtunkhwa (Annexure-VII).
- E. Grounds and proof are limited to pleading only.
- F. Incorrect. As at para-D of the grounds.
- G. Relates to the appellant.

In view of the above facts and grounds placed before the Honourable Service Tribunal on the part of respondent No. 1,2 and 3, it is requested to dismiss the Service Appeal with cost.

  
Senior Member  
Board of Revenue  
Respondent No. 1

  
Secretary, Revenue & Estate  
Department  
Khyber Pakhtunkhwa  
Respondent No. 2

  
Secretary Establishment  
Department, Khyber  
Pakhtunkhwa  
Respondent No. 3



(1)

BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Dated 09/09/2015

OFFICE ORDER

NO: Admn:IV/II/APPTT:/Chowkidar/2015/\_\_\_\_\_. On the recommendations of Departmental Selection Committee and in pursuance of sub-rule 4 of Rule-10 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and consequent upon acceptance of offer letter No./Admn:IV/II/DSC/Chowkidar/2015/392 dated 07.09.2015, the Competent Authority is pleased to appoint Mr. Muhammad Tufail, Son of Tila Muhammad (EX: Naib Qasid, Board of Revenue), resident of TV Colony, Tehsil & District Peshawar, as Chowkidar (BPS-03), Revenue and Estate Department Khyber Pakhtunkhwa with effect from the date of joining the service subject to the conditions mentioned hereunder:-

1. He shall get pay at the minimum of BPS-03 including usual allowances as admissible under the rules. He shall also be entitled to annual increment as per existing policy.
2. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and the rules made there-under.
3. He shall be initially, on probation for a period of one year extendable for further period of one year.
4. His services will be liable to termination at any time without assigning any reason before the expiry of the period of his initial/probation/extended period of probation, if his work during this period is not found satisfactory. In such an event, he will be given a month's notice after termination from the service or one month's pay in lieu thereof. In case he wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
5. He shall join duty at his own expenses and he will not be entitled to any TA/DA on his appointment as Chowkidar (BPS-03).
6. He will produce medical fitness certificate from an authorized Medical Officer.
7. His personal verification will be made through local authorities.

If the above terms & condition are acceptable to him, He should report for duty to this Department within 15 days of the issuance of this appointment order.

Secretary-I

ENDST: NO. Admn:IV/II/APPTT:/Chowkidar/2015/ 19780-85

Copy of the above is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Drawing and Disbursing Officer Revenue and Estate Department Khyber Pakhtunkhwa.
3. Bill Assistant, Revenue & Estate Department, Khyber Pakhtunkhwa.
4. Mr. Muhammad Tufail, Chowkidar, Board of Revenue, resident of TV Colony, Tehsil & District Peshawar.
- ✓ 5. Personal file.
6. Office order file.

Secretary-I

JOINT TENT  
REVEN

ADMN:IV/II/S.L/Class-IV/2019/ 340

Tentative Seniority List of the following Matric  
information of all concerned.

S. No	Name.	Qual:	Year acq SSC
1.	Mr. Shakeel Ahmad Naib Qasid (BS-03)	Matric	19
2.	Mr. Muhammad Sohail Naib Qasid (BS-03)	FSc	20
3.	Miss. Shahida Naib Qasid (BS-03)	BA	20
4.	Miss. Qamer-un-Nisa Naib Qasid (BS-03)	BA	20
5.	Mr. Said Nawaz Khan Naib Qasid (BS-03)	DAE	20
6.	Mr. Muhammad Tufail Chowkidar (BS-03)	Matric	20
7.	Farman Ali Naib Qasid (BS-03)	MCS	19
8.	Tajan Singh Naib Qasid (BS-03)	BA	20
9.	Iqra Rani Naib Qasid (BS-03)	HSSC	20

No.ADMN:IV/II/S.L/Class-IV/2019/ 340

Copy of the above Tentative Ser  
for objection if any which must reach within a

3

The Senior Member  
Board of Revenue & Estate Department  
Government of Khyber Pakhtunkhwa, Peshawar.

PS/SMBR
Dy No. 6920
Date 28/10/19
Govt. of Khyber Pakhtun Khwa

Subject:-

**OBJECTION/APPLICATION FOR CORRECTION OF SENIORITY LIST OF CLASS-IV EMPLOYEES BOARD OF REVENUE**

R/Sir

With all due respect it is submitted that I was appointed as Chowkidar (BPS-03) on 09-09-2015 under rules-10(4) of (AP&T) 1989.

This department issued combined seniority list of matriculate Class-IV for the year 2019 wherein my name appeared at S.No. 06 (Annex-A). As my date of appointment is 09-09-2015 as per rules seniority will be consider from the date of regular appointment. Therefore, my name is required to be placed at S.No. 02 instead of S.No. 06 in the said seniority list

It is therefore requested to kindly issued instruction to the Admn Section of this Department to correct the Seniority list and I may be given the correct place in the seniority list for which I will be grateful and will pray for you long life and prosperity.

With best regard.

Dated 28/10/2019

Yours obediently  
M.T  
Muhammad Tufail  
Chowkidar

MBR III

SMBR  
28/10/19

Seyi  
On =  
MBR III  
28/10

28/10/19  
29/10/19  
2019/10/28  
A.P. 2019

4



Government of Khyber Pakhtunkhwa  
ESTABLISHMENT DEPARTMENT  
(Regulation Wing)

No.SOR.IV(E&AD)/14-1/2019/  
Dated, Peshawar, the 13<sup>th</sup> December, 2019

To

The Senior Member,  
Board of Revenue,  
Khyber Pakhtunkhwa.

PS/SMBR  
8239  
12-12-19  
Khyber Pakhtun Khwa

**SUBJECT: ADVICE REGARDING CLARIFICATION OF SENIORITY LIST OF MATRICULATE CLASS-IV IN BOARD OF REVENUE**

Dear Sir,

I am directed to refer to Board of Revenue letter No.Ad:IV/Objections/SL/BOR/2019/35747 dated 14.11.2019 on the subject noted above and to state that the relevant services rules provides for maintenance of the seniority with reference to the date of acquiring the certificate or appointment, whichever is later. Therefore, the appointment being later is to be considered and the issue of same date is to be decided in accordance with the proviso given below Rule 17 (4) of the Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989, which provides that if the date of regular appointment of two or more civil servants is the same, the civil servant older in age shall be treated senior.

Yours faithfully

(Muhammad-Qasim)  
Section Officer (R-IV)

MBR-III

MBR  
12/12/19

MBR-III  
13/12/19

Secy-I

Ad. W.

3/12  
Supt. (Admin.)  
Dist. M.P. W.K. P.P.

13/12/19

13/12/19

**JOINT FINAL SENIORITY LIST OF MATRICULATE CLASS-IV/EMPLOYEES OF  
REVENUE AND ESTATE DEPARTMENT (BOR) KHYBER PAKHTUNKHWA.**

ADMN:IV/II/S.L/Class-IV/2019/ 133. In light of Establishment Department's advice bearing No. SOR:IV(E&AD)/14-1/2019 dated 11.12.2019 and in pursuance of Section 8 (1) of the Civil Servants Act, 1973 and all subsequent Notifications issued on the subject joint Final Seniority List of the following Matriculate Class-IV Employees of Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa as it stood on 20.12.2019, is hereby published for information of all concerned.

Name.	Qual:	Year of acquiring SSC	Date of Birth.	Domicile.	Date of 1 <sup>st</sup> , entry into Govt: service.	Date of Promotion/adjustment to the present post on regular basis.	Remarks.
1. Mr. Shakeel Ahmad Naib Qasid (BS-03)	Matric	1988	22.09.1971	Peshawar	13.05.2013	-	Appointed in pursuance of Sacked Employees Act-2013.
2. Mr. Muhammad Tufail Chowkidar (BS-03)	Matric	2019	02.03.1997	Peshawar	09.09.2015	-	His father was retired / boarded out by medical board.
3. Mr. Muhammad Sohail Naib Qasid (BS-03)	FSc	2007	28.07.1987	FR Peshawar	16.01.2018	-	Direct
4. Miss. Shahida Naib Qasid (BS-03)	BA	2008	12.04.1992	Lakki Marwat	16.01.2018	-	10% women quota
5. Mr. Said Nawaz Khan Naib Qasid (BS-03)	DAE	2012	01.03.1994	Peshawar	16.01.2018	-	Direct
6. Miss. Qamer-un-Nisa Naib Qasid (BS-03)	BA	2010	25.04.1996	Peshawar	16.01.2018	-	10% women quota
7. Farman Ali Naib Qasid (BS-03)	MCS	1996	07.03.1980	D.I.Khan	22.07.2019	-	Direct
8. Tajan Singh Naib Qasid (BS-03)	BA	2010	09.04.1995	Buner	22.07.2019	-	3% Minority quota
9. Iqra Rani Naib Qasid (BS-03)	HSSC	2013	13.07.1997	Peshawar	22.07.2019	-	10% women quota

With the approval of  
Competent Authority.

No.ADMN:IV/II/S.L/Class-IV/2019/ 134-42

DATED 02/01/2020

Copy of the above Final Seniority List of Matriculate Class IV employees of Board of Revenue, Revenue & Estate Department Khyber Pakhtunkhwa is forwarded to all concerned for information.

Assistant Secretary (Admn)

6

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Facebook ID: [www.facebook.com/bor.kpk92](http://www.facebook.com/bor.kpk92)

Twitter ID: @RevenueBoardkpk

~~Dated Peshawar the 18/06/2020~~

**NOTIFICATION.**

No. Ad:IV/Service Rules/2019/ 14804-08. The Competent Authority is pleased to withdraw joint seniority lists of Matriculate Class-IV staff of Board of Revenue issued previously vide No. Ad:IV/SL/ Class-IV/2019/34032-41 dated 22.10.2019, No. 133-42 dated 02.01.2020, No. 6737-47 dated 24.02.2020 and No. 9723-33 dated 16.03.2020, with immediate effect.

With the Approval of  
Competent Authority.

**Endstt: No. & date even.**

Copy of the above is forwarded to: -

1. PS to Senior Member, Board of Revenue Khyber Pakhtunkhwa.
2. PA to Secretary-I Board of Revenue, Khyber Pakhtunkhwa.
3. Officials concerned.
4. Personal file.
5. Office order file.

9c  
Assistant Secretary (Admn)

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

~~Peshawar Dated the 25/09/2019~~

NOTIFICATION

No. Admn:IV/Service Rules/2019/\_\_\_\_\_ In pursuance of the provisions contained in Sub-Rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Revenue & Estate Department, in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notification No. 20898/Admn:IV, dated: 18.08.1991, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

- (a) after Serial No. 6, the following new entries shall be inserted in the respective Columns, namely:

1.	2.	3.	4.	5
"6A	Assistant Programmer			By transfer from amongst the Computer Operators.;
6B	Computer Operator	(i) At least Second Class Bachelor's Degree in Computer Science or Information Technology (BCS / BIT four years), from a recognized University; or (ii) At least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	18 to 28 years.	By initial recruitment."; and

(b) against Serial No. 9, in Columns No. 4, and 5, for the existing entries, the following shall respectively be substituted, namely

4.	5
18 to 30 years	<p>(a) Thirty three percent by promotion, on the basis of joint seniority-cum-fitness, from amongst the Qasid, Naib Qasids and holders of other equivalent posts in Revenue &amp; Estate Department having Secondary School Certificate, with two years service as such; and</p> <p>(b) sixty seven percent by initial recruitment.</p> <p>[Note: For the purpose of promotion there shall be maintained a common seniority list of Qasids, Naib Qasids and holders of equivalent posts who possess SSC Certificate etc, with reference to the date of their acquiring the Secondary School Certificate or appointment whichever is later.]</p>

Sd/-  
SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT

No. Admn:IV/Service Rules/2019/ 31325-30

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. PS to Minister for Revenue & Estate Khyber Pakhtunkhwa.
6. Controller, Government Printing Press Peshawar with the request to publish the above notification in official gazette and supply hundred printed copies thereof to the undersigned for record.


DEPUTY SECRETARY TO GOVERNMENT  
OF KHYBER PAKHTUNKHWA  
REVENUE & ESTATE DEPARTMENT.



**COMMON SENIORITY LIST OF MATRICULATE CLASS-IV EMPLOYEES OF**

**REVENUE AND ESTATE DEPARTMENT (BOR) KHYBER PAKHTUNKHWA, FOR THE PURPOSE OF PROMOTION TO THE POST OF JUNIOR CLERK  
ACCORDING TO THE REVISED ADVISE OF ESTABLISHMENT DEPARTMENT VIDE LETTER NO. SOR-IV(ED)/14-2/2019 DATED 10-06-2020.**

Name.	Qualification	Domicile.	Year of Acquiring SSC	Date of Birth.	Date of 1 <sup>st</sup> , entry into Govt: service.	Date of Promotion/adjust ment to the present post on regular basis.	BPS.	Remarks.
Mr. Shakeel Ahmad	Matric	Peshawar	1988	22.09.1971	13.05/2013	-	03	Appointed in pursuance of Sacked Employees Act-2013.
Mr. Muhammad Sohail	FSc	FR Peshawar	2007	28.07.1987	16.01.2018	-	03	Direct
Miss. Shahida	BA	Lakki Marwat	2008	12.04.1992	16.01.2018	-	03	Women quota
Mr. Said Nawaz Khan	DAE	Peshawar	2010	01.03.1994	16.01.2018	-	03	Direct
Miss. Qamer-un-Nisa	BA	Peshawar	2012	25.04.1996	16.01.2018	-	03	Women quota
Mr. Muhammad Tufail	Matric	Peshawar	2019	02.03.1997	09.09.2015	-	03	Appointed under Rule-10(4) of KPK Civil Servant APT Rules-1989
Mr. Farman Ali	MSc	D.I.Khan	1996	07.03.1980	22.07.2019	-	03	Direct
Mr. Tajan Singh	BA	Buner	2010	09.04.1995	22.07.2019	-	03	Minority quota
Mrs. Iqra Rani	Intermediate	Peshawar	2013	13.07.1997	22.07.2019	-	03	Women quota
Mr. Muhammad Mehran	Matric	Peshawar	2017	03.04.2001	16.10.2019	-	03	Appointed under Rule-10(4) of KPK Civil Servant APT rules-1989
Syed Shabr Ali Shah	Matric	Peshawar	2011	08.02.1992	21.10.2019	-	03	Appointed under 25% quota for retired Govt: Servants

  
 Prepared by  
 Assitt: Admn-IV